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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 AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 05–033IF; FDMS Docket Number FSIS–2005–0038]

RIN 0583–AD19

Food Labeling; Nutrient Content Claims, Definition of the Term: ''Healthy''

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing that its regulations will continue to provide that individual meat and poultry products bearing the claim ''healthy'' (or any other derivative of the term ''health'') must contain no more than 480 milligrams (mg) of sodium; and that meal-type products bearing the claim ''healthy'' (or any other derivative of the term ''health'') must contain no more than 600 mg of sodium. FSIS is deferring indefinitely, until further notice, implementation of the requirements that individual meat and poultry products bearing the claim ''healthy'' (or any other derivative of the term ''health'') contain no more than 360 milligrams (mg) of sodium and that meal-type products bearing the claim ''healthy'' (or any other derivative of the term ''health'') contain no more than 480 mg of sodium.

DATES: *Effective date:* January 11, 2006. Comments must be received on or before February 10, 2006.

ADDRESSES: FSIS invites interested persons to submit comments on this interim final rule. Comments may be submitted by any of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. FSIS prefers to receive comments through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Food Safety and Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select the FDMS Docket Number to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in Regulations.gov.

Mail, including floppy disks or CD–ROM's, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250.

Electronic mail: *fsis.regulationscomments@fsis.usda.gov.*

All submissions received must include the Agency name and docket number 05–033IF.

All comments submitted in response to this proposal, as well as research and background information used by FSIS in developing this document, will be posted to the *regulations.gov* Web site. The background information and comments also will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Post, Ph.D., Director, Labeling and Consumer Protection Staff, Office of Policy, Program, and Employee Development, Food Safety and Inspection Service, 300 12th Street, SW., Room 602 Cotton Annex Building, Washington, DC 20250–3700, (202) 205–0279.

SUPPLEMENTARY INFORMATION:

Background

On May 10, 1994, FSIS published a final rule that established a definition for the term ''healthy'' and that permitted the use of the term ''healthy'' or any other derivative of the term ''health,'' such as ''healthful'' or ''healthier'' on meat and poultry product labeling (59 FR 24220). During the first 24 months of the rule's implementation date (November 10, 1995, through November 10, 1997), under §§ 317.363(b)(3) and 381.463(b)(3), an individual meat or poultry product that used the term ''healthy'' or any other derivative of the term ''health'' on its labeling, could not contain more than 480 mg of sodium: (a) Per reference amount customarily consumed (RACC); (b) per labeled serving size; and (c) per 50 grams (g) for products with reference amounts customarily consumed of 30 g or less or 2 tablespoons or less. Furthermore, according to the final rule, as set forth in §§ 317.363(b)(3)(i) and 381.463(b)(3)(i), from November 10, 1995, through November 10, 1997, a meal-type product that used the term ''healthy'' or any other derivative of the term ''health'' on its labeling could not contain more than 600 mg of sodium per labeled serving size. These levels are referred to as the ''first-tier sodium levels.''

After the first 24 months of the rule's implementation (i.e., after November 10, 1997), an individual meat or poultry product that used the term ''healthy'' or any other derivative of the term ''health'' on its labeling could not contain more than 360 mg of sodium: (a) Per reference amount customarily consumed (RACC); (b) per labeled serving size; and (c) per 50 grams (g) for products with reference amounts customarily consumed of 30 g or less or 2 tablespoons or less. Also after November 1997, a meal-type product that used the term ''healthy'' or any other derivative of the term ''health'' on its labeling could not contain more than 480 mg of sodium per labeled serving size. These lower, more restrictive sodium levels that were to go into effect after November 10, 1997, are referred to as the ''second-tier sodium levels.''

In the same **Federal Register** publication as FSIS' final rule, the Food and Drug Administration (FDA) published a final rule (59 FR 24232) that defined the term ''healthy'' under the Federal, Food, Drug and Cosmetic Act. FDA's rule required the same sodium levels for use of the ''healthy'' claim be met as did FSIS' rule, but the timeframes established for meeting the required sodium levels in FDA's rule differed from those established in FSIS' rule.

On December 17, 1996, ConAgra, Inc., petitioned FSIS to eliminate the sliding

scale sodium requirement for foods labeled ''healthy'' by eliminating the entire second-tier required levels of 360 mg sodium for individual foods and 480 mg sodium for meal-type products. (FSIS Petition 96–08.) In response to the petition, FSIS published an interim final rule on February 13, 1998, that amended §§ 317.363(b)(3) and 381.463(b)(3) by extending the effective date for the second-tier sodium levels until January 1, 2000 (63 FR 7279).

FDA also received a petition from ConAgra, Inc., requesting that the second-tier sodium levels associated with use of the term ''healthy'' be removed from the regulations. In response to this petition, FDA announced a stay of the effective date of the provisions that established lower sodium standards be met, i.e., the second-tier sodium levels, until January 1, 2000 (62 FR 15390).

In its interim final rule, FSIS asked the public for data and comments in regard to the second-tier sodium levels established in the ''healthy'' definition and other approaches that could be implemented to reduce the amount of sodium in meat and poultry products labeled ''healthy.'' FSIS received 20 responses to the February 13, 1998, interim final rule, which presented strong and opposing views on whether the Agency should let the second-tier sodium levels take effect. They also provided a significant amount of data relating to the use of the term ''healthy.'' Based on the information available, the Agency tentatively concluded that, in some cases, a required reduction of sodium to the second-tier levels might be overly restrictive, thereby eliminating a term that could assist consumers in making healthful food choices and maintaining a healthy diet. Accordingly, FSIS published a subsequent interim final rule on December 28, 1999 (64 FR 72490), further extending the second-tier sodium levels' effective date until January 1, 2003. Similarly, FDA published a final rule (64 FR 12886) that extended its stay, through January 1, 2003, for the lower sodium levels for foods that it had established.

FSIS received 8 responses to its December 28, 1999, interim final rule. Six responses conveyed support for extending the effective date of the second-tier sodium levels until adequate medical and technological research could be conducted to demonstrate that lowering the maximum amount of sodium used to produce meat and poultry products would contribute to or enhance a ''healthy'' diet. One commenter asserted that establishing a maximum level of sodium contained in meat and poultry products labeled as ''healthy'' does not correlate to the definition of ''healthy'' with respect to positive health benefits. Another commenter stated that the lowest achievable sodium level should be used as the maximum limit allowed when producing individual or meal-type meat and poultry products, and that FSIS should proceed with the intended effective date for the second-tier sodium level requirements.

On January 6, 2003, FSIS again published an interim final rule that amended §§ 317.363(b)(3) and 381.463(b)(3) by extending the effective date of the second-tier sodium levels until January 1, 2006 (68 FR 460). Similarly, on May 8, 2002, FDA further extended its partial stay, until January 1, 2006 (67 FR 30795), for the lower sodium levels for foods that it had established. The agencies took these actions to continue their efforts: (1) To reevaluate appropriate sodium levels associated with the use of the term ''healthy''; and (2) to fully consider all options that preserve the public health intent behind establishing maximum sodium content levels for foods, while providing manufacturers with the opportunity to use the term on food labeling consistently with dietary guidelines. FSIS did not receive any comments in response to its January 6, 2003, interim final rule extending the effective date of the lower sodium limits.

2004 ConAgra Foods, Inc., Petition

On November 30, 2004, ConAgra Foods, Inc., petitioned FSIS concerning the second-tier sodium levels in the definition of ''healthy'' (FSIS Petition 05–07). The company stated that implementation of the second-tier sodium levels could cause the disappearance of whole categories of ''healthy'' food products from the market. The company explained that taste, food safety, and manufacturing issues preclude hotdogs, processed meats, and soups from being produced to meet consumers' expectations at a sodium level of 360 mg. According to the petition, at this sodium level, hot dogs fall apart, and processed meats have an unacceptable texture and reduced microbial protection. In addition, the company stated that market data and taste tests show that consumers will not eat these products when they contain no more than 360 mg of sodium. The company also stated that there are no viable salt substitutes currently on the market.

According to the company, consumers overall buy relatively few ''healthy'' products even at the present sodium levels utilized in the manufacture of products, and lowering the sodium levels of a product line that already has relatively low sodium levels, by 120 mg, will have no positive effect on public health. The company opined that the first-tier sodium levels in the ''healthy'' definition appear to have succeeded in lowering the overall sodium in foods since the rule's implementation. However, the company predicted that implementing the second-tier sodium levels could have the unintended consequence of forcing some products out of the marketplace. This result would leave higher sodium substitutes in the marketplace and, therefore, create an overall increase in sodium intake.

FDA Rule

On September 29, 2005, FDA amended its regulations concerning the maximum sodium levels permitted for foods that bear the implied nutrient content claim ''healthy.'' The Agency retained the less restrictive, first-tier sodium level requirements for all food categories, including individual foods (480 mg) and meals and main dishes (600 mg), and dropped the second-tier (more restrictive) sodium level requirements for all food categories. Based on comments received about technological barriers to reducing sodium in processed foods and poor sales of products that meet the second-tier sodium level, FDA determined that requiring the more restrictive sodium levels would likely inhibit the development of new ''healthy'' food products and risk substantially eliminating existing ''healthy'' products from the marketplace. After reviewing the comments and evaluating the data from various sources, FDA became convinced that retaining the first-tier sodium level requirements for all food products bearing the term ''healthy'' would encourage the manufacture of a greater number of products that were consistent with dietary guidelines for a variety of nutrients (70 FR 56828).

Control of Listeria Moncytogenes in Ready-to-Eat Products

On June 6, 2003, FSIS published an interim final rule that amended its regulations to require that official establishments that produce post-lethality exposed ready-to-eat (RTE) meat and poultry products meet the specific requirements of one of three alternatives for addressing *L. monocytogenes* (68 FR 34208). In Alternative 1, an establishment controls *L. monocytogenes* by using a post-lethality treatment of the product AND an antimicrobial agent or process that suppresses or limits the growth of *L. monocytogenes*. In Alternative 2, an

establishment may choose to address *L. monocytogenes* by using a post-lethality treatment OR an antimicrobial agent or process that suppresses or limits the growth of the pathogen. In Alternative 3, an establishment may control *L. monocytogenes* in the post-lethality processing environment through sanitation procedures only.

Many of the antimicrobial agents used to control *L. monocytogenes* under Alternatives 1 and 2 are sodium containing agents such as sodium lactate, sodium diacetate, and sodium citrate. These agents usually affect sodium levels in foods. In the 2004 ConAgra Foods, Inc. petition, ConAgra explained that companies have consistently used sodium lactate or sodium lactate and diacetate blends to control *L. monocytogenes* in processed meats. The petition explains that these ingredients can be incorporated in product formulation to completely suppress the growth of *L. monocytogenes*. According to the company, potassium lactate may also be used to inhibit *L. monocytogenes*. This antimicrobial compromises the flavor of products, however, while the sodium containing antimicrobials minimize any adverse effects on products' tastes or other organoleptic properties.

Conclusion

In light of the interim final rule concerning *L. monocytogenes* controls and ConAgra Foods' 2004 petition to FSIS, FSIS has determined that it needs additional time to evaluate what levels of sodium in meat and poultry products are appropriately associated with the use of the term ''healthy'' on these products'' labeling and to fully consider all options that preserve the public health intent of establishing sodium content limitations while providing manufacturers with the opportunity to use the term in food labeling consistently with dietary guidelines. Moreover, FSIS needs, when appropriate, to have its labeling regulations be consistent with those promulgated by FDA. As is explained above, FDA amended its regulations to drop the second-tier sodium level requirements for all categories of ''healthy'' foods. At this time, FSIS has concluded that it would be contrary to the public interest to require manufacturers to comply with the second-tier sodium levels within the ''healthy'' definition by the codified effective date of January 1, 2006. Therefore, FSIS is amending the regulations to provide that the first-tier, less restrictive, sodium levels are effective indefinitely, until further notice.

Executive Order 12988

This interim final rule has been reviewed under Executive Order 12988, Civil Justice Reform. States and local jurisdictions are preempted by the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) from imposing any marking, labeling, packaging, or ingredient requirements on federally inspected meat and poultry products that are in addition to, or different than, those imposed under the FMIA and the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat and poultry products that are misbranded or adulterated under the FMIA and PPIA, or, in the case of imported articles, that are not at such an establishment, after their entry into the United States.

This interim final rule is not intended to have retroactive effect.

If this interim final rule is adopted, administrative proceedings will not be required before parties may file suit in court challenging this rule. However, the administrative procedures specified in 9 CFR 306.5 and 381.35 must be exhausted prior to any judicial challenge of the application of the provisions of this interim final rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the FMIA or PPIA.

Executive Order 12866 and the Regulatory Flexibility Act

This interim final rule has been determined to be non-significant and was not reviewed by the Office of Management and Budget under Executive Order 12866.

The Administrator has made an initial determination that this interim final rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). This interim final rule will impose no new requirements on small entities.

FSIS needs time to complete its evaluation of the effects of further reducing the levels of the sodium content of meat and poultry products labeled as ''healthy'' to determine whether the costs of such an action exceed its benefits. There are data that support the belief that if the sodium content of foods labeled as ''healthy'' is required to be lowered it could result in fewer ''healthy'' foods being consumed or in consumers adding table salt to improve the palatability of the ''healthy'' products. In addition, data suggest that lack of available substitutes for sodium would impair the industry's ability to continue manufacturing ''healthy'' foods as currently defined, especially with the increased usage of antimicrobial agents that contain sodium to control *L. monocytogenes* in RTE meat and poultry products as a result of FSIS' June 6, 2003, interim final rule. Moreover, FSIS is taking this action so that its labeling regulations remain consistent with those promulgated by FDA. As is explained above, FDA amended its regulations to drop the second-tier sodium level requirements for all categories of ''healthy'' foods.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedures Act (5 U.S.C. 553), it is the practice of the Administrator to offer interested parties the opportunity to comment on proposed regulations. However, the extended effective date in this interim final rule does not establish any new rules. In addition, this interim final rule should be published in the **Federal Register** as soon as possible following January 1, 2006, because that is the current effective date for the second-tier sodium levels in the ''healthy'' definition regulations. Therefore, the Administrator has determined that publication of a proposed rule is impracticable and contrary to the public interest under 5 U.S.C. 553(b)(B). For the same reasons, the Administrator is waiving the 30-day delayed effective date under 5 U.S.C. 553(d).

Paperwork Requirements

There is no paperwork associated with this action.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this final rule, FSIS will announce it on-line through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/2005_Interim_&_Final_Rules_Index/index.asp.* The Regulations.gov Web site is the central online rulemaking portal of the United States government. It is being offered as a public service to increase participation in the Federal government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or

Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at *http://www.regulations.gov/.*

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an e-mail subscription service which provides an automatic and customized notification when popular pages are updated, including **Federal Register** publications and related documents. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/* and allows FSIS customers to sign up for subscription options across eight categories. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

List of Subjects

9 CFR Part 317

Food labeling, Meat inspection, Nutrition.

9 CFR Part 381

Food labeling, Nutrition, Poultry and poultry products.

■ For the reasons discussed in the preamble, FSIS is amending parts 317 and 381 of the Federal meat and poultry products inspection regulations as follows:

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

■ 1. The authority for part 317 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§ 317.363 [Amended]

■ 2. Section 317.363 is amended by:

■ A. Removing the phrases ''shall not contain more than 360 mg of sodium, except that it'' and ''effective through January 1, 2006,'' in paragraph (b)(3) introductory text;

■ B. Removing the phrases ''shall not contain more than 480 mg of sodium, except that it'' and ''effective through January 1, 2006,'' in paragraph (b)(3)(i); and

■ C. Adding a footnote 1 after ''serving size'' in paragraph (b)(3)(i) to read ''This regulation previously provided that, after January 1, 2006, individual meat products bearing the claim ''healthy'' (or any derivative of the term ''health'') must contain no more than 360 mg of sodium and that meal-type products bearing the claim ''healthy'' (or any other derivative of the term ''health'') must contain no more than 600 mg of sodium. Implementation of these sodium level requirements for products bearing the claim ''healthy'' (or any derivative of the term ''health'') has been deferred indefinitely due to technological barriers and consumer preferences.''

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 3. The authority for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

§ 381.463 [Amended]

■ 4. Section 381.463 is amended by:

■ A. Removing the phrases ''shall not contain more than 360 mg of sodium, except that it'' and ''effective through January 1, 2006,'' in paragraph (b)(3) introductory text;

■ B. Removing the phrases ''shall not contain more than 480 mg of sodium, except that it'' and ''effective through January 1, 2006,'' in paragraph (b)(3)(i); and

■ C. Adding a footnote 1 after ''serving size'' in paragraph (b)(3)(i) to read ''This regulation previously provided that, after January 1, 2006, individual poultry products bearing the claim ''healthy'' (or any derivative of the term ''health'') must contain no more than 360 mg of sodium and that meal-type products bearing the claim ''healthy'' (or any other derivative of the term ''health'') must contain no more than 600 mg of sodium. Implementation of these sodium level requirements for products bearing the claim ''healthy'' (or any derivative of the term ''health'') has been deferred indefinitely due to technological barriers and consumer preferences.''

Done at Washington, DC, on: January 9, 2006.

Barbara J. Masters,

Administrator.

[FR Doc. 06–268 Filed 1–10–06; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30474; Amdt. No. 3149]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 11, 2006. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 11, 2006.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Ave, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169; or

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) amends Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260, as modified by the the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), which is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Code of Federal Regulations. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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 ''significant regulatory action'' under Executive Order 12866; (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. For the same reason, the FAA certifies that this amendment 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 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on December 30, 2005.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
12/22/05	AL	HUNTSVILLE	HUNTSVILLE INTL–CARL T. JONES FIELD.	5/1925	ILS OR LOC RWY 18R, ILS RWY 18R (CAT II), ILS RWY 18R (CAT III), AMDT 23.
12/28/05	AK	DEADHORSE	DEADHORSE	5/2123	ILS OR LOC/DME RWY 4, ORIG.
12/28/05	AK	DEADHORSE	DEADHORSE	5/2122	VOR/DME OR TACAN RWY 4, AMDT 1.
12/28/05	AK	DEADHORSE	DEADHORSE	5/2121	VOR/DME OR TACAN RWY 22, AMDT 3.
12/28/05	MA	FITCHBURG	FITCHBURG MUNI	5/2090	NDB–A, AMDT 4.
12/28/05	MA	FITCHBURG	FITCHBURG MUNI	5/2089	RNAV (GPS) RWY 32, ORIG.
12/28/05	MA	FITCHBURG	FITCHBURG MUNI	5/2088	RNAV (GPS) RWY 20, ORIG.
12/28/05	MA	FITCHBURG	FITCHBURG MUNI	5/2087	RNAV (GPS) RWY 14, ORIG.

FDC date	State	City	Airport	FDC No.	Subject
12/28/05	MA	FITCHBURG	FITCHBURG MUNI	5/2086	NDB RWY 20 AMDT 6.
12/28/05	MD	GAITHERSBURG	MONTGOMERY COUNTY AIRPARK	5/1975	VOR RWY 14, AMDT 3.
12/28/05	MD	GAITHERSBURG	MONTGOMERY COUNTY AIRPARK	5/1973	NDB RWY 14, AMDT 2.
12/22/05	AK	NUIQSUT	NUIQSUT	5/1967	RNAV (GPS) RWY 22, ORIG.
12/22/05	AK	NUIQSUT	NUIQSUT	5/1965	RNAV (GPS) RWY 4, ORIG.
12/22/05	FL	FORT LAUDERDALE.	FORT LAUDERDALE—HOLLYWOOD INTL.	5/1920	RNAV (GPS) RWY 31, ORIG.
12/22/05	AK	ST. PAUL ISLAND	ST. PAUL ISLAND	5/1917	RNAV (GPS) RWY 36, ORIG.
12/28/05	CT	DANIELSON	DANIELSON	5/1916	VOR–A, AMDT 6A.
12/28/05	NV	LAS VEGAS	NORTH LAS VEGAS	5/1915	ILS OR LOC RWY 12L, ORIG.
12/22/05	KY	COVINGTON	CINCINNATI/NORTHERN KENTUCKY INTL.	5/1865	ILS OR LOC RWY 18R, ILS RWY 18R (CAT II), ORIG.
12/22/05	ND	WAHPETON	HARRY STERN	5/1863	RNAV (GPS) RWY 15, ORIG.
12/28/05	LA	LAFAYETTE	LAFAYETTE REGIONAL	5/1857	ILS OR LOC/DME RWY 4R, ORIG.
12/22/05	KY	COVINGTON	CINCINNATI/NORTHERN KENTUCKY INTL.	5/1850	ILS OR LOC RWY 36L, ORIG.
12/20/05	CA	SOUTH LAKE TAHOE.	LAKE TAHOE	5/1831	LDA/DME–2 RWY 18, AMDT 1A.
12/20/05	CA	SOUTH LAKE TAHOE.	LAKE TAHOE	5/1830	LDA/DME–1 RWY 18, AMDT 7A.
12/20/05	CA	HEMET	HEMET–RYAN	5/1787	NDB–A, AMDT 1.
12/20/05	CA	SAN ANDREAS	CALAVERAS COUNTY–MAURY RASMUSSEN FIELD.	5/1785	GPS RWY 31, ORIG.
12/20/05	CA	MONTEREY	MONTEREY PENINSULA	5/1783	LOC/DME RWY 28L, AMDT 3D.
12/20/05	CA	OAKLAND	METROPOLITAN OAKLAND INTL	5/1782	ILS RWY 27R, AMDT 34.
12/20/05	CA	PLACERVILLE	PLACERVILLE	5/1778	GPS RWY 5, AMDT 1.
12/20/05	AZ	GRAND CANYON	GRAND CANYON NATIONAL PARK	5/1777	ILS RWY 3, ORIG.
12/19/05	AK	COLDFOOT	COLDFOOT	5/1732	RNAV (GPS)–A, ORIG.
12/19/05	AK	COLDFOOT	COLDFOOT	5/1731	RNAV (GPS) RWY 1, ORIG.
12/17/05	MS	JACKSON	JACKSON–EVERS INTL	5/1688	RADAR–1 RWY 34L, AMDT 11A.
12/17/05	MS	JACKSON	JACKSON–EVERS INTL	5/1686	ILS RWY 34L, AMDT 5.
12/17/05	MS	JACKSON	JACKSON–EVERS INTL	5/1685	RNAV (GPS) RWY 34L, ORIG.
12/16/05	GU	AGANA	GUAM INTL	5/1629	VOR/DME OR TACAN RWY 6L, ORIG.
12/15/05	WY	CASPER	NATRONA COUNTY INTL	5/1628	ILS RWY 8, AMDT 24A.
12/28/05	NH	MANCHESTER	MANCHESTER	5/1849	ILS OR LOC RWY 35, AMDT 1.
12/22/05	AL	COURTLAND	LAWRENCE COUNTY	5/1921	VOR RWY 13, ORIG–A.
12/22/05	AL	TALLADEGA	TALLADEGA MUNI	5/1923	VOR/DME–B, ORIG.
12/22/05	FL	ST. PETERSBURG–CLEARWATER.	ST. PETERSBURG-CLEARWATER INTL	5/1926	RNAV (GPS) RWY 17L, ORIG.
12/23/05	ID	POCATELLO	POCATELLO REGIONAL	5/1998	RNAV (GPS) RWY 21, ORIG–A.
12/23/05	GA	CARTERSVILLE	CARTERSVILLE	5/2003	VOR/DME–A, AMDT 2.
12/23/05	FL	TALLAHASSEE	TALLAHASSEE REGIONAL	5/2022	RADAR–1, AMDT 5.

[FR Doc. 06–95 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No.: FAA–2005–22915; Amendment No. 121–322]

RIN 2120–ai65

Supplemental Oxygen

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; withdrawal.

SUMMARY: On November 10, 2005, the Federal Aviation Administration (FAA) published a direct final rule to amend its regulation on the use of pilot supplemental oxygen with an effective date of January 9, 2006. The FAA received an adverse comment from the National Transportation Safety Board stating that the FAA relied on time of useful consciousness data that did not represent actual pilot performance under realistic decompression conditions. In accordance with § 11.31, which states if the FAA receives an adverse comment it will notify the public by publishing a document in the **Federal Register**, the FAA is using this notice to withdraw this direct final rule in whole.

DATES: The direct final rule published at 70 FR 68330, November 10, 2005, is withdrawn, effective January 6, 2006.

FOR FURTHER INFORMATION CONTACT: Timothy Adams, Airmen and Airspace Rules Division (ARM–100), Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone No. (202) 267–9680.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Aviation Safety, Reporting and recordkeeping requirements, Safety, Transportation.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration withdraws the direct final rule published at 70 FR 68330 on November 10, 2005.

Issued in Washington, DC, on January 3, 2006.

Marion C. Blakey,

Administrator.

[FR Doc. 06–241 Filed 1–6–06; 1:32 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Hyaluronate Sodium Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Bayer HealthCare LLC. The supplemental NADA provides for veterinary prescription use of a hyaluronate sodium solution, formulated with a benzyl alcohol preservative, for intravenous administration to horses for the treatment of osteoarthritis.

DATES: This rule is effective January 11, 2006.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7543, e-mail: *melanie.berson@fda.gov*.

SUPPLEMENTARY INFORMATION: Bayer HealthCare LLC, Animal Health Division, P.O. Box 390, Shawnee Mission, KS 66201, filed a supplement to NADA 140–883 that provides for veterinary prescription use of LEGEND Multi-dose (hyaluronate sodium) Injectable Solution. The supplemental NADA provides for use of this hyaluronate sodium solution, formulated with a benzyl alcohol preservative, from a multi-dose vial for intravenous administration to horses for the treatment of carpal or fetlock osteoarthritis. The supplemental NADA is approved as of December 15, 2005, and the regulations are amended in 21 CFR 522.1145 to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subject in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Section 522.1145 is amended by revising paragraph (e) to read as follows:

§ 522.1145 Hyaluronate sodium injection.

* * * * *

(e)(1) *Specifications*. Each milliliter of solution contains:

(i) 10 milligrams (mg) hyaluronate sodium; or

(ii) 10 mg hyaluronate sodium with benzyl alcohol as a preservative.

(2) *Sponsor*. See No. 000859 in § 510.600(c) of this chapter.

(3) *Conditions of use in horses*—(i) *Amount*. 20 mg of the product described in paragraph (e)(1)(i) of this section by intra-articular injection into the carpus or fetlock; or 40 mg of the product described in paragraph (e)(1)(i) or (e)(1)(ii) of this section by slow intravenous injection into the jugular vein. Treatment may be repeated at weekly intervals for a total of three treatments.

(ii) *Indications for use*. For treatment of carpal or fetlock joint dysfunction due to noninfectious synovitis associated with equine osteoarthritis.

(iii) *Limitations*. Do not use in horses intended for human consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Dated: January 4, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 06–229 Filed 1–10–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Animal Health. The supplemental NADA provides for use of monensin Type C medicated feeds in component feeding systems (including top dress) for increased milk production efficiency in dairy cows.

DATES: This rule is effective January 11, 2006.

FOR FURTHER INFORMATION CONTACT: Eric S. Dubbin, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0232, e-mail: *edubbin@cvm.fda.gov*

SUPPLEMENTARY INFORMATION: Elanco Animal Health, A Division of Eli Lilly & Co., Lilly Corporate Center, Indianapolis, IN 46285, filed a supplement to NADA 95–735 that provides for the use of RUMENSIN 80 (monensin sodium) Type A medicated article in Type C medicated feeds fed in component feeding systems (including top dress) used for increased milk production efficiency (production of marketable solids-corrected milk per unit of feed intake) in dairy cows. The supplemental NADA is approved as of December 15, 2005, and the regulations in 21 CFR 558.355 are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm.

1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

■ 2. Section 558.355 is amended in the last sentence in paragraph (f)(3)(xiii)(B) by removing ''(d)(12)'' and adding in its place ''(d)(13)''; and by adding paragraph (f)(3)(xiv) to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(3) * * *

(xiv) *Amount per ton*. Monensin, 11 to 400 grams.

(A) *Indications for use*. For increased milk production efficiency (production of marketable solids-corrected milk per unit of feed intake) in dairy cows.

(B) *Limitations*. Feed continuously to dry and lactating dairy cows in a component feeding system (including top dress). The Type C medicated feed must be fed in a minimum of 1 lb of feed to provide 185 to 660 mg/head/day monensin to lactating cows or 115 to 410 mg/head/day monensin to dry cows. See paragraphs (d)(2), (d)(5), (d)(6), (d)(7)(i), (d)(7)(ii), (d)(7)(iii), (d)(7)(vi), (d)(8), and (d)(13) of this section.

* * * * *

Dated: January 4, 2006.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 06–228 Filed 1–10–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

28 CFR Part 105

[Docket No. FBI 112; AG Order No. 2796–2006]

RIN 1110–AA23

Implementation of the Private Security Officer Employment Authorization Act of 2004

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Justice (the Department) hereby amends title 28 of the Code of Federal Regulations to authorize access to FBI-maintained criminal justice information systems to effectuate the Private Security Officer Employment Authorization Act of 2004, which was enacted as section 6402 of the Intelligence Reform and Terrorism Prevention Act of 2004. This law authorizes a fingerprint-based check of state and national criminal history records to screen prospective and current private security officers and requires the Attorney General to issue rules to regulate the ''security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping'' of the criminal history record information (CHRI) and related information; standards for qualifying as an authorized employer; and the imposition of fees.

DATES: The rule is effective January 11, 2006. Written comments must be received on or before March 13, 2006.

ADDRESSES: All comments may be submitted to Assistant General Counsel Harold M. Sklar, Federal Bureau of Investigation, CJIS Division, 1000 Custer Hollow Road, Module E–3, Clarksburg, West Virginia 26306, or by telefacsimile to (304) 625–3944. To ensure proper handling, please reference FBI Docket No. 112 on your correspondence. You may view an electronic version of this proposed rule at *http://www.regulations.gov.* You may also comment via electronic mail at *enexreg@leo.gov* or by using the *http://www.regulations.gov* comment form for this regulation. When submitting comments electronically you must include RIN 1110-AA23 or FBI Docket No 112 in the subject box.

FOR FURTHER INFORMATION CONTACT: Assistant General Counsel Harold M. Sklar, telephone number (304) 625–2000.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 2004, the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, became law. Section 6402 of that Act (The Private Security Officer Employment Authorization Act of 2004) authorizes a fingerprint-based criminal history check of state and national criminal history records to screen prospective and current private security officers. Section 6402(d)(2) requires the Attorney General to publish an interim final or final regulation within 180 days of the statute's enactment to regulate the ''security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping'' of the CHRI and related information; standards for qualifying an authorized employer; and the imposition of fees.

The FBI maintains several criminal justice information systems, notably the Fingerprint Identification Record System (FIRS) and the National Crime Information Center (NCIC). Access to the FIRS is predicated upon fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). Previously enacted federal law authorizes similar criminal history record checks for persons engaged in other professions and occupations, such as the banking, securities, and nursing home industries. In implementing section 6402, the interim rule seeks to ensure that the exchange of CHRI and related information relating to the employment of private security guards is accomplished as fully and effectively as possible, achieving the public safety goals of section 6402 and recognizing the sensitive nature of the information involved. To that end, the Department is amending title 28 of the Code of Federal Regulations (CFR) to regulate the exchange of CHRI authorized by section 6402.

Additional Information

The following discussion provides additional information to participating States, authorized employers, and prospective and current private security officers on the operation of the interim rule.

a. To initiate a criminal history record check, section 6402(d)(1)(A) requires the submission of ''fingerprints or other means of positive identification * * *.'' The IAFIS presently utilizes ten rolled fingerprints (captured or submitted manually or electronically) to effectuate a search of the FBI's criminal history repository. Effective June 15, 2005,

IAFIS has begun to also accept ten ''flat'' fingerprint impressions for noncriminal justice purposes subject to certain conditions. Other forms of positive identification cannot currently be accepted.

b. Before an authorized employer may request a criminal history record check from a participating state, the authorized employer must execute a certification to the state, developed by the State Identification Bureau (SIB) or the relevant state agency for purposes of accepting requests for these background checks, declaring that it is an authorized employer that employs private security officers; that all fingerprints and requests for criminal history background checks are being submitted for private security officers; that it will use the information obtained as a result of the state and national criminal history record checks solely for the purpose of screening its private security officers; and that it will abide by other regulatory obligations. To help ensure that only legitimate use is made of this authority, the certification shall be executed under penalties of perjury, false statement, or other applicable state laws. The authorized employer will provide a copy of the certification to the appropriate state agency. The FBI will develop a model certification form that participating States may use for this purpose.

c. Section 6402 and the interim rule require that an authorized employer obtain the written consent of an employee to submit the employee's fingerprints to the SIB to perform a search of the criminal records. Such consent should clearly indicate the employee's willingness to undergo a fingerprint-based criminal history record check for the purpose of employment as a private security officer and be provided not more than one year prior to the date the check is requested. In light of the triennial auditing cycle maintained by the FBI and the States, the authorized employer must retain such consent forms for no less than three years from the date when the consent was last used as a basis for a records check request.

d. The Act provides legal authority for a criminal history record check—the check is permissive, not mandatory. Subject to any contrary requirements of a particular jurisdiction, an employer may forego requesting a check or may provide interim employment during the pendency of a check. The Act does not compel an adverse or favorable employment determination based upon the results of the check. Nor does a favorable section 6402 check guarantee employment or provide an applicant or an employee any legal right or entitlement.

e. In States that do not have state standards for a private security officer, section 6402(d)(1)(D)(ii)(I)(aa) permits notification of the fact of ''conviction'' of certain crimes to an employer. In light of the Act's silence as to the impact of post-conviction relief, the legal import of the various forms of post-conviction relief shall be determined by applying the law of the convicting jurisdiction.

f. Section 6402(d)(1)(D) contains two periods for considering relevant criminal conduct—ten years from convictions for non-felony crimes involving ''dishonesty or a false statement'' or ''the use or attempted use of physical force,'' and 365 days for a charge for a felony that remains unresolved. The statute is silent as to the date from which such periods should commence. Although the date of submission by an employer or state agency and the date of processing by the SIB and FBI may vary for several reasons (including whether the submission is in manual or electronic form), the date of fingerprint capture is static. Hence, for uniform application of this federal statute, these periods should be considered to commence in reference to the date the fingerprints were taken.

Pursuant to section 6402(d)(1)(D), a State that does not have ''standards for qualifications to be a private officer * * * shall notify an authorized employer as to the fact of whether an employee has been * * * charged with a criminal felony for which there has been no resolution during the preceding 365 days.'' The regulation clarifies that an employee shall be considered ''charged with a criminal felony for which there has been no resolution during the preceding 365 days'' if the individual is the subject of a complaint, indictment, or information, issued within 365 days of the date that the fingerprints were taken, for a crime punishable by imprisonment for more than one year.

g. Criminal history records maintained by the SIBs and the FBI frequently do not include information about the disposition of arrest records. In light of this fact, the interim rule provides that if relevant CHRI is missing disposition information, the SIB or responsible agency will make reasonable efforts to obtain such information to promote the accuracy of the record and the integrity of the application of the relevant standards. The interim rule also provides that if additional time beyond a State's standard response time is needed to find relevant disposition information, the SIB or responsible agency may notify the authorized employer that additional research is necessary before a final response can be provided.

h. It is the general practice of the FBI and SIBs when processing criminal history background checks for licensing and employment purposes, such as the checks authorized under Public Law 92–544, to have the SIB first determine whether the applicant has a criminal history at the state level. By checking records at the state level first, a more thorough criminal history check is conducted. If a record is found at the state level, the SIB may retrieve the remainder of the record by accessing the FBI's Interstate Identification Index. The FBI receives fingerprint submissions of individuals who do not have an identifiable record at the state level and the results of the FBI check are then returned to the authorized agency. This work process is reflected in section 105.23(b) of the interim rule.

i. Section 6402(d)(4) authorizes the imposition of a user fee by the FBI ''to process background checks * * *.'' Additionally, section 6402(d)(4)(C) authorizes a State ''to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.'' The interim rule acknowledges this user fee authority.

j. Section 6402(c)(3)(A) authorizes the Attorney General to exempt some services from coverage under the Act if it would serve the public interest. In light of the limited period authorized by statute for the promulgation of these regulations, the Attorney General has not determined what services, if any, should be excluded from coverage. Therefore, the authority provided by section 6402(c)(3)(A) has been expressly reserved by section 105.27(c) of the regulation.

k. The FBI diligently attempts to maintain accurate and current CHRI and related information. Although the Act does not expressly provide a record subject an opportunity to controvert his record, nonetheless that opportunity is provided generally by other regulations. See 28 CFR 50.12(b). An employee seeking to review the CHRI upon which an adverse determination was predicated is authorized by federal law to receive his CHRI by the submission of fingerprints and a fee to the FBI. 28 CFR 16.32 *et seq.,* implementing Departmental Order 556–73. However, inasmuch as the SIB or designated state agency is in possession of the employee's CHRI (which was predicated upon positive identification), requiring an employee to comply with the Departmental Order proceeding is

unnecessarily expensive and time-consuming. Therefore, a State may redisseminate the employee's CHRI to the subject of the record in such cases.

l. Numerous States already have adequate statutory authority under the auspices of Public Law 92–544 to perform state and national fingerprint-based criminal history record checks of prospective and current private security officers, and therefore may elect to opt out of participation in this program. Other states may, for other reasons, wish not to participate in this program for national background checks on private security officers. Congress has therefore provided that a State may opt out of the Act by enactment of a law or promulgation of a gubernatorial order. Section 6402(d)(5). If a State elects to opt out of the Act, these regulations are inapplicable to that State.

m. Section 6402(d)(1)(A) of the Act provides that an authorized employer ''may submit to the state identification bureau of a participating State'' a request for a criminal history background check of a private security guard employee pursuant to the Act. Although the law does not specify to which participating State the authorized employer is required to submit the request, it is generally expected that an authorized employer will seek background checks on its employee in the state of employment. Some States, however, may opt out from participating in this background check system even where they have no applicable Public Law 92–544 statute authorizing state and national fingerprint-based criminal history checks of prospective and current private security officers. In addition, some participating states may take time to set up a process to accept and process the checks under these regulations. To allow for the possibility of checks authorized by the Act being done in these circumstances, the interim rule provides that if an authorized employer is prevented from submitting an employee's fingerprints because the employee's employment is (1) in a State that does not have an applicable Public Law 92–544 statute authorizing state and national fingerprint-based criminal history checks of prospective and current private security officers and that has elected to opt out, or (2) in a participating state that does not yet have a process for accepting such fingerprint submissions under these regulations, then the employer may submit the employee's fingerprints to the SIB of another participating State other than the state of employment provided it obtains the permission of the accommodating state. Such an arrangement would be voluntary, could involve the imposition of additional requirements by the alternative state as a condition to agreeing to do the out-of-state checks, and would discontinue once the State where the private security guard is employed makes available a process for doing these checks. Conducting a national check through an alternative state where possible may be preferable to no check at all. Conducting the check through the state of employment is, however, generally preferable inasmuch as such states are more likely to have records on a subject not available at the FBI than an alternative state with which an employee has had no contact.

n. Although not required by the statute, States are encouraged to explore the beneficial use of (1) electronic/livescan fingerprint capture and submission, and (2) channeling agents to transmit fingerprints to the FBI and the results of the criminal history checks to the States.

Comments Invited

The Department is seeking comments regarding this interim rule. Accordingly, the Department invites interested persons to participate in this rulemaking by submitting written comments. The Department may change this rule in light of the comments received.

Good Cause Exception

The Department's implementation of this rule as an immediately effective interim rule is based on the ''good cause'' exceptions found at 5 U.S.C. 553(b)(3)(B) and (d)(3). The private security guard industry is growing rapidly and performing an increasingly vital role in protecting the public from violent crime and terrorism. As reflected in the Congressional findings for the Private Security Officer Employment Authorization Act of 2004, ''private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others.'' Many of the areas protected by private security guards may be potential targets for terrorists or violent criminals. Congress found that the ''threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions.''

Key to preserving the trust placed by the public in private security guards performing their protective duties are background checks that include the CHRI maintained by the FBI. These checks will help States and the private security guard industry assess the qualifications of the private security guards performing vital public safety and homeland security functions. Any delays in implementing such a program will be detrimental to the public's safety.

Indeed, Congress recognized the need for the rapid implementation of this program. Section 6402(d)(2) of the Act requires the Attorney General to issue final or interim final regulations within 180 days of the law's enactment. The Department believes that the compelling public safety and homeland security reasons specified by Congress in the findings of the Act provides good cause in accordance with 5 U.S.C. 553(b)(3)(B) for dispensing with the requirements of prior notice. These same reasons also provide good cause in accordance with 5 U.S.C. 553(d)(3) for making this rule immediately effective on January 11, 2006.

Applicable Administrative Procedures and Executive Orders

Executive Order 12866—Regulatory Planning and Review

The proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, it has been reviewed by the Office of Management and Budget.

Executive Order 13132—Federalism

This rule will not have a substantial, direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

The rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The FBI charges a user fee in compliance with Public Law 101–515. States must submit $22.00 to the FBI for each fingerprint forwarded to the FBI in accordance with these regulations. State fees for such checks can range from $5.00 to $75.00. This rule, however, imposes minimal costs on businesses, organizations, or governmental jurisdictions (whether large or small) in that the submission of fingerprints for State and national criminal background checks is voluntary on the part of both the authorized employer and the participating States. Additionally, any costs that may be borne by the current or prospective employee are expected to be minimal.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995. Additionally, the regulation authorizes State governments to recoup their costs by collecting a reasonable fee for their services.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 804. This proposed rule will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. The FBI charges a user fee in compliance with Public Law 101–515. States must submit $22.00 to the FBI for each fingerprint submitted pursuant to this provision. State fees for such checks can range from $5.00 to $75.00. Inasmuch as authorized employers are permitted and not mandated to request these background checks, and some States may opt out of doing the checks, it is not known how many such checks will be requested by the private security guard industry.

Paperwork Reduction Act of 1995

The rule does not contain collection of information requirements. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is not required.

List of Subjects in 28 CFR Part 105

Administrative practice and procedure, Intergovernmental Relations, Investigations, Law Enforcement, Privacy.

■ Accordingly, title 28 of the Code of Federal Regulations is amended as follows:

PART 105—CRIMINAL HISTORY BACKGROUND CHECKS

■ 1. Revise the heading for part 105 to read as set forth above.

■ 2. In part 105, insert a new subpart C to read as follows.

Subpart C—Private Security Officer Employment

Sec.
105.21 Purpose and authority.
105.22 Definitions.
105.23 Procedure for requesting criminal history record check.
105.24 Employee's rights.
105.25 Authorized employer's responsibilities.
105.26 State agency's responsibilities.
105.27 Miscellaneous provisions.

Authority: 18 U.S.C. 534; sec. 6402, Pub. L. 108–458 (18 U.S.C. 534 note).

§ 105.21 Purpose and authority.

(a) The purpose of this subpart is to regulate the exchange of criminal history record information (''CHRI''), as defined in 28 CFR 20.3(d), and related information authorized by Section 6402 (The Private Security Officer Employment Authorization Act of 2004) (Act) of Public Law 108–458 (The Intelligence Reform and Terrorism Prevention Act of 2004). Section 6402 authorizes a fingerprint-based criminal history check of state and national criminal history records to screen prospective and current private security officers, and section 6402(d)(2) requires the Attorney General to publish regulations to provide for the ''security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping'' of the CHRI and related information, standards for qualifying an authorized employer, and the imposition of fees.

(b) The regulations in this subpart do not displace state licensing requirements for private security officers. A State retains the right to impose its own licensing requirements upon this industry.

§ 105.22 Definitions.

As used in this subpart:

(a) *Authorized employer* means any person that employs private security officers and is authorized by the regulations in this subpart to request a criminal history record information search of an employee through a state identification bureau. An employer is not authorized within the meaning of these regulations if it has not executed and submitted to the appropriate state agency the certification required in § 105.25(g), if its authority to do business in a State has been suspended or revoked pursuant to state law, or, in those states that regulate private security officers, the employer has been found to be out of compliance with any mandatory standards or requirements established by the appropriate regulatory agency or entity.

(b) *Employee* means both a current employee and an applicant for employment as a private security officer.

(c) *Charged*, with respect to a criminal felony, means being subject to a complaint, indictment, or information.

(d) *Felony* means a crime punishable by imprisonment for more than one year, regardless of the period of imprisonment actually imposed.

(e) *Participating State* means a State that has not elected to opt out of participating in the Act by statutory enactment or gubernatorial order. A State may decline to participate in the background check system authorized by the Act by enacting a law or issuing an order by the Governor (if consistent with state law) providing that the State is declining to participate. The regulations in this subpart that pertain to States apply only to participating states.

(f) *Person* means an individual, partnership, firm, company, corporation or institution that performs security services, whether for a third party for consideration or as an internal, proprietary function.

(g) *Private Security Officer* means an individual other than an employee of a Federal, State, or local government whose primary duty is to perform security services, full or part time, for consideration, whether armed or unarmed and in uniform or plain clothes, except as may be excluded from coverage in these regulations, except that the term excludes—

(1) Employees whose duties are primarily internal audit or credit functions;

(2) Employees of electronic security system companies acting as technicians or monitors; or

(3) Employees whose duties involve the secure movement of prisoners.

(h) *Security services* means services, whether provided by a third party for consideration, or by employees as an internal, proprietary function, to protect people or property, including activities to: Patrol, guard, or monitor property (including real property as well as tangible or intangible personal property such as records, merchandise, money, and equipment); protect against fire, theft, misappropriation, vandalism, violence, terrorism, and other illegal activity; safeguard persons; control access to real property and prevent trespass; or deter criminal activity on the authorized employer's or another's premises. This definition does not cover services by the employees described in § 105.22(f) as excluded from the definition of *private security officer.*

(i) *State Identification Bureau (SIB)* means the state agency designated by the Governor or other appropriate executive official or the state legislature to perform centralized recordkeeping functions for criminal history records and associated services in the States.

§ 105.23 Procedure for requesting criminal history record check.

These procedures only apply to participating states. An authorized employer may obtain a State and national criminal history record check as authorized by section 6402 of Public Law 105–458 as follows:

(a) An authorized employer is required to execute a certification to the State, developed by the SIB or the relevant state agency for purposes of accepting requests for these background checks, declaring that it is an authorized employer that employs private security officers; that all fingerprints and requests for criminal history background checks are being submitted for private security officers; that it will use the information obtained as a result of the state and national criminal history record checks solely for the purpose of screening its private security officers; and that it will abide by other regulatory obligations. To help ensure that only legitimate use is made of this authority, the certification shall be executed under penalties of perjury, false statement, or other applicable state laws.

(b) An authorized employer must obtain a set of fingerprints and the written consent of its employee to submit those prints for a state and national criminal history record check. An authorized employer must submit the fingerprints and appropriate state and federal fees to the SIB in the manner specified by the SIB.

(c) Upon receipt of an employee's fingerprints, the SIB shall perform a fingerprint-based search of its criminal records. If no relevant criminal record is found, the SIB shall submit the fingerprints to the FBI for a national search.

(d) Upon the conclusion of the national search, the FBI will disseminate the results to the SIB.

(e) Based upon the results of the state check and, if necessary, the national check:

(1) If the State has standards for qualifying a private security officer, the SIB or other designated state agency shall apply those standards to the CHRI and notify the authorized employer of the results of the application of the state standards; or

(2) If the State does not have standards for qualifying a private security officer, the SIB or other designated state agency shall notify an authorized employer as to the fact of whether an applicant has been:

(i) Convicted of a felony;

(ii) Convicted of a lesser offense involving dishonesty or false statement if occurring within the previous ten years;

(iii) Convicted of a lesser offense involving the use or attempted use of physical force against the person of another if occurring within the previous ten years; or

(iv) Charged with a felony during the previous 365 days for which there has been no resolution.

(f) The limitation periods set forth in paragraph (e)(2) of this section shall be determined using the date the employee's fingerprints were submitted. An employee shall be considered charged with a criminal felony for which there has been no resolution during the preceding 365 days if the individual is the subject of a complaint, indictment, or information, issued within 365 days of the date that the fingerprints were taken, for a crime punishable by imprisonment for more than one year. The effect of various forms of post-conviction relief shall be determined by the law of the convicting jurisdiction.

§ 105.24 Employee's rights.

An employee is entitled to:

(a) Obtain a copy from the authorized employer of any information concerning the employee provided under these regulations to the authorized employer by the participating State;

(b) Determine the status of his or her CHRI by contacting the SIB or other state agency providing information to the authorized employer; and

(c) Challenge the CHRI by contacting the agency originating the record or complying with the procedures contained in 28 CFR 16.34.

§ 105.25 Authorized employer's responsibilities.

An authorized employer is responsible for:

(a) Executing and providing to the appropriate state agency the certification to the State required under § 105.23(a) before a State can accept requests on private security guard employees;

(b) Obtaining the written consent of an employee to submit the employee's fingerprints for purposes of a CHRI check as described herein;

(c) Submitting an employee's fingerprints and appropriate state and federal fees to the SIB not later than one year after the date the employee's consent is obtained;

(d) Retaining an employee's written consent to submit his fingerprints for a criminal history record check for a period of no less than three years from the date the consent was last used to request a CHRI check;

(e) Upon request, providing an employee with confidential access to and a copy of the information provided to the employer by the SIB; and

(f) Maintaining the confidentiality and security of the information contained in a participating State's notification by:

(1) Storing the information in a secure container located in a limited access office or space;

(2) Limiting access to the information strictly to personnel involved in the employer's personnel and administration functions; and

(3) Establishing internal rules on the handling and dissemination of such information and training personnel with such access on such rules, on the need to safeguard and control the information, and on the consequences of failing to abide by such rules.

§ 105.26 State agency's responsibilities.

(a) Each State will determine whether it will opt out of participation by statutory enactment or gubernatorial order and communicating such determination to the Attorney General. Failure to inform the Attorney General of the determination will result in a State being considered a participating State.

(b) Each participating State is responsible for:

(1) Determining whether to establish a fee to perform a check of state criminal

history records and related fees for administering the Act;

(2) Developing a certification form for execution by authorized employers under § 105.25(a) and receiving authorized employers' certifications;

(3) Receiving the fingerprint submissions and fees from the authorized employer; performing a check of state criminal history records; if necessary, transmitting the fingerprints to the FBI; remitting the FBI fees consistent with established interagency agreements; and receiving the results of the FBI check;

(4) Applying the relevant standards to any CHRI returned by the fingerprint check and notifying the authorized employer of the results of the application of the standards as required under § 105.23(e);

(5) Providing to an employee upon his or her request a copy of CHRI upon which an adverse determination was predicated; and

(6) Maintaining, for a period of no less than three years, auditable records regarding

(i) Maintenance and dissemination of CHRI; and

(ii) The employer's certification.

(c) If relevant CHRI is lacking disposition information, the SIB or responsible agency in a participating State will make reasonable efforts to obtain such information to promote the accuracy of the record and the integrity of the application of the relevant standards. If additional time beyond a State's standard response time is needed to find relevant disposition information, the SIB or responsible agency may advise the authorized employer that additional research is necessary before a final response can be provided. If raised, a participating State should take into account the effect of post-conviction relief.

§ 105.27 Miscellaneous provisions.

(a) *Alternate State availability.* (1) An authorized employer may submit the employee's fingerprints to the SIB of a participating State other than the State of employment—provided it obtains the permission of the accommodating State—if the authorized employer is prevented from submitting an employee's fingerprints because the employee's employment is in:

(i) A State that does not have an applicable Public Law 92–544 statute authorizing state and national fingerprint-based criminal history checks of prospective and current private security officers and has elected to opt out; or

(ii) A participating State that has not yet established a process for receiving fingerprints and processing the checks under the regulations in this subpart.

(2) A participating State agreeing to process checks under this subsection will discontinue doing so if thereafter the State of the employee's employment establishes a process State and national fingerprint-based criminal history checks of prospective and current private security officers.

(b) *FBI fees for national check.* The fee imposed by the FBI to perform a fingerprint-based criminal history record check is that routinely charged for noncriminal justice fingerprint submissions as periodically noticed in the **Federal Register**.

(c) *Penalties for misuse.* (1) In addition to incarceration for a period not to exceed two years, one who knowingly and intentionally misuses information (including a State's notification) received pursuant to the Act may be subject to a fine pursuant to 18 U.S.C. 3571.

(2) Consistent with State law, a violation of these regulations may also result in the divestiture of ''authorized employer'' status, thereby precluding an employer which provides security services from submitting fingerprints for a State and national criminal history record check.

(d) *Exclusion from coverage.* [Reserved.]

Dated: January 5, 2006.

Alberto R. Gonzales,

Attorney General.

[FR Doc. 06–223 Filed 1–10–06; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD–2006–OS–002]

RIN 0720–AA92

TRICARE; Revision of Participating Providers Reimbursement Rate; TRICARE Dental Program (TDP)

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: The Department is publishing this final rule to revise the requirements and procedures for the reimbursement of TRICARE Dental program participating providers. Participating providers will no longer be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services. Specifically, the revision will require TRICARE Dental Program participating providers to be reimbursed in accordance with the contractor's network agreements, less any cost-share amount due for authorized services.

EFFECTIVE DATE: January 11, 2006.

FOR FURTHER INFORMATION CONTACT: Col. Gary C. Martin, Office of the Assistant Secretary of Defense (Health Affairs)/ TRICARE Management Activity, telephone (703) 681–0039.

SUPPLEMENTARY INFORMATION:

I. Overview of the Rule

This final rule revises the provision found in 32 CFR 199.13 that requires the TRICARE Dental Program contractor to reimburse participating providers at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services. This provision was included in the regulation to constitute a significant financial incentive for participation of providers in the contractor's network and to ensure a network of quality providers through use of a higher reimbursement rate. This provision, however, places an unnecessary restriction on contractors that already have established, high quality provider networks with reimbursement rates below the 50th percentile that are of sufficient size to meet the access requirements of the TRICARE Dental Program. The reimbursement rates that have been negotiated over the life of the dental contract represent the general market rates for dental insurance reimbursement, and the final rule brings DoD reimbursement rates into line with the broader insurance market. Elimination of the 50th percentile requirement affords the Government and enrollees significant cost savings through lower provider reimbursement costs by the contractor. Additionally, contractors have other methods available to ensure the TDP members receive high quality dental services. These quality assurance methods include, but are not limited to, licensing and credentialing standards, patient satisfaction assessments, and provider trend analyses.

II. Review of Comments

The proposed rule was published in the **Federal Register** on August 31, 2005

(70 FR 51692). We received no public comments.

III. Regulatory Procedures

Executive Order 12866 directs agencies to assess costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: Having an annual effect on the economy $100 million or more, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered a significant action if it raises novel legal or policy issues.

DoD concludes that this final rule is a significant regulatory action under the Executive Order since it raises novel policy issues under section 3(f)(4). DoD concludes, however, that this final rule does not meet the significance threshold of $100 million effect on the economy in any one year under section 3(f)(1).

The Congressional Review Act establishes certain procedures for major rules, defined as those with similar major impacts. The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation that would have significant impact on a substantial number of small entities.

This is a not a major rule under 5 U.S.C. 801. It is a significant regulatory action but not economically significant. This rule has been designated as significant and has been reviewed by the Office of Management and Budget as required under the provisions of E.O. 12866.

Paperwork Reduction Act

This final rule contains a new information collection requirement that has been submitted to and approved by the Office of Management and Budget. This information collection has been assigned OMB Control #0720–0035.

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

■ For the reasons set out in the preamble, 32 CFR part 199 is amended as follows.

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

■ 2. Section 199.13(g)(2)(ii) is revised to read as follows:

§ 199.13 TRICARE Dental Program.

* * * * *

(g) * * *

(2) * * *

(ii) Participating providers shall be reimbursed in accordance with the contractor's network agreements, less any cost-share amount due for authorized services.

* * * * *

Dated: January 5, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–219 Filed 1–10–06; 8:45 am]

BILLING CODE 5001–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2005–WV–0002; FRL–8020–4]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NO_X) SIP Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting conditional approval of a State Implementation Plan (SIP) revision submitted by the State of West Virginia. This revision establishes and requires NO_X emission reductions from large, stationary internal combustion engines in the State to meet Phase II of the NO_X SIP Call. Because the revision was adopted by West Virginia under its emergency rules provisions and has a sunset date, this approval is conditioned on West Virginia Department of Environmental Protection (WVDEP) adopting a permanent rule with an effective date prior to the sunset date of the emergency rule, and submitting the permanent rule as a SIP revision to EPA by July 1, 2006. WVDEP is in the process of adopting its permanent version of the rule and has submitted a written commitment to EPA stating it will meet all of these conditions. The intended effect of this action is to grant conditional approval of West Virginia's rule to meet its remaining emission reduction obligations under the NO_X SIP Call.

DATES: This final rule is effective on February 10, 2006.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2005–WV–0002. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE., Charleston, West Virginia 25304–2943.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308, or by e-mail at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 20, 2005 (70 FR 61104), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed to grant conditional approval of revisions to West Virginia emergency rule 45CSR1 titled Control and Reduction of Nitrogen Oxides from Non-Electric Generating Units as a Means to Mitigate Transport of Ozone Precursors. The formal SIP revision was submitted by WVDEP on March 31, 2005 (inadvertently noted in the NPR as being submitted on March 30, 2005).

II. Summary of SIP Revision

West Virginia's March 31, 2005 SIP submittal requires large, stationary internal combustion engines in the State to reduce NO_X emissions by a total of 903 tons for the 2007 ozone season and beyond, beginning on May 1, 2007. Sources in West Virginia that are subject to the new requirements must submit a compliance plan to WVDEP by May 1, 2006.

Other specific requirements of the SIP revision and the rationale for EPA's action to grant conditional approval are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is granting conditional approval of West Virginia's March 31, 2005 SIP revision consisting of West Virginia emergency rule 45CSR1. For West Virginia's emergency rule 45CSR1 to become fully approvable, the State must, in accordance with its August 15, 2005 commitment, fulfill the following conditions:

(1) Adopt a permanent rule that corresponds to emergency rule 45CSR1, but with an effective date prior to the sunset date of the emergency rule, and

(2) Submit the permanent rule as a SIP revision to EPA by July 1, 2006. Once West Virginia fulfills these conditions, EPA will conduct rulemaking to convert its conditional approval to a full approval. If the conditions are not fulfilled within the specified time frame, any final conditional approval granted by EPA will convert to a disapproval.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 2006. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action granting conditional approval of West Virginia's SIP revision to meet Phase II of the NO_X SIP Call may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: December 23, 2005.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart XX—West Virginia

■ 2. Section 52.2522 is amended by adding paragraph (i) to read as follows:

§ 52.2522 Approval status.

* * * * *

(i) EPA is granting conditional approval of West Virginia's March 31, 2005 SIP revision consisting of West Virginia emergency rule 45CSR1. For West Virginia's emergency rule 45CSR1 to become fully approvable, the State must, in accordance with its August 15, 2005 commitment, fulfill the following conditions:

(1) Adopt a permanent rule that corresponds to emergency rule 45CSR1, but with an effective date prior to the sunset date of the emergency rule, and

(2) Submit the permanent rule as a SIP revision to EPA by July 1, 2006.

[FR Doc. 06–196 Filed 1–10–06; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 051017269–6002–02; I.D. 100705C]

RIN 0648–AT54

Fisheries of the Exclusive Economic Zone Off Alaska; Cape Sarichef Research Restriction Area Opening for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to open the Cape Sarichef Research Restriction Area in the Bering Sea and Aleutian Islands Management Area (BSAI) to directed fishing for groundfish using trawl, pot, and hook-and-line gear from March 15, 2006, through March 31, 2006. Because NMFS' Alaska Fisheries Science Center (AFSC) will not conduct research in this area in 2006, closure of the Cape Sarichef Research Restriction Area is not needed. This action is intended to relieve an unnecessary restriction on groundfish fisheries and allow the optimum utilization of fishery resources, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This final rule also will remove the regulations for the Cape Sarichef Research Restriction Area, and regulations for the Chiniak Gully Research Area because both research projects have ended.

DATES: Effective February 10, 2006.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for the original action closing the area, and dated November 2002, and the Categorical Exclusion and the RIR prepared for this action, are available from: NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Durall; NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, AK; or the NMFS Alaska Region website at *www.fakr.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Becky Carls, 907–586–7228 or *becky.carls@noaa.gov*.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone of the BSAI and Gulf of Alaska (GOA) are managed by NMFS under the Fishery Management Plans (FMPs) for Groundfish of the BSAI and Groundfish of the GOA. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679.

Background and Need for Action

The background and need for this action were described in the preamble to the proposed rule published in the **Federal Register** on October 26, 2005 (70 FR 61775). In summary, the final year of a research project in the waters off Cape Sarichef will not be conducted in 2006. Thus, the closure of the study area specified in § 679.22(a)(11) for March 15–31, 2006, will not be needed. Maintaining the closure would unnecessarily restrict the groundfish fisheries because no research will be conducted in this area in 2006. Removing the 2006 trawl, pot, and hook-and-line gear closure will allow vessels participating in groundfish fisheries to harvest their total allowable catch amounts without the operational constraints imposed by the closure.

In addition, this regulatory amendment includes a housekeeping measure that removes regulations for the Chiniak Gully Research Area off Kodiak Island, which were applicable through December 31, 2004.

Regulatory Amendments

In § 679.22, paragraphs (a)(11) and (b)(3) are removed. Also removed is Figure 21 to part 679, which shows the Cape Sarichef Research Restriction Area.

Response to Comments

The proposed rule for this action was published in the **Federal Register** on October 26, 2005 (70 FR 61775). NMFS received two letters of comment that contained four separate comments. The comments are summarized and responded to below.

Comment 1: This research area should not be opened to more overfishing.

Response: This action opens an area to fishing which otherwise would be closed only two weeks in 2006 and does not change the amount of fish authorized to be harvested. Currently, no Alaska groundfish species are considered by NMFS to be overfished, and overfishing is not occurring.

Comment 2: Birds are being killed by hook-and-line fishing.

Response: Hook-and-line fishing would be allowed in this area, but this action would not change the total amount of fishing activity with hook-and-line gear. Hook-and-line fishing must be done in compliance with seabird avoidance regulations at 50 CFR 679.24(e) to reduce the incidental take of seabirds.

Comment 3: NOAA must stop commercial fish profiteers from overfishing. Overfishing causes the death of all marine life that needs fish to survive, which is an assault on the environment.

Response: This action does not change the amount of fish that may be harvested. None of the Alaska groundfish stocks are overfished or experiencing overfishing. The groundfish fisheries off Alaska are managed using science-based conservation and management practices. NMFS limits the amount of fish that may be harvested in the groundfish fisheries off Alaska by setting annual catch limits based on the best scientific information available about each specific managed stock. In the course of considering catch limits and regulatory changes, NMFS and the Council consider a broad range of alternatives to address biological, environmental, and economic concerns. This process also includes an examination of the potential impacts of alternatives on other marine resources and the environment. This action would result in insignificant impacts on other marine animals as described in the EA/RIR/IRFA prepared for the original action and dated November 2002 (see **ADDRESSES**).

Comment 4: Thank you. With all the other closed areas we have today, it's nice to have some areas back. Every little bit will help with our rising fuel costs.

Response: NMFS notes this support.

Changes From the Proposed Rule

No changes are made in this final rule from the proposed rule.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: January 6, 2006.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

§ 679.22 [Amended]

■ 2. In § 679.22, remove and reserve paragraphs (a)(11) and (b)(3).

PART 679—[AMENDED]

■ 3. In part 679, remove and reserve Figure 21 to Part 679—Cape Sarichef Research Restriction Area (Applicable through March 31, 2006).

[FR Doc. 06–245 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 71, No. 7
Wednesday, January 11, 2006

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

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 05–059–1]

Importation of Baby Corn and Baby Carrots From Zambia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the fruits and vegetables regulations to allow the importation into the continental United States of fresh, dehusked immature (baby) sweet corn and fresh baby carrots from Zambia. As a condition of entry, both commodities would be subject to inspection at the port of first arrival and would have to be accompanied by a phytosanitary certificate with an additional declaration stating that the commodity has been inspected and found free of the quarantine pest listed on the certificate. This action would allow for the importation of Zambian baby corn and baby carrots into the United States while continuing to provide protection against the introduction of quarantine pests.

DATES: We will consider all comments that we receive on or before March 13, 2006.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov* and, in the ''Search for Open Regulations'' box, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select APHIS–2005–0111 to submit or view public comments and to view supporting and related materials available electronically. After the close of the comment period, the docket can be viewed using the ''Advanced Search'' function in Regulations.gov.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 05–059–1, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 05–059–1.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Porsche, Import Specialist, Commodity Import Analysis and Operations, Plant Health Programs, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 734–8758.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56 through 319.56–8, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The national plant protection organization (NPPO) of Zambia has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow baby corn and baby carrots from Zambia to be imported into the United States. As part of our evaluation of Zambia's request, we prepared a pest risk assessment (PRA) and a risk management document for each commodity. Copies of the PRAs and risk management documents may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instruction for accessing Regulations.gov).

The PRA titled ''Importation of Fresh, Dehusked, Immature, Baby Corn, *Zea mays* L., from Zambia into the Continental United States'' (June 2005) evaluates the risks associated with the importation of baby corn into the continental United States (the lower 48 States and Alaska) from Zambia. The term ''baby corn'' refers to dehusked, immature, sweet corn for consumption measuring 10 to 25 millimeters (0.39 to 0.98 inches) in diameter and 60 to 105 millimeters (2.36 to 4.13 inches) in length. The PRA and supporting documents identified one pest of quarantine significance present in Zambia, the fungus *Phomopsis jaczewskii* Panasenko, that could be introduced into the United States via baby corn. Although information on *P. jaczewskii* is limited, it is considered likely to follow the pathway because it infects corn kernels. Some species of *Phomopsis*, though not necessarily *P. jaczewskii,* may produce latent infections that could escape detection during post-harvest processing.

Post-harvest processing for commercial baby corn typically involves dehusking and removal of the silks. Pickers and packers in Zambia are directed to reject any corn showing mechanical damage, shriveling and softness, disease, rot or decay, pest damage, or tissue breakdown. At the packing facility, cobs are blast chilled for 1 hour, or long enough to bring the temperature down to 2 °C (35.6 °F), then are stored at 4 to 6 °C (39.2 to 42.8 °F) for a maximum of 2 days before packaging. The baby corn would be exported to the continental United States in shrink-wrapped, microwavable trays or boil-ready plastic bags.

Because fungi in the genus *Phomopsis* can remain dormant for a period until required environmental conditions are met before producing spore-bearing structures, APHIS has determined that measures beyond standard port of entry inspection are required to mitigate the plant pest risk of this fungus. The proposed phytosanitary measures include a requirement for each shipment of corn to be accompanied by a phytosanitary certificate issued by the NPPO of Zambia that includes an additional declaration stating that the corn has been inspected and found free of *Phomopsis jaczewskii* based on field

and packinghouse inspections. The proposed requirement for an additional declaration would provide phytosanitary security by requiring the NPPO of Zambia or its designee to conduct phytosanitary inspections for this pest both in the field during the growing season and at the packinghouse prior to export to ensure that the corn is free from *P. jaczewskii*. This would increase the inspections the corn receives by requiring phytosanitary inspections in addition to the normal packinghouse quality inspection.

Furthermore, specifically listing the pest on the additional declaration would alert U.S. inspectors to the specific pest of concern. Additionally, the commodity imports would be restricted solely to commercial shipments within the continental United States.

We have determined these proposed measures would provide an appropriate level of phytosanitary protection for the importation of baby corn from Zambia. *Phomopsis* seed rots generally affect crops left in the field after maturity prior to harvesting. Corn picked prior to maturity, in contrast, is less exposed to inoculum, and less likely to become infected or harbor asymptomatic infections. Additionally, the NPPO of Zambia would routinely conduct field inspections and the corn would be dehusked and inspected as part of the packing process. These measures, including the requirement for a phytosanitary certificate, would provide an appropriate level of phytosanitary protection for the importation of baby corn from Zambia.

The regulations in ''Subpart—Indian Corn or Maize, Broomcorn, and Related Plants'' (§§ 319.41 through 319.41–6) prohibit or restrict the importation of Indian corn or maize, broomcorn, and related plants in order to prevent the introduction of plant pests into the United States. The regulations in § 319.41–1 list articles of Indian corn or maize, broomcorn, and related plants that are eligible for importation into the United States and the conditions under which they may be imported. To reflect our proposed addition of baby corn from Zambia to the fruits and vegetables regulations, we are proposing to amend § 319.41–1 by adding a new paragraph (d) that would list immature, dehusked (baby) sweet corn imported from Zambia in accordance with a new § 319.56–2f among the articles eligible for importation.

The PRA titled ''Importation of Baby Carrot, *Daucus carota* L. ssp. *sativus*, from Zambia into the Continental United States'' (June 2005), evaluates the risks associated with the importation of baby carrots into the continental United States from Zambia. The term ''baby carrot'' refers to immature carrots for consumption measuring 10 to 18 millimeters (0.39 to 0.71 inches) in diameter and 50 to 105 millimeters (1.97 to 4.13 inches) in length. The PRA and supporting documents identified one pest of quarantine significance that could be introduced in the United States via baby carrots from Zambia, the nematode *Meloidogyne ethiopica* Whitehead. It is possible, however, that *M. ethiopica* does not occur in Zambia. The assumption that *M. ethiopica* occurs with carrots in Zambia was based on the fact that Zambia borders Zimbabwe, where the nematode was once collected, and that the nematode has been associated with carrots in South Africa. The Zambian NPPO recently provided a statement that field surveys and literature reviews did not indicate any record of the pest having been detected in Zambia.

Post-harvest processing for commercial carrots typically involves trimming to remove tops and washing and brushing to remove soil as well as adventitious roots. Pickers and packers in Zambia are directed to reject any carrots showing any mechanical damage, pest damage, malformed roots, disease, or soil contamination. *Meloidogyne* species typically cause roots to be malformed with numerous galls or knots, which would cause the carrots to be culled during post-harvest processing. At the packing facility, the carrots are blast chilled for 1 hour, or long enough to bring the temperature down to 4 °C (39.2 °F), then stored at 5 to 7 °C (41 to 44.6 °F) for a maximum of 4 days before packaging. The baby carrots would be exported to the continental United States in shrink-wrapped, microwavable trays or boil-ready plastic bags.

Because the climate of the United States is generally favorable to the establishment of *M. ethiopica*, and because *M. ethiopica* feeds on a wide variety of host plants, APHIS has determined that measures beyond standard port of entry inspection are required to mitigate the plant pest risk of this nematode. The proposed phytosanitary measures include a requirement for each shipment of carrots to be accompanied by a phytosanitary certificate issued by the NPPO of Zambia that includes an additional declaration stating that the carrots have been inspected and found free of *Meloidogyne ethiopica* based on field and packinghouse inspections. The NPPO of Zambia or its designee would conduct field inspections during the growing season and at the packinghouse to ensure that the carrots are free from *M. ethiopica*. Additionally, the carrots would have to be free from leaves and soil. The commodity imports would be restricted solely to commercial shipments within the continental United States.

We have determined these proposed measures would provide an appropriate level of phytosanitary protection for the importation of baby carrots from Zambia, given that the nematode may not be present in Zambia and because root knot nematodes tend to produce recognizable symptoms which would cause the carrots to be culled during post-harvest procedures. The proposed requirement for a phytosanitary certificate with an additional declaration would provide phytosanitary security by requiring the NPPO of Zambia or its designee to conduct phytosanitary inspections for this pest. This doubles the number of inspections the carrots would receive by requiring a phytosanitary inspection at the production site in addition to the normal packinghouse quality inspection. Furthermore, specifically listing the pest on the additional declaration would alert U.S. inspectors to the specific pest of concern.

To reflect our proposed addition to the fruits and vegetables regulations of baby carrots from Zambia, we are proposing to add a new § 319.56–2f governing the conditions of entry of baby corn and baby carrots from Zambia into the continental United States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or the dissemination of plant pests within the United States. In response to a request from the Government of Zambia, and after conducting pest risk assessments, APHIS is proposing to allow the importation from Zambia of commercial shipments of fresh, dehusked immature (baby) sweet corn for consumption and fresh baby carrots for consumption. Both commodities would be allowed to be imported only into the continental United States.

Effects on Small Entities

The Regulatory Flexibility Act requires agencies to consider the economic impact of their regulations on small entities and to use flexibility to provide regulatory relief when regulations create economic disparities between differently sized entities. In accordance with the Act, APHIS has performed an initial regulatory flexibility analysis regarding the economic effects of this proposed rule on small entities. We do not have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities that may incur benefits or costs from the implementation of this proposed rule, as data on the number and size of U.S. producers of the commodities proposed for importation into the United States in this document are not available. However, based on the information we do have, we believe that most if not all of the businesses affected by the proposed rule would be small, and there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities.

U.S. entities that could be affected by the proposed rule are domestic producers of baby corn and baby carrots, and wholesalers that would import the two commodities. Restaurants or other retailers that would subsequently purchase the items could be indirectly affected. Businesses producing baby corn or baby carrots are classified in the North American Industry Classification System (NAICS) within the category of Other Vegetable (except Potato) and Melon Farming (NAICS code 111219). The Small Business Administration's (SBA) small-entity definition for these producers is annual receipts of not more than $750,000. Firms that would import the baby corn and baby carrots from Zambia are defined as small entities if they have 100 or fewer employees (NAICS code 424480, Fresh Fruit and Vegetable Merchant Wholesalers). The wholesale sector comprises two types of wholesalers, those that sell goods on their own account and those that arrange sales and purchases for others for a commission or fee. Importers are included in both cases.

As stated above, we believe that most if not all of the businesses affected by the proposed rule would be small since, in general, firms engaged in production and importation of agricultural commodities are predominantly small.

APHIS has not been able to obtain production or trade data that is specific to baby carrots, and only limited information on baby corn. Statistical information on baby corn production is limited because producing countries either include it within the sweet corn category, as is done in the United States, or do not report production of this commodity at all. Quantities of baby corn produced, imported, and consumed in the United States are not known. According to industry sources, it is grown in California, and the largest foreign supplier is Costa Rica. Other sources are Mexico, Guatemala, and Honduras. Mexico provided 92 percent of U.S. fresh sweet corn imports during 1998–2000, with the majority arriving during the winter (December to April). Fresh baby corn is included in these imports; however its amount is unknown. We welcome information that the public may offer that would allow for a better estimate of the number of small entities expected to be affected by the proposed rule.

The Food and Agriculture Organization of the United Nations' statistics indicate that Zambia produced an average of 750,000 metric tons of corn per year between 1997 and 2002 and exported 1 percent of its corn production. How much of Zambia's corn production and exports is baby corn is not known. It is noted that production of baby corn and baby carrots depends on hand labor due to the unsuitability of mechanical agricultural harvesting techniques. Zambia's plentiful farm labor resources provide it with an economic advantage in the production of these crops.

The Government of Zambia has indicated its intention to export approximately 400 metric tons (16 40-foot shipping containers) of baby corn and 400 metric tons of baby carrots to the continental United States annually. There are two large commercial agricultural companies in Zambia (York Farm and Chalimbana Fresh Produce Ltd., formerly known as Agriflora Limited) that are responsible for producing the bulk of specialty crops (crops that require more intensive labor to qualify for exportation). The two companies use either contract growers or their own farms, which are distributed between Zambia's three geographical zones to ensure year round supply of fresh produce. In 2002, Agriflora exported 100 metric tons of baby corn to the United Kingdom. According to the technical advisor of the Organic Producer and Processor Association of Zambia, of a total of 2,500 hectares of agricultural land devoted to specialty crop production that was inspected in 2004, 743 hectares have been certified for exports.

Without additional information on the number of U.S. producers of baby corn and baby carrots, the quantities they produce, and the quantities already being imported into the United States, we cannot assess the potential impact of the proposed rule on U.S. small entities. An increase in supply can be expected to exert downward pressure on prices. We welcome comments that will allow us to better determine the possible magnitude of these price effects.

Alternatives

An alternative to the proposed rule would be to require that a different set of phytosanitary measures be satisfied. Risk assessment and risk management documents prepared by APHIS identify one quarantine pest each for baby corn (*Phomopsis jaczewskii*, a fungus) and baby carrots (*Meloidogyne ethiopica*, a nematode) proposed to be imported from Zambia. Both commodities would be subject to inspection at the port of first arrival and would be required to be accompanied by a phytosanitary certificate. The phytosanitary certificate for baby corn would be required to include an additional declaration stating that the corn has been inspected prior to export and found free of *P. jaczewskii*, based on field and packinghouse inspections conducted by the NPPO of Zambia. The phytosanitary certificate for baby carrots would be required to state that the carrots have been inspected prior to export and found free of *M. ethiopica* based on field and packinghouse inspections conducted by the NPPO of Zambia. Both commodities could be imported in commercial shipments only. In addition, the baby carrots would have to be free from leaves and soil. These conditions are expected to successfully mitigate any risks posed to U.S. agriculture. Import requirements less or more stringent than those proposed would either not provide an appropriate level of phytosanitary protection or impose unduly burdensome measures.

We would appreciate any comments on the potential economic effects of allowing the importation into the United States of baby corn and baby carrots from Zambia, and on how the proposed rule could be modified to reduce expected costs or burdens for small entities consistent with its objectives.

This proposed rule contains certain reporting and recordkeeping requirements (see ''Paperwork Reduction Act'' below).

Executive Order 12988

This proposed rule would allow baby corn and baby carrots to be imported into the United States from Zambia. If this proposed rule is adopted, State and

local laws and regulations regarding baby corn and baby carrots imported under this rule would be preempted while the vegetable is in foreign commerce. Fresh vegetables are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with allowing the importation of baby corn and baby carrots from Zambia into the United States, we have prepared an environmental assessment. The environmental assessment was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment may be viewed on the Internet on the Regulations.gov Web site and is available for public inspection in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this proposed rule). In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 05–059–1. Please send a copy of your comments to: (1) Docket No. 05–059–1, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue, SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would amend the fruits and vegetables regulations to allow the importation into the continental United States of immature (baby) sweet corn and fresh baby carrots from Zambia. As a condition of entry, both commodities would be subject to inspection at the port of first arrival.

In addition, the proposed rule would require each shipment of baby corn to be accompanied by a phytosanitary certificate issued by the NPPO of Zambia stating that the shipment has been inspected and found free of *Phomopsis jaczewskii*. Each shipment of baby carrots would have to be accompanied by a phytosanitary certificate issued by the NPPO of Zambia stating that the shipment has been inspected and found free of *Meloidogyne ethiopica*. The baby carrots would also have to be free from leaves and soil.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.4156 hours per response.

Respondents: Importers, producers, NPPOs.

Estimated annual number of respondents: 7.

Estimated annual number of responses per respondent: 22.

Estimated annual number of responses: 154.

Estimated total annual burden on respondents: 64 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

Government Paperwork Elimination Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. In § 319.41–1, a new paragraph (d) would be added to read as follows:

§ 319.41–1 Plant products permitted entry.[1]

* * * * *

(d) Immature, dehusked ''baby'' sweet corn may be imported from Zambia in accordance with § 319.56–2f(a).

3. A new § 319.56–2f would be added to read as follows:

§ 319.56–2f Conditions governing the entry of baby corn and baby carrots from Zambia.

(a) Immature, dehusked ''baby'' sweet corn (*Zea mays* L.) measuring 10 to 25

[1] Except as provided in § 319.41–6 the regulations in this subpart do not authorize importations through the mails.

millimeters (0.39 to 0.98 inches) in diameter and 60 to 105 millimeters (2.36 to 4.13 inches) in length may be imported into the continental United States from Zambia only under the following conditions:

(1) The production site, which is a field, where the corn has been grown must have been inspected at least once during the growing season and before harvest for the following pest: *Phomopsis jaczewskii*.

(2) After harvest, the corn must be inspected by Zambia's national plant protection organization (NPPO) and found free of the pests listed in paragraph (a)(1) of this section before the corn may be shipped to the continental United States.

(3) The corn must be inspected at the port of first arrival as provided in § 319.56–6.

(4) Each shipment must be accompanied by a phytosanitary certificate issued by the NPPO of Zambia that includes an additional declaration stating that the corn has been inspected and found free of *Phomopsis jaczewskii* based on field and packinghouse inspections.

(5) The corn may be imported in commercial shipments only.

(b) Immature ''baby'' carrots (*Daucus carota* L. ssp. *sativus*) for consumption measuring 10 to 18 millimeters (0.39 to 0.71 inches) in diameter and 50 to 105 millimeters (1.97 to 4.13 inches) in length may be imported into the continental United States from Zambia only under the following conditions:

(1) The production site, which is a field, where the carrots have been grown must have been inspected at least once during the growing season and before harvest for the following pest: *Meloidogyne ethiopica*.

(2) After harvest, the carrots must be inspected by the NPPO of Zambia and found free of the pests listed in paragraph (b)(1) of this section before the carrots may be shipped to the continental United States.

(3) The carrots must be inspected at the port of first arrival as provided in § 319.56–6.

(4) Each shipment must be accompanied by a phytosanitary certificate issued by the NPPO of Zambia that includes an additional declaration stating that the carrots have been inspected and found free of *Meloidogyne ethiopica* based on field and packinghouse inspections.

(5) The carrots must be free from leaves and soil.

(6) The carrots may be imported in commercial shipments only.

Done in Washington, DC, this 4th day of January 2006.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E6–134 Filed 1–10–06; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 611

RIN 3052–AC29

Organization; Termination of System Institution Status

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend our regulations that allow a Farm Credit System (FCS, Farm Credit, or System) bank or association to terminate its FCS charter and become a financial institution under another Federal or State chartering authority. With these amendments, we propose to update the existing regulations to clarify our requirements, separate our review of stockholder disclosure information from our review of the termination itself, improve communications, strengthen the role of an institution's directors in the termination process, and make other changes.

DATES: Please send your comments to us by March 13, 2006.

ADDRESSES: Comments may be sent by electronic mail to ''*reg-comm@fca.gov*,'' through the Pending Regulations section of our Web site at *http://www.fca.gov* or through the Government-wide *http://www.regulations.gov* portal. You may also send written comments to Gary K. Van Meter, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 or by fax to (703) 734–5784.

You may review copies of all comments we receive at our office in McLean, Virginia or from our Web site at *http://www.fca.gov*. Once you are in the Web site, select ''Legal Info,'' and then select ''Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove electronic-mail addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT:

Dale Aultman, Senior Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4414; TTY (703) 883–4434; or

Rebecca S. Orlich, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION:

I. Objectives

The objectives of our current proposal are to:

1. Update the termination procedure for FCS banks and associations under sections 7.10 and 7.11 of the Farm Credit Act of 1971, as amended (Act);
2. Ensure that the FCA, an institution's board of directors, and the institution's equity holders have sufficient time and opportunities to be fully informed about a termination proposal before deciding whether to approve the termination;
3. Provide that we may require a terminating institution to obtain independent analyses and rulings regarding a proposed termination;
4. Ensure that a significant proportion of stockholders are engaged in the termination process; and
5. Clarify existing requirements and ensure that stockholder disclosure materials are informative and easy to understand.

II. Background

The Agricultural Credit Act of 1987, among other things, amended the Act expressly to permit System institutions to terminate their Farm Credit status and become another type of financial institution. We first issued regulations governing terminations in 1991. At that time, the regulations covered only ''small'' FCS associations. Our current termination rule, published on April 12, 2002, reflected amendments to cover all associations and banks.[1] Since 1991, no FCS bank or association has terminated its charter under FCA regulations. However, in 2004 one System association adopted a commencement resolution to terminate its Farm Credit charter and subsequently be acquired by the subsidiary of a non-System bank. Ultimately, the association decided not to be acquired and not to terminate Farm Credit status. Although the association never submitted a termination application to us, the experience presented us with an actual event to evaluate the effectiveness and efficiency of our existing termination regulations. We found that, while the existing regulations provide the basic requirements to comply with the Act and effect a termination, certain

[1] *See* 67 FR 17907.

revisions to the regulations would ensure a more orderly process for a FCS bank or association to terminate its charter.

III. Proposed Amendments

The following outlines several new provisions and major revisions we propose to make to our regulations:

1. Proposed new §§ 611.1230 and 611.1247 separate our review of a terminating institution's disclosure information, as required by section 7.11 of the Act, from our approval of the termination itself, as set forth in section 7.10 of the Act. Our review of the disclosure information will precede the submission of the information to equity holders, as in the existing regulation, and we will begin the statutory period on the date the disclosure information is complete, as determined by us. We propose to review and approve or disapprove the termination itself after the equity holders have voted to approve the termination.

2. Proposed new §§ 611.1215 and 611.1216 give a terminating institution more flexibility in communicating with stockholders and the public during the termination process, and also provides that we may require certain termination-related documents to be posted on our Web site or the institution's Web site.

3. Proposed new § 611.1211 provides that we may require a terminating institution to obtain independent analyses of and rulings on matters related to the proposed termination, as well as to hold convenient informational meetings for stockholders.

4. Proposed new § 611.1218 strengthens protections for directors to consult independent legal counsel and allow public or private expressions of their opinions about the termination. In addition, proposed § 611.1235 provides that the board of directors of a terminating institution must again vote to approve the proposed termination before mailing the plan of termination, to ensure that the board continues to support the termination.

5. Proposed amendments to § 611.1240 ensure sufficient equity holder representation in voting processes by imposing a quorum requirement of 30 percent of voting stockholders at the stockholder meetings for the termination vote.

6. Proposed new § 611.1247 eliminates potentially confusing criteria pertaining to reasons why we may disapprove a termination application.

7. Throughout the regulations, we propose to add language requiring disclosure of information related to any planned or contemplated corporate restructuring, such as the merger of the successor institution with, or its acquisition by, another entity.

8. Throughout the regulations, we propose to remove outdated references to the Financial Assistance Corporation (FAC), which was created in 1988 as part of the Federal assistance to the System. That assistance has now been repaid.

We note that we are not proposing substantive amendments to the existing regulations that pertain to the applicability of this subpart, dissenting stockholders rights, repayment of obligations, stockholder reconsiderations, retirement of investments in other System institutions, loan refinancing by borrowers, and continuation of borrower rights.

These proposals are more fully described below.

IV. Section-by-Section Analysis

Section 611.1200—Applicability of This Subpart

We do not propose any changes to this section.

Section 611.1205—Definitions That Apply in This Subpart

We propose to add definitions of ''days'' to mean calendar days and ''business days'' to mean days on which the FCA is open for business.

We also propose to define ''equity holders'' to mean holders of stock, participation certificates, or other equities such as allocated equities.

Section 611.1210—Advance Notices—Commencement Resolution and Notice to Equity Holders

We propose to require a terminating institution to send us a draft of its notice to equity holders before the notice is sent to equity holders. If we do not request modifications to the draft notice within 2 business days of receiving it, the terminating institution may mail the notice to its equity holders. Our purpose in requiring prior review is to ensure that the notice complies with plain language principles and contains the information required. We propose changing the existing heading to the above heading to better describe the requirements of this section.

We propose to require the terminating institution to place the advance notice to equity holders on its Web site and to send us copies of all contracts and agreements related to the termination.

We also propose other minor and nonsubstantive changes to the language in this section.

Section 611.1211—Special Requirements

We propose a new section with requirements that we may impose regarding special assessments, analyses, rulings, or studies. A termination raises issues that the FCA does not routinely address, such as how to assess the value the institution and the tax implications of terminating. If we determine that expert analyses, studies, or rulings are needed, we will require a terminating institution to engage experts acceptable to us to perform such work. We may require that such analyses, studies, or rulings, or summaries, be provided to equity holders as part of the plan of termination, or separately.

We also propose that we may require a terminating institution to hold regional or local informational meetings for equity holders during the time period after they receive notice of the proposed termination and before the stockholder vote on termination. These meetings will give equity holders an opportunity to ask questions directly to management of the institution at an early point in the termination process, as well as giving management an opportunity to explain the termination plan and procedure. The meetings would be subject to the plain language requirements of proposed § 611.1217(b) regarding balanced statements of anticipated benefits and potential disadvantages.

We note that we may hold public meetings anytime after your notice to equity holders is sent, in order to obtain the perspective of interested parties.

Section 611.1215—Communications

We propose a new section on ''Communications with the public and equity holders.'' This section would permit a terminating institution to communicate with the public and with its equity holders during the termination process, provided that written communications are filed with the FCA on the date of first use. Such written communications must contain a legend urging equity holders to read the information statement that contains important information about the termination. If we believe any communications are inaccurate or misleading, we will require corrections to be made. We may also require a terminating institution to file written communications made by other participants in the termination and related transactions, such as a merger partner. The regulation contains a safe harbor for unintentional failures to make timely filings with the FCA and provides that communications that

contain no new information from previously filed communications do not need to be filed.

We believe that this proposed regulation on communications will give a timely, reasonable and flexible accommodation to terminating institutions as well as comply with section 7.11(a)(1) of the Act. That statutory provision requires FCA review of information on the termination that is to be distributed to equity holders.

The provisions in existing § 611.1215 would be moved to § 611.1219, as described below.

Section 611.1216—Public Availability of Documents Related to the Termination

In proposed new § 611.1216, we provide that we may post on our Web site, or require a terminating institution to post on its Web site, documents related to the termination. We believe that disclosure of the documents will, at an early stage in the termination process, enable equity holders and others to understand the structure and ramifications of the plan of termination. We would expect the institution to post the board of directors' resolution on its Web site to commence the termination process in addition to the notice to equity holders. Also, we may require the posting of other documents such as charter documents of the successor institution or contracts entered into with a merger or acquisition partner. In addition, we may require the posting of the results of any special assessments, analyses, studies, and rulings. It is not our intention to require the posting of confidential information. The proposed rule provides that the terminating institution may request us to keep specific documents confidential.

Section 611.1217—Plain Language Requirements

We propose to move the plain language requirements in existing § 611.1223(a) to new § 611.1217 and to apply them to all communications with equity holders required by these regulations, not just to the information statement. To help ensure a balanced presentation of the information, we also provide that communications describing the anticipated benefits of the proposed termination should also give similar prominence to the potential disadvantages of the termination.

Section 611.1218—Role of Directors

In this new section, we emphasize the importance of directors in the termination process, not only when they take action as the whole board but also when they act individually. First, we provide that directors may not be prohibited by confidentiality agreements or otherwise from publicly or privately commenting on a termination proposal and related transactions. We do not believe such prohibitions would be in the best interests of the equity holders because they prevent directors from consulting with the persons they represent and prevent equity holders from learning the opinions of those who should have the most detailed knowledgeof the proposal. We note that this provision does not permit directors to reveal trade secrets or confidential financial information that they would be prohibited from revealing in the absence of a confidentiality agreement or similar document.

We further propose to provide that one or more directors have the right to obtain legal and financial advice on a proposed or contemplated termination, and that the institution must pay reasonable expenses. This will ensure that each director has the opportunity to obtain advice from parties who have no conflict of interest in the proposed transaction.

Section 611.1219—Prohibited Acts

We propose to move existing § 611.1215 to this new § 611.1219 with a few revisions. One revision is to delete a reference to our preliminary approval of the termination, because we are proposing to eliminate the preliminary approval provision. We also propose to prohibit the institution and any director, officer, employee, and agent from making any untrue or misleading statement of a material fact, or failing to disclose any material fact to the FCA about the proposed termination and any related transactions. This prohibition already applies to statements made to or withheld from current or prospective equity holders.

Section 611.1220—Termination Resolution

Proposed § 611.1220 is an expansion of the requirement in existing § 611.1220(a) for the board to adopt a termination resolution. We propose to require that adoption of the resolution must occur no more than 1 week before submitting the plan of termination to us and to specify that the resolution must authorize submission of the plan of termination to us and to voting stockholders, then (if approved) submission of the application for termination to us and submission of an application to a Federal or State authority to charter the successor institution.

Section 611.1221—Submission to FCA of Plan of Termination and Disclosure Information; Other Required Submissions

Proposed § 611.1221 revises the existing regulation to provide that a terminating institution may not file a plan of termination until at least 30 days after the institution has sent the notice to equity holders under § 611.1210(b). In addition, we propose to move to this section a requirement from existing § 611.1220(b) regarding the number of copies of the plan to submit to the FCA; to move existing § 611.1220(c) to § 611.1223(d); and to move provisions in existing § 611.1222 to this section.

We also propose to remove references to the FAC because all outstanding FAC debt has been repaid.

Section 611.1223—Plan of Termination—Contents

We propose to rename this section ''Plan of termination—contents'' and to remove references to ''Information Statement'' because the latter term is not found in section 7.11 of the Act. Instead, we propose to refer to the material to be submitted to equity holders as the plan of termination.

As described above, we propose moving the ''plain language'' requirements in existing § 611.1223(a) to new § 611.1217 and applying them more broadly, and to move the requirement to update information in existing § 611.1220(c) to paragraph (d) of this section. We propose to add several requirements to the contents of the information statement.

Proposed paragraph (b)(7) would require a terminating institution to explain in the summary to the plan of termination whether the successor institution expects to engage in a corporate restructuring in the 18 months following termination.

Proposed paragraph (c)(7) would require a terminating institution to include copies of contracts and agreements in connection with the termination and operations of the successor institution. The FCA may permit or require a summary of the documents instead of copies.

Proposed paragraph (c)(13) would contain the requirement of existing § 611.1223(d)(9) to disclose employment, retirement, and severance agreements, and would also require disclosure of such agreements with any entity that may merge with or acquire the successor institution.

Proposed paragraph (c)(26) would provide that we may require a terminating institution to disclose assessments, analyses, studies, or

rulings that we require the institution to obtain under proposed § 611.1211.

Proposed paragraph (c)(29) would require the terminating institution to include statements by directors that desire to make individual or group statements regarding the proposed termination and related transactions. We believe that directors, especially directors of a cooperative, are entitled to share both supporting and opposing views on such an important matter with equity holders and to have those views set forth in the plan of termination without prior approval or constraint by the board. However, as with all information in the information statement, statements by directors must be reasonable in length and free of material misstatements or omissions. We note that the director certification requirement in new paragraph (c)(28) (existing § 611.1223(d)(24)) would not be deemed to be certifications of the opinions in these statements by directors.

Proposed paragraph (c)(30) would require the terminating institution to include a copy of the reaffirmation resolution, a proposed new requirement set forth in proposed § 611.1235, described below. The terminating institution would add this to the plan of termination after the FCA's review period, since we would require the institution to adopt it just before mailing the plan to equity holders.

Proposed paragraph (d) contains the requirements in existing §§ 611.1220(c) and 611.1223(d)(20).

Section 611.1230—FCA Review and Approval—Plan of Termination

Existing § 611.1230 provides for our ''preliminary approval'' of the termination application, which combines our approval of the information statement to be submitted to equity holders with our preliminary approval of the termination itself. The regulation also sets forth certain conditions of final approval of the termination application—*i.e.*, approval of the termination itself—and contains a reservation of our right to disapprove the termination if, in addition to any other reason for disapproval, we determine that the termination would have a material adverse impact on the remaining System institutions to fulfill their statutory purpose.

We propose to revise this section to pertain only to our approval of the plan of termination as described in proposed § 611.1222. As provided in section 7.11(a)(1) of the Act, we state that the terminating institution may submit its plan to its equity holders if we take no action on the plan within 60 days of receiving a complete plan of termination. We will inform the institution in writing of the date on which we determine the application complete.

We also provide that our approval of the plan of termination is not our approval of the termination itself and, the plan may be subject to any condition we impose. As with all proposed corporate restructurings, we may reject a plan of termination that we determine is incomplete.

Section 611.1235—Plan of Termination—Distribution

We propose this new section regarding distribution of the plan of termination. In paragraph (a) we propose requiring your board of directors to adopt another resolution approving the termination, in order to ensure the continuing support of the board for the termination. In addition, we propose to move existing § 611.1240(c) to this section and revise it to require the terminating institution to provide the plan of termination to equity holders at least 45 days (instead of the existing regulation's 30 days) before the stockholder vote will occur. This will ensure that the voting stockholders have ample time to read and evaluate the proposal.

Section 611.1240—Voting Record Date and Stockholder Approval

Except for existing paragraph (c), which we propose to move to § 611.1235, we propose to retain existing § 611.1240 with the following revisions. In paragraph (a), we propose to require the stockholder vote to take place at least 60 days after we have approved the plan of termination (or 60 days after the end of our review period) instead of no more than 60 days after. We propose this change to ensure that voters have enough time to review and evaluate the proposal. In paragraph (c), we propose a quorum requirement of 30 percent of voting stockholders present (in person or by proxy) at the meeting. This would not require 30 percent of voting stockholders to cast a vote but would require their presence (in person or by proxy) at the meeting. We are making this proposal because we believe an issue of such importance to all equity holders should be deliberated upon by a significant number of the voting stockholders, regardless of the number who ultimately vote. In paragraph (d), we restate the requirement in section 7.10(a)(6) of the Act that a majority vote by stockholders voting in person or by proxy is needed to approve the termination.

We also propose to add a reference in new paragraph (e) to § 611.340, to clarify that the voting security regulation applies to this stockholder vote as well as § 611.330, which covers confidentiality in voting.

Section 611.1245—Stockholder Reconsideration

In this section, we propose adding a quorum requirement of at least 30 percent of voting stockholders in paragraph (b) for the same reasons we propose a quorum requirement for the original vote.

Section 611.1246—Filing of Termination Application and Its Contents

Proposed new § 611.1246 provides that, within 90 days of notifying us that voting stockholders have approved the plan of termination, a terminating institution may submit a termination application containing the following:

- The board resolutions required by §§ 611.1220 and 611.1235,
- A board certification that there has been no material change to the information in the plan of termination or information statement since FCA approval of the plan of termination, and that there have been no subsequent events that could have a material impact on the information in the information statement or the termination, and
- Any additional information that is required by the termination regulations, that we request, or that the terminating institution's board wishes to submit.

Section 611.1247—FCA Review and Approval—Termination

New § 611.1247 would provide for a separate approval of the termination application. As noted above, we are proposing to review the termination application after our review of the plan of termination required by section 7.11(a)(1) of the Act and after a stockholder vote approving the termination. We have determined that a clear separation of the two approvals will ensure the proper level of scrutiny as to the merits of the proposal apart from the adequacy of the disclosure materials. A termination is an extraordinary event with numerous, complicated ramifications that are of broad interest to equity holders, other System institutions, lawmakers and the public. The FCA's approvals require a significant devotion of time by FCA staff and involve issues not routinely addressed by staff. A separate termination application review would also allow sufficient opportunities to schedule and hold public meetings where appropriate.

In this new section, paragraph (a) states that, after we receive the termination application, we will review it and either approve or disapprove the termination. Paragraph (b) states that we will disapprove the termination if we determine that there are one or more appropriate reasons for disapproval, consistent with our statutory and regulatory authorities. We propose to delete existing § 611.1230(b), which provides that we may disapprove a termination if we determine it would have a ''material adverse effect on the ability of the remaining System institutions to fulfill their statutory purpose.'' We are proposing this deletion because of our experience last fall when a System association took some initial steps to terminate. Some members of the public were confused by this provision and incorrectly assumed it would be the only reason for us to disapprove a termination. While we are not ruling out disapproval of a termination based on its ''material adverse impact'' on the remaining System institutions, we may disapprove a termination for any appropriate reason.

There is a possibility that we could approve a plan of termination and stockholders vote in favor of a termination, and then we disapprove the termination because of the results of special studies, analyses, rulings, meetings, or for any other reason that we deem as appropriate given the specific circumstances.

Paragraph (c) sets forth conditions required for our approval of the termination, including the following:

(1) A stockholder vote and a reconsideration vote, if any, approving the termination,

(2) Submission to FCA of executed copies of all documents required for the plan of termination;

(3) The terminating institution has paid or provided for payment of debts and retirement of equities,

(4) A charter for the successor institution has been granted a Federal or State authority,

(5) The terminating institution has made the escrow payments required by § 611.1255(c), and

(6) The terminating institution has fulfilled any condition of termination we have imposed.

In proposed paragraph (d), we provide that, when we approve a termination, we will also determine an effective date for the termination. Such date could be no earlier than the last to occur of the following events: fulfillment of the conditions in paragraph (c) of this section, 90 days after we received the termination application, 15 days after any reconsideration vote, and the terminating institution's proposed termination date.

Section 611.1250—Preliminary Exit Fee Estimate and § 611.1255—Exit Fee Calculation

We propose several parallel revisions to these sections, which explain how to calculate the preliminary exit fee estimate that must be included in the plan of termination, and how to calculate the final exit fee. We add expenditures for tax services, studies, and equity holder meetings as examples of expenses an institution may incur that are related to a termination in §§ 611.1250(a)(4)(i) and 611.1255(a)(4)(i) pertaining to associations, and in §§ 611.1250(b)(5)(i)(A) and 611.1255(b)(5)(i)(A) pertaining to banks. In § 611.1250(c), which contains the 3-year look-back adjustment provision, we expressly include real property and servicing rights as assets that may be undervalued, overvalued, or not recorded on the institution's books.

We also propose expressly to require a terminating institution to include in assets any tax benefit that has arisen or will arise due to the termination. We already have discretionary authority under existing § 611.1250(c)(1)(vi) to require such an adjustment,[2] but we have decided to apply it to all terminations. This requirement will balance existing and continuing provisions allowing for the deduction of tax expenses, due to termination, from assets in the preliminary and final exit fee calculations. We note that States have a variety of tax expenses and benefits, and many System institutions operate in more than one State. We are seeking comment on whether we should limit the tax expense deductions from, and tax benefits to, assets in the exit fee calculation to Federal taxes. We are also interested in whether we should more narrowly draw the tax provision so that it includes only income taxes, or unavoidable tax expenses, or both.

In § 611.1250(c), we propose to rename the subsection ''Adjustments'' and to add the phrase ''account balances'' to paragraph (c)(1) to clarify that we may adjust any balance sheet ''assets'' whether or not a specific related ''transaction'' has occurred within the previous 3 years. We also propose to replace references to ''tax liability'' with the term ''tax expense'' to clarify that we intend to refer to both current and deferred taxes.

[2] See the preamble discussion of ''Section 611.1240—Exit Fee'' in our proposed termination rule for small associations, 55 FR 28639 (July 12, 1990).

In paragraphs (a) and (b) of both sections, we propose to remove outdated references to the FAC.

Finally, in § 611.1255(a)(4)(i), regarding a terminating association's final exit fee calculation, we remove language that sets a 12-month timeframe for which termination expenses can be added to the calculation. This change will make the calculation parallel to the existing calculation for terminating banks.

Section 611.1260—Payment of Debts and Assessments—Terminating Association

In this section, we propose to remove outdated references to the FAC.

Section 611.1265—Retirement of a Terminating Association's Investment in Its Affiliated Bank

We do not propose any amendments to this section.

Section 611.1270—Repayment of Obligations—Terminating Bank

In this section, we propose to remove outdated references to the FAC.

Section 611.1275—Retirement of Equities Held by Other System Institutions

In this section, we propose to remove outdated references to the FAC.

Section 611.1280—Dissenting Stockholder's Rights

In this section, we propose to remove outdated references to the FAC.

Section 611.1285—Loan Refinancing by Borrowers

We do not propose any changes to this section.

Section 611.1290—Continuation of Borrower Rights

We do not propose any changes to this section.

IV. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies the proposed rule will not have a significant economic impact on a substantial number of small entities. Each of the Farm Credit banks, considered with its affiliated associations, has assets and annual income over the amounts that would qualify them as small entities. Therefore, System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

For the reasons stated in the preamble, part 611 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 611—ORGANIZATION

1. The authority citation for part 611 is revised to read as follows:

Authority: Secs. 1.3, 1.13, 2.0, 2.10, 3.0, 3.21, 4.12, 4.15, 4.20, 4.21, 5.9, 5.10, 5.17, 6.9, 6.26, 7.0–7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2011, 2021, 2071, 2091, 2121, 2142, 2183, 2203, 2208, 2209, 2243, 2244, 2252, 2278a–9, 2278b–6, 2279a–2279f–1, 2279aa–5(e)); secs. 411 and 412 of Pub. L. 100–233, 101 Stat. 1568, 1638; secs. 409 and 414 of Pub. L. 100–399, 102 Stat. 989, 1003, and 1004.

2. Revise subpart P to read as follows:

Subpart P—Termination of System Institution Status

Sec.
611.1200 Applicability of this subpart.
611.1205 Definitions that apply in this subpart.
611.1210 Advance notices—commencement resolution and notice to equity holders.
611.1211 Special requirements.
611.1215 Communications with the public and equity holders.
611.1216 Public availability of documents related to the termination.
611.1217 Plain language requirements.
611.1218 Role of directors.
611.1219 Prohibited acts.
611.1220 Termination resolution.
611.1221 Submission to FCA of plan of termination and disclosure information; other required submissions.
611.1223 Plan of termination—contents.
611.1230 FCA review and approval—plan of termination.
611.1235 Plan of termination—distribution.
611.1240 Voting record date and stockholder approval.
611.1245 Stockholder reconsideration.
611.1246 Filing of termination application and its contents.
611.1247 FCA review and approval—termination.
611.1250 Preliminary exit fee estimate.
611.1255 Exit fee calculation.
611.1260 Payment of debts and assessments—terminating association.
611.1265 Retirement of a terminating association's investment in its affiliated bank.
611.1270 Repayment of obligations—terminating bank.
611.1275 Retirement of equities held by other System institutions.
611.1280 Dissenting stockholders— rights.
611.1285 Loan refinancing by borrowers.
611.1290 Continuation of borrower rights.

Subpart P—Termination of System Institution Status

§ 611.1200 Applicability of this subpart.

The regulations in this subpart apply to each bank and association that desires to terminate its System institution status and become chartered as a bank, savings association, or other financial institution.

§ 611.1205 Definitions that apply in this subpart.

Assets means all assets determined in conformity with GAAP, except as otherwise required in this subpart.

Business days means days the FCA is open for business.

Days means calendar days.

Equity holders means holders of stock, participation certificates, or other equities such as allocated equities.

GAAP means ''generally accepted accounting principles'' as that term is defined in § 621.2(c) of this chapter.

OFI means an ''other financing institution'' that has a funding and discount agreement with a Farm Credit bank under section 1.7(b)(1) of the Act.

Successor institution means the bank, savings association, or other financial institution that the terminating bank or association will become when we revoke its Farm Credit charter.

§ 611.1210 Advance notices—commencement resolution and notice to equity holders.

(a) *Adoption of commencement resolution.* Your board of directors must begin the termination process by adopting a commencement resolution stating your intention to terminate Farm Credit status under section 7.10 of the Act. Immediately after you adopt the commencement resolution, send a certified copy by overnight mail to us and to the Farm Credit System Insurance Corporation (FCSIC). If your institution is an association, also send a copy to your affiliated bank. If your institution is a bank, also send a copy to your affiliated associations, the other Farm Credit banks, and the Federal Farm Credit Banks Funding Corporation (Funding Corporation).

(b) *Advance notice.* Within 5 business days after adopting the commencement resolution, you must:

(1) Send us copies of all contracts and agreements related to the termination.

(2) Subject to paragraph (b)(2)(ii) of this section:

(i) Send an advance notice to all equity holders stating you are taking steps to terminate System status. Immediately upon mailing the notice to equity holders, you must also place it in a prominent location on your Web site. The advance notice must describe the following:

(A) The process of termination;

(B) The expected effect of termination on borrowers and other equity holders, including the effect on borrower rights and the consequences of any stock retirements before termination;

(C) The type of charter the successor institution will have; and

(D) Any bylaw creating a special class of borrower stock and participation certificates under paragraph (f) of this section.

(ii) Send us a draft of the advance notice by facsimile or electronic mail before mailing it to your equity holders. If we have not contacted you within 2 business days of our receipt of the draft notice regarding modifications, you may mail the notice to your equity holders.

(c) *Bank negotiations on joint and several liability.* If your institution is a terminating bank, within 10 days of adopting the commencement resolution, your bank and the other Farm Credit banks must begin negotiations to provide for your satisfaction of liabilities (other than your primary liability) under section 4.4 of the Act. The Funding Corporation may, at its option, be a party to the negotiations to the extent necessary to fulfill its duties with respect to financing and disclosure. The agreement must comply with the requirements in § 611.1270(c).

(d) *Disclosure to loan applicants and equity holders after commencement resolution.* Between the date your board of directors adopts the commencement resolution and the termination date, you must give the following information to your loan applicants and equity holders:

(1) For each loan applicant who is not a current stockholder, describe at the time of loan application:

(i) The effect of the proposed termination on the prospective loan; and

(ii) Whether, after the proposed termination, the borrower will continue to have any of the borrower rights provided under the Act and regulations.

(2) For any equity holders who ask to have their equities retired, explain that the retirement would extinguish the holder's right to exchange those equities for an interest in the successor institution. In addition, inform holders of equities entitled to your residual assets in liquidation that retirement before termination would extinguish their right to dissent from the termination and have their equities retired.

(e) *Terminating bank's right to continue issuing debt.* Through the termination date, a terminating bank may continue to participate in the issuance of consolidated and Systemwide obligations to the same extent it would be able to participate if it were not terminating.

(f) *Special class of stock.* Notwithstanding any requirements to

the contrary in § 615.5230(b) of this chapter, you may adopt bylaws providing for the issuance of a special class of stock and participation certificates between the date of adoption of a commencement resolution and the termination date. Your voting stockholders must approve the special class before you adopt the commencement resolution. The equities must comply with section 4.3A of the Act and be identical in all respects to existing classes of equities that are entitled to the residual assets of the institution in a liquidation, except for the value a holder will receive in a termination. In a termination, the holder of the special class of stock receives value equal to the lower of either par (or face) value, or the value calculated under § 611.1280(c) and (d). A holder must have the same right to vote (if the equity is held on the voting record date) and to dissent as holders of similar equities issued before the commencement resolution. If the termination does not occur, the special classes of stock and participation certificates must automatically convert into shares of the otherwise identical equities.

§ 611.1211 Special requirements.

(a) *Special assessments, analyses, studies, and rulings.* At any time after we receive your commencement resolution, and as we deem necessary or useful to evaluate your proposal, we may require you to engage independent experts, acceptable to us, to conduct assessments, analyses, or studies, or to request rulings, including, but not limited to:

(1) Assessments of fair value;

(2) Analyses and rulings on tax implications; and

(3) Studies of the effect of your proposal on equity holders (including the effect on holders in their capacity as borrowers), the System, and other parties.

(b) *Informational meetings.* After the advance notice, but before the stockholder vote, we may require you to hold regional or local informational meetings in convenient locations, at convenient times, and in a manner conducive to accommodating all equity holders that wish to attend, to discuss equity holder issues and answer questions. These meetings are subject to the plain language requirements of § 611.1217(b) regarding balanced statements.

§ 611.1215 Communications with the public and equity holders.

(a) *Communications after commencement resolution and before termination.* The terminating institution may communicate with equity holders and the public regarding the proposed termination, as long as written communications (other than non-public communications among participants, *i.e.*, persons or entities that are parties to a proposed corporate restructuring involving the successor institution, or their agents) made in connection with or relating to the proposed termination and any related transactions are filed in accordance with paragraph (c) of this section and the conditions in this section are satisfied.

(b) To rely on this section, you must include the following legend in each communication in a prominent location:

> Equity holders should read the plan of termination that they have received or will receive (as appropriate) because it contains important information, including an enumerated statement of the anticipated benefits and potential disadvantages of the proposal.

(c) All your written communications and all written communications by your directors, employees, and agents in connection with or relating to the proposed termination or any related transactions must be filed with us under this section on or before the date of first use.

(d) We will require you to correct communications that we deem are misleading or inaccurate.

(e) In addition to the filings we require under paragraph (c), we may require you to file timely any written communications you have knowledge of that are made by any other participants or their agents in connection with or related to the proposed termination or to any transaction related to the proposed termination.

(f) An immaterial or unintentional failure to file or a delay in filing a written communication described in this section will not result in a violation of this section, as long as:

(1) A good faith and reasonable effort was made to comply with the filing requirement; and

(2) The written communication is filed as soon as practicable after discovery of the failure to file.

(g) Communications that exist in electronic form must be filed electronically with the FCA as we direct. For communications that do not exist in electronic form, you must timely notify us by electronic mail and send us a copy by regular mail.

(h) You do not need to file a written communication that does not contain new or different information from that which you have previously publicly disclosed and filed under this section.

§ 611.1216 Public availability of documents related to the termination.

(a) We may post on our Web site, or require you to post on your Web site:

(1) Results of any special assessments, analyses, studies, and rulings required under § 611.1211;

(2) Documents you submit to us or file with us under § 611.1215; and

(3) Documents you submit to us under section 7.11 of the Act that are related directly or indirectly to the proposed termination, including but not limited to contracts entered into in connection with or relating to the proposed termination and any related transactions.

(b) We will not post confidential information on our Web site and will not require you to post it on your Web site.

(c) You may request that we treat specific information as confidential under the Freedom of Information Act, 5 U.S.C. 552 (see 12 CFR part, 602 subpart B). You should draft your request for confidential treatment narrowly to extend only to those portions of a document you consider to be confidential. If you request confidential treatment for information that we do not consider to be confidential, we may post that information on our Web site after providing notice to you. On our own initiative, we may determine that certain information should be treated as confidential and, if so, we will not make that information public.

§ 611.1217 Plain language requirements.

(a) *Plain language presentation.* All communications to equity holders required under §§ 611.1210, 611.1223, 611.1240, and 611.1280 must be clear, concise, and understandable. You must:

(1) Use short, explanatory sentences, bullet lists or charts where helpful, and descriptive headings and subheadings;

(2) Minimize the use of glossaries or defined terms;

(3) Write in the active voice when possible; and

(4) Avoid legal and highly technical business terminology.

(b) *Balanced statements.* Communications to equity holders that describe or enumerate anticipated benefits of the proposed termination should also describe or enumerate the potential disadvantages to the same degree of detail.

§ 611.1218 Role of directors.

(a) *Statements by directors.* Directors may not be prohibited by confidentiality agreements or otherwise from publicly or privately commenting orally or in writing on the termination proposal and related matters.

(b) *Directors' right to obtain independent legal advice.* One or more directors of a terminating institution or an institution that is considering terminating have the right to obtain independent legal and financial advice regarding the proposed termination and related transactions. The institution must pay for such advice and related expenses as are reasonable in light of the circumstances.

§ 611.1219 Prohibited acts.

(a) *Statements about termination.* Neither the institution nor any director, officer, employee, or agent may make any untrue or misleading statement of a material fact, or fail to disclose any material fact, to the FCA or a current or prospective equity holder about the proposed termination and any related transactions.

(b) *Representations regarding FCA approval.* Neither the institution nor any director, officer, employee, or agent may make an oral or written representation to anyone that our approval of the plan of termination or the termination is, directly or indirectly, either a recommendation on the merits of the proposal or an assurance that the information you give to your equity holders is adequate or accurate.

§ 611.1220 Termination resolution.

No more than 1 week before you submit your plan of termination to us, your board of directors must adopt a termination resolution stating its support for terminating your status as a System institution and authorizing:

(a) Submission to us of a plan of termination and other required submissions that comply with § 611.1222; and

(b) Submission of the plan of termination to the voting stockholders if we approve the plan of termination under § 611.1230 or, if we take no action, after the end of our approval period.

§ 611.1221 Submission to FCA of plan of termination and disclosure information; other required submissions.

(a) *Filing.* Send us an original and five copies of the plan of termination, including the disclosure information, and other required submissions. You may not file the plan of termination until at least 30 days after you mail the equity holder notice under § 611.1210(b). If you send us the plan of termination in electronic form, you must send us at least one hard copy with original signatures.

(b) *Plan contents.* The plan of termination must include your equity holder disclosure information that complies with § 611.1223.

(c) *Other submissions.* You must also submit the following:

(1) A statement of how you will transfer assets to, and have your liabilities assumed by, the successor institution;

(2) A copy of the charter application for the successor institution, with any exhibits or other supporting information; and

(3) A statement, if applicable, whether the successor institution will continue to borrow from a Farm Credit bank and how such a relationship will affect your provision for payment of debts. You must also provide evidence of any agreement and plan for satisfaction of outstanding debts.

§ 611.1223 Plan of termination—contents.

(a) *Disclaimer.* Place the following statement in boldface type in the material to be sent to equity holders, either on the notice of meeting or the first page of the plan of termination:

> The Farm Credit Administration has not determined if this information is accurate or complete. You should not rely on any statement to the contrary.

(b) *Summary.* The first part of the plan of termination must be a summary that concisely explains:

(1) Which stockholders have a right to vote on the termination and related transactions;

(2) The material changes the termination will cause to the rights of borrowers and other equity holders;

(3) The effect of those changes;

(4) The anticipated benefits and potential disadvantages of the termination;

(5) The right of certain equity holders to dissent and receive payment for their existing equities; and

(6) The estimated termination date.

(7) If applicable, an explanation of any corporate restructuring that the successor institution expects to engage in within 18 months after the date of termination.

(c) *Remaining requirements.* You must also disclose the following information to equity holders:

(1) *Termination resolution.* Provide a certified copy of the termination resolution required under § 611.1220.

(2) *Plan of termination.* Summarize the plan of termination.

(3) *Benefits and disadvantages.* Provide an enumerated statement of the anticipated benefits and potential disadvantages of the termination.

(4) *Recommendation.* Explain the board's basis for recommending the termination.

(5) *Exit fee.* Explain the preliminary exit fee estimate, with any adjustments we require, and estimated expenses of termination and organization of the successor institution.

(6) *Initial board of directors.* List the initial board of directors and senior officers for the successor institution, with a brief description of the business experience of each person, including principal occupation and employment during the past 5 years.

(7) *Relevant contracts and agreements.* Include copies of all contracts and agreements related to the termination, including any proposed contracts in connection with the termination and subsequent operations of the successor institution. The FCA may, in its discretion, permit or require you to provide a summary or summaries of the documents in the disclosure information to be submitted to equity holders instead of copies of the documents.

(8) *Bylaws and charter.* Summarize the provisions of the bylaws and charter of the successor institution that differ materially from your bylaws and charter. The summary must state:

(i) Whether the successor institution will require a borrower to hold an equity interest as a condition for having a loan; and

(ii) Whether the successor institution will require equity holders to do business with the institution.

(9) *Changes to equity.* Explain any changes in the nature of equity investments in the successor institution, such as changes in dividends, patronage, voting rights, preferences, retirement of equities, and liquidation priority. If equities protected under section 4.9A of the Act are outstanding, the plan of termination must state that the Act's protections will be extinguished on termination.

(10) *Effect of termination on statutory and regulatory rights.* Explain the effect of termination on rights granted to equity holders by the Act and FCA regulations. You must explain the effect termination will have on borrower rights granted in the Act and part 617 of this chapter.

(11) *Loan refinancing by borrowers.* (i) State, as applicable, that borrowers may seek to refinance their loans with the System institutions that already serve, or will be permitted to serve, your territory. State that no System institution is obligated to refinance your loans.

(ii) If we have assigned the chartered territory you serve to another System institution before the plan of termination is mailed to equity holders, or if another System institution is already chartered to make the same type of loans you make in the chartered

territory, identify such institution(s) and provide the following information:

(A) The name, address, and telephone number of the institution; and

(B) An explanation of the institution's procedures for borrowers to apply for refinancing.

(iii) If we have not assigned the territory before you mail the plan of termination, give the name, address, and telephone number of the System institution specified by us and state that borrowers may contact the institution for information about loan refinancing.

(12) *Equity exchanges.* Explain the formula and procedure to exchange equity in your institution for equity in the successor institution.

(13) *Employment, retirement, and severance agreements.* Describe any employment agreement or arrangement between the successor institution (or any entity that will directly or indirectly merge with or acquire the successor institution) and any of your senior officers (as defined in § 619.9265 of this chapter) or directors. Describe any severance and retirement plans that cover your employees or directors and state the costs you expect to incur under the plans in connection with the termination.

(14) *Final exit fee and its calculation.* Explain how the final exit fee will be calculated under § 611.1255 and how it will be paid.

(15) *New charter.* Describe the nature and type of financial institution the successor institution will be and any conditions of approval of the new chartering authority or regulator.

(16) *Differences in successor institution's programs and policies.* Summarize any differences between you and the successor institution on:

(i) Interest rates and fees;

(ii) Collection policies;

(iii) Services provided; and

(iv) Any other item that would affect a borrower's lending relationship with the successor institution, including whether a stockholder's ability to borrow from the institution will be restricted.

(17) *Capitalization.* Discuss expected capital requirements of the successor institution, and the amount and method of capitalization.

(18) *Sources of funding.* Explain the sources and manner of funding for the successor institution's operations.

(19) *Contingent liabilities.* Describe how the successor institution will address any contingent liability it will assume from you.

(20) *Tax status.* Summarize the differences in tax status between your institution and the successor institution, and explain how the differences may affect equity holders.

(21) *Regulatory environment.* Describe briefly how the regulatory environment for the successor institution will differ from your current regulatory environment, and any effect on the cost of doing business or the value of stockholders' equity.

(22) *Dissenters' rights.* Explain which equity holders are entitled to dissenters' rights and what those rights are. The explanation must include the estimated liquidation value of the stock, procedures for exercising dissenters' rights, and a statement of when the rights may be exercised.

(23) *Financial information.* (i) Present the following financial data:

(A) A balance sheet and income statement for each of the 3 preceding fiscal years;

(B) A balance sheet as of a date within 90 days of the date you send the plan of termination to us, presented on a comparative basis with the corresponding period of the previous 2 fiscal years;

(C) An income statement for the interim period between the end of the last fiscal year and the date of the balance sheet required by paragraph (d)(23)(i)(B) of this section, presented on a comparative basis with the corresponding period of the previous 2 fiscal years;

(D) A pro forma balance sheet of the successor institution presented as if termination had occurred as of the date of the most recent balance sheet presented in the statement; and

(E) A pro forma summary of earnings for the successor institution presented as if the termination had been effective at the beginning of the interim period between the end of the last fiscal year and the date of the balance sheet presented under paragraph (d)(23)(i)(D) of this section.

(ii) The format for the balance sheet and income statement must be the same as the format in your annual report and must contain appropriate footnote disclosures, including data on high-risk assets, other property owned, and allowance for losses.

(iii) The financial statements must include either:

(A) A statement signed by the chief executive officer and each board member that the various financial statements are unaudited but have been prepared in all material respects in conformity with GAAP (except as otherwise disclosed) and are, to the best of each signer's knowledge, a fair and accurate presentation of the financial condition of the institution; or

(B) A signed opinion by an independent certified public accountant that the various financial statements have been examined in conformity with generally accepted auditing standards and included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances, and, as of the date of the statements, present fairly the financial position of the institution in conformity with GAAP applied on a consistent basis, except as otherwise disclosed.

(24) *Subsequent financial events.* Describe any event after the date of the financial statements, but before the date you send the plan of termination to us, that would have a material impact on your financial condition or the condition of the successor institution.

(25) *Other subsequent events.* Describe any event after you send the plan of termination to us that could have a material impact on any information in the plan of termination.

(26) *Other material disclosures.* Describe any other material fact or circumstance that a stockholder would need to know to make an informed decision on the termination, or that is necessary to make the disclosures not misleading. We may require you to disclose any assessments, analyses, studies, or rulings we require under § 611.1211.

(27) *Ballot and proxy.* Include a ballot and proxy, with instructions on the purpose and authority for their use, and the proper method for the stockholder to sign the proxy.

(28) *Board of directors certification.* Include a certification signed by the entire board of directors as to the truth, accuracy, and completeness of the information contained in the plan of termination. If any director refuses to sign the certification, the director must inform us of the reasons for refusing.

(29) *Directors' statements.* You must include statements, if any, by directors regarding the proposed termination.

(30) *Reaffirmation resolution.* Provide a copy of the reaffirmation resolution required by § 611.1235.

(d) *Requirement to provide updated information.* After you send us the plan of termination, you must immediately send us:

(1) Any material change to information in the plan of termination, including financial information, that occurs between the date you file the plan of termination and the termination date;

(2) Copies of any additional written information on the termination that you have given or give to current or prospective equity holders before termination; and

(3) A description of any subsequent event(s) that could have a material

impact on any information in the plan of termination or on the termination.

§ 611.1230 FCA review and approval—plan of termination.

(a) *FCA review period.* No later than 60 days after we receive the plan of termination, we will review it and either approve or disapprove the plan for submission to your equity holders. If we take no action on the plan of termination within 60 days, you may submit the plan to your equity holders. The 60-day review period under section 7.11 of the Act will begin on the date we receive a complete plan of termination. We will advise you in writing when the 60-day period begins.

(b) *FCA approval of the plan of termination.* Our approval of the plan of termination for submission to your equity stockholders:

(1) Is not our approval of the termination; and

(2) May be subject to any condition we impose.

§ 611.1235 Plan of termination—distribution.

(a) *Reaffirmation resolution.* Not more than 14 days before mailing the plan of termination to your equity holders, your board of directors must adopt, by a majority vote of all directors, a resolution reaffirming support of the termination. A certified copy of the resolution must be sent to us and must accompany the plan of termination when it is distributed to stockholders.

(b) *Notice of meeting and distribution of plan.* You must provide all equity holders with a notice of meeting and the plan of termination at least 45 days before the stockholder vote. You must also provide a copy of the plan to us when you provide it to your equity holders.

§ 611.1240 Voting record date and stockholder approval.

(a) *Stockholder meeting.* You must call the meeting by written notice in compliance with your bylaws. The stockholder meeting to vote on the termination must occur at least 60 days after our approval of the plan of termination (or, if we take no action, at least 60 days after the end of our approval period).

(b) *Voting record date.* The voting record date may not be more than 70 days before the stockholders' meeting.

(c) *Quorum requirement for termination vote.* At least 30 percent, unless your bylaws provide for a higher quorum, of the voting stockholders of the institution must be present at the meeting either in person or by proxy in order to hold the vote on the termination.

(d) *Approval requirement.* The affirmative vote of a majority of the voting stockholders of the institution present and voting or voting by proxy at the duly authorized meeting at which a quorum is present as prescribed in paragraph (c) of this section is required for approval of the termination.

(e) *Voting procedures.* The voting procedures must comply with §§ 611.330 and 611.340. You must have an independent third party count the ballots. If a voting stockholder notifies you of the stockholder's intent to exercise dissenters' rights, the tabulator must be able to verify to you that the stockholder voted against the termination. Otherwise, the votes of stockholders must remain confidential.

(f) *Notice to FCA and equity holders of voting results.* Within 10 days of the termination vote, you must send us a certified record of the results of the vote. You must notify all equity holders of the results within 30 days after the stockholder meeting. If the stockholders approve the termination, you must give the following information to equity holders:

(1) Stockholders who voted against termination and equity holders who were not entitled to vote have a right to dissent as provided in § 611.1280; and

(2) Voting stockholders have a right, under § 611.1245, to file a petition with the FCA for reconsideration within 35 days after the date you mail to them the notice of the results of the termination vote.

(g) *Requirement to notify new equity holders.* You must provide the information described in paragraph (f)(1) of this section to each person that becomes an equity holder after the termination vote and before termination.

§ 611.1245 Stockholder reconsideration.

(a) *Right to reconsider termination.* Voting stockholders have the right to reconsider their approval of the termination if a petition signed by at least 15 percent of the voting stockholders is filed with us within 35 days after you mail notices to stockholders that the termination was approved. If we determine that the petition complies with the requirements of section 7.9 of the Act, you must call a special stockholders' meeting to reconsider the vote. The meeting must occur within 60 days after the date on which you mailed to stockholders the results of the termination vote.

(b) *Quorum requirement for termination reconsideration vote.* At least 30 percent, unless your bylaws provide for a higher quorum, of the voting stockholders of the institution must be present at the stockholders' meeting either in person or by proxy in order to hold the reconsideration vote. If a majority of the voting stockholders voting in person or by proxy vote against the termination, the termination may not take place.

(c) *Stockholder list and expenses.* You must, at your expense, timely give stockholders who request it a list of the names and addresses of stockholders eligible to vote in the reconsideration vote. The petitioners must pay all other expenses for the petition. You must pay expenses that you incur for the reconsideration vote.

§ 611.1246 Filing of termination application and its contents.

(a) *Filing of termination application.* Send us your termination application no later than 90 days after you send us notice of the stockholder vote approving the termination. Please send us an original and five copies of the termination application for review and approval. If you send us the termination application in electronic form, you must send us at least one hard copy with original signatures.

(b) *Contents of termination application.* The application must contain:

(1) A certified copy of the termination and reaffirmation resolutions;

(2) A certification signed by the board of directors that the board continues to support the termination, there has been no material change to any of the information contained in the plan of termination or information statement after the FCA approved the plan of termination, and there have not been any subsequent events that could have a material impact on any of the information in the plan of termination or the termination; and

(3) Any additional information that is required under this subpart, that we request or that your board of directors wishes to submit in support of the application.

§ 611.1247 FCA review and approval—termination.

(a) *FCA action on application.* After we receive the termination application, we will review it and either approve or disapprove the termination.

(b) *Basis for disapproval.* We will disapprove the termination if we determine that there are one or more appropriate reasons for disapproval consistent with our authorities under the Act and our regulations. We will inform you of our reason(s) for disapproval in writing.

(c) *Conditions of FCA approval.* We will approve your termination application only if:

(1) Your stockholders have voted in favor of termination in the termination vote and in any reconsideration vote;

(2) You have given us executed copies of all contracts, agreements, and other documents submitted under §§ 611.1221 and 611.1223;

(3) You have paid or made adequate provision for payment of debts, including responsibility for any contingent liabilities, and for retirement of equities;

(4) A Federal or State chartering authority has granted a new charter to the successor institution;

(5) You deposit into escrow an amount equal to 110 percent of the estimated exit fee plus 110 percent of the estimated amount you must pay to retire equities of dissenting stockholders and Farm Credit institutions, as described in § 611.1255(c); and

(6) You have fulfilled any condition of termination we impose.

(d) *Effective date of termination.* If we approve the termination, we will revoke your charter, and the termination will be effective on the date that we provide, but no earlier than the last to occur of:

(1) Fulfillment of all conditions listed in or imposed under paragraph (c) of this section;

(2) Your proposed termination date;

(3) Ninety (90) days after we receive your termination application described in § 611.1246; or

(4) Fifteen (15) days after any reconsideration vote.

§ 611.1250 Preliminary exit fee estimate.

(a) *Preliminary exit fee estimate—terminating association.* You must provide a preliminary exit fee estimate to us when you submit the plan of termination under § 611.1222. Calculate the preliminary exit fee estimate in the following order:

(1) Base your exit fee calculation on the average daily balances of assets and liabilities for the 12-month period as of the quarter end immediately before the date you send us your plan of termination.

(2) Any amounts we refer to in this section are average daily balances unless we specify that they are not. Amounts that are not average daily balances will be referred to as ''dollar amount.''

(3) Compute the average daily balances based on financial statements that comply with GAAP. The financial statements, as of the quarter end immediately before the date you send us your plan of termination, must be independently audited by a qualified public accountant, as defined in § 621.2(i) of this chapter. We may, in our discretion, waive the audit requirement if an independent audit was performed as of a date less than 6 months before you submit the plan of termination.

(4) Make adjustments to assets as follows:

(i) Add back expenses you have incurred related to termination. Related expenses include, but are not limited to, legal services, accounting services, tax services, studies, auditing, business planning, equity holder meetings, and application fees for the termination and reorganization.

(ii) Subtract the dollar amount of estimated current and deferred tax expenses, if any, due to the termination.

(iii) Add the dollar amount of estimated current and deferred tax benefits, if any, due to the termination.

(iv) Adjust for the dollar amount of significant transactions you reasonably expect to occur between the quarter end before you file your plan of termination and date of termination. Examples of these transactions include, but are not limited to, gains or losses on the sale of assets, retirements of equity, loan repayments, and patronage distributions. Do not make adjustments for future expenses related to termination, such as severance or special retirement payments, or stock retirements to dissenting stockholders and Farm Credit institutions.

(5) Subtract from liabilities any liability that we treat as regulatory capital under the capital or collateral requirements in subparts H and K of part 615 of this chapter.

(6) Make any adjustments we require under paragraph (c) of this section.

(7) After making these adjustments to assets and liabilities, subtract liabilities from assets. This is your preliminary total capital for purposes of termination.

(8) Multiply assets as adjusted above by 6 percent, and subtract this amount from preliminary total capital. This is your preliminary exit fee estimate.

(b) *Preliminary exit fee estimate–terminating bank.* (1) Affiliated associations that are terminating with you must calculate their individual preliminary exit fee estimates as described in paragraph (a) of this section.

(2) Base your exit fee calculation on the average daily balances of assets and liabilities for the 12-month period as of the quarter end immediately before the date you send us your plan of termination.

(3) Any amounts we refer to in this section are average daily balances unless we specify that they are not. Amounts that are not average daily balances will be referred to as ''dollar amount.''

(4) Compute the average daily balances based on bank-only financial statements that comply with GAAP. The financial statements, as of the quarter end immediately before the date you send us your plan of termination, must be independently audited by a qualified public accountant, as defined in § 621.2(i) of this chapter. We may, in our discretion, waive this requirement if an independent audit was performed as of a date less than 6 months before you submit the plan of termination.

(5) Make adjustments to assets and liabilities as follows:

(i) Add back to assets the following:

(A) Expenses you have incurred related to termination. Related expenses include, but are not limited to, legal services, accounting services, tax services, studies, auditing, business planning, equity holder meetings, and application fees for the termination and reorganization; and

(B) Any specific allowance for losses, and a pro rata portion of any general allowance for loan losses, on direct loans to associations that you do not expect to incur before or at termination.

(ii) Subtract from your assets and liabilities an amount equal to your direct loans to your affiliated associations that are not terminating.

(iii) Subtract the following from assets:

(A) Equity investments in your institution that are held by nonterminating associations and that you expect to transfer to another System bank before or at termination. A nonterminating association's investment consists of purchased equities, allocated equities, and a share of the bank's unallocated surplus calculated in accordance with the bank's bylaw provisions on liquidation. We may require a different calculation method for the unallocated surplus if we determine that using the liquidation provision would be inequitable to stockholders; and

(B) The dollar amount of estimated current and deferred tax expenses, if any, due to the termination.

(iv) Add the dollar amount of current and deferred estimated tax benefits, if any, due to the termination.

(v) Subtract from liabilities any liability that we treat as regulatory capital under the capital or collateral requirements in subparts H and K of part 615 of this chapter.

(vi) Adjust for the dollar amount of significant transactions you reasonably expect to occur between the quarter end before you file your plan of termination and date of termination. Examples of these transactions include, but are not limited to, retirements of equity, loan

repayments, and patronage distributions. Do not make adjustments for future expenses related to termination, such as severance or special retirement payments, or stock retirements to dissenting stockholders and Farm Credit institutions.

(6) Make any adjustments we require under paragraph (c) of this section.

(7) After the above adjustments, combine your balance sheet with the balance sheets of your terminating associations after they have made the adjustments required in paragraph (a) of this section. Subtract liabilities from assets. This is your preliminary total capital estimate for purposes of termination.

(8) Multiply the assets of the combined balance sheet after the above adjustments by 6 percent. Subtract this amount from the preliminary total capital estimate of the combined balance sheet. The remainder is the preliminary exit fee estimate of the bank and terminating affiliated associations.

(9) Your preliminary exit fee estimate is the amount by which the preliminary exit fee estimate for the combined entity exceeds the total of the individual preliminary exit fee estimates of your affiliated terminating associations.

(c) *Adjustments.* (1) We will review your account balances, transactions over the 3 years before the date of the termination resolution under § 611.1220, and any subsequent transactions. Our review will include, but not be limited to, the following:

(i) Additions to or subtractions from any allowance for losses;

(ii) Additions to assets or liabilities, or subtractions from assets or liabilities, due to transactions that are outside your ordinary course of business;

(iii) Dividends or patronage refunds exceeding your usual practices;

(iv) Changes in the institution's capital plan, or in implementing the plan, that increased or decreased the level of borrower investment;

(v) Contingent liabilities, such as loss-sharing obligations, that can be reasonably quantified; and

(vi) Assets, including real property and servicing rights, that may be overvalued, undervalued, or not recorded on your books.

(2) If we determine the account balances do not accurately show the value of your assets and liabilities (whether the assets and liabilities were booked before or during the 3-year look-back adjustment period), we will make any adjustments we deem necessary.

(3) We may require you to reverse the effect of a transaction if we determine that:

(i) You have retired capital outside the ordinary course of business;

(ii) You have taken any other actions unrelated to your core business that have the effect of changing the exit fee; or

(iii) You incurred expenses related to termination prior to the 12-month average daily balance period on which the exit fee calculation is based.

(4) We may require you to make these adjustments to the preliminary exit fee estimate that is disclosed in the information statement, the final exit fee calculation, and the calculations of the value of equities held by dissenting stockholders, Farm Credit institutions that choose to have their equities retired at termination, and reaffiliating associations.

§ 611.1255 Exit fee calculation.

(a) *Final exit fee calculation—terminating association.* Calculate the final exit fee in the following order:

(1) Base your exit fee calculation on the average daily balances of assets and liabilities for the 12-month period preceding the termination date. Assume for this calculation that you have not paid or accrued the items described in paragraph (a)(4)(ii) of this section.

(2) Any amounts we refer to in this section are average daily balances unless we specify that they are not. Amounts that are not average daily balances will be referred to as ''dollar amount.''

(3) Compute the average daily balances based on financial statements that comply with GAAP. The financial statements, as of the termination date, must be independently audited by a qualified public accountant, as defined in § 621.2(i) of this chapter.

(4) Make adjustments to assets and liabilities as follows:

(i) Add back expenses related to the termination. Related expenses include, but are not limited to, legal services, accounting services, tax services, studies, auditing, business planning, payments of severance and special retirements, equity holder meetings, and application fees for the termination and reorganization.

(ii) Subtract from assets the dollar amount of current and deferred tax expenses, if any, due to the termination.

(iii) Add to assets the dollar amount of current and deferred tax benefits, if any, due to the termination.

(iv) Subtract from liabilities any liability that we treat as regulatory capital under the capital or collateral requirements in subparts H and K of part 615 of this chapter.

(v) Make the adjustments that we require under § 611.1250(c). For the final exit fee, we will review and may require additional adjustments for transactions between the date you adopted the termination resolution and the termination date.

(5) After making these adjustments to assets and liabilities, subtract liabilities from assets. This is your total capital for purposes of termination.

(6) Multiply assets by 6 percent, and subtract this amount from total capital. This is your final exit fee.

(b) *Final exit fee calculation—terminating bank.* (1) The individual exit fees of affiliated associations that are terminating with you must be calculated as described in paragraph (a) of this section.

(2) Base your exit fee calculation on the average daily balances of assets and liabilities for the 12-month period preceding the termination date. Assume for this calculation that you have not paid or accrued the items described in paragraph (b)(5)(iii)(B) and (C) of this section.

(3) Any amounts we refer to in this section are average daily balances unless we specify that they are not. Amounts that are not average daily balances will be referred to as ''dollar amount.''

(4) Compute the average daily balances based on bank-only financial statements that comply with GAAP. The financial statements, as of the termination date, must be independently audited by a qualified public accountant, as defined in § 621.2(i) of this chapter.

(5) Make adjustments to assets and liabilities as follows:

(i) Add back the following to your assets:

(A) Expenses you have incurred related to termination. Related expenses include, but are not limited to, legal services, accounting services, tax services, studies, auditing, business planning, payments of severance and special retirements, equity holder meetings, and application fees for the termination and reorganization.

(B) Any specific allowance for losses, and a pro rata share of any general allowance for losses, on direct loans to associations that are paid off or transferred before or at termination.

(ii) Subtract from your assets and liabilities your direct loans to affiliated associations that were paid off or transferred in the 12-month period before termination or at termination.

(iii) Subtract from your assets the following:

(A) Equity investments held in your institution by affiliated associations that you transferred at termination or during the 12 months before termination; and

(B) The dollar amount of current and deferred tax expenses, if any, due to the termination;

(iv) Add to assets, the dollar amount of estimated current and deferred tax benefits, if any, due to the termination.

(v) Subtract from liabilities any liability that we treat as regulatory capital (or that we do not treat as a liability) under the capital or collateral requirements in subparts H and K of part 615 of this chapter.

(vi) Make the adjustments that we require under § 611.1250(c). For the final exit fee, we will review and may require additional adjustments for transactions between the date you adopted the termination resolution and the termination date.

(6) After the above adjustments, combine your balance sheet with the balance sheets of terminating associations after making the adjustments required in paragraph (a) of this section.

(7) Subtract combined liabilities from combined assets. This is the total capital of the combined balance sheet.

(8) Multiply the assets of the combined balance sheet after the above adjustments by 6 percent. Subtract this amount from the total capital of the combined balance sheet. This amount is the combined final exit fee for your institution and the terminating affiliated associations.

(9) Your final exit fee is the amount by which the combined final exit fee exceeds the total of the individual final exit fees of your affiliated terminating associations.

(c) *Payment of exit fee.* On the termination date, you must:

(1) Deposit into an escrow account acceptable to us and the FCSIC an amount equal to 110 percent of the preliminary exit fee estimate, adjusted to account for stock retirements to dissenting stockholders and Farm Credit institutions, and any other adjustments we require.

(2) Deposit into an escrow account acceptable to us an amount equal to 110 percent of the equity you must retire for dissenting stockholders and System institutions holding stock that would be entitled to a share of the remaining assets in a liquidation.

(d) *Pay-out of escrow.* Following the independent audit of the institution's account balances as of the termination date, we will determine the amount of the final exit fee and the amounts owed to stockholders to retire their equities. We will then direct the escrow agent to:

(1) Pay the exit fee to the Farm Credit Insurance Fund;

(2) Pay the amounts owed to dissenting stockholders and Farm Credit institutions; and

(3) Return any remaining amounts to the successor institution.

(e) *Additional payment.* If the amount held in escrow is not enough to pay the amounts under paragraph (d)(1) and (d)(2) of this section, the successor institution must pay any remaining liability to the escrow agent for distribution to the appropriate parties. The termination application must include evidence that, after termination, the successor institution will pay any remaining amounts owed.

§ 611.1260 Payment of debts and assessments—terminating association.

(a) *General rule.* If your institution is a terminating association, you must pay or make adequate provision for the payment of all outstanding debt obligations and assessments.

(b) *No OFI relationship.* If the successor institution will not become an OFI, you must either:

(1) Pay debts and assessments owed to your affiliated Farm Credit bank at termination; or

(2) With your affiliated Farm Credit bank's concurrence, arrange to pay any obligations or assessments to the bank after termination.

(c) *Obligations to other Farm Credit institutions.* You must pay or make adequate provision for payment of obligations to any Farm Credit institution (other than your affiliated bank) under any loss-sharing or other agreement.

§ 611.1265 Retirement of a terminating association's investment in its affiliated bank.

(a) *Safety and soundness restrictions.* Notwithstanding anything in this subpart to the contrary, we may prohibit a bank from retiring the equities you hold in the bank if the retirement would cause the bank to fall below its regulatory capital requirements after retirement, or if we determine that the bank would be in an unsafe or unsound condition after retirement.

(b) *Retirement agreement.* Your affiliated bank may retire the purchased and allocated equities held by your institution in the bank according to the terms of the bank's capital revolvement plan or an agreement between you and the bank.

(c) *Retirement in absence of agreement.* Your affiliated bank must retire any equities not subject to an agreement or revolvement plan no later than when you or the successor institution pays off your loan from the bank.

(d) *No retirement of unallocated surplus.* When your bank retires equities you own in the bank, the bank must pay par or face value for purchased and allocated equities, less any impairment. The bank may not pay you any portion of its unallocated surplus.

(e) *Exclusion of equities from capital ratios.* If another Farm Credit institution makes an agreement to retire equities you hold in that institution after termination, we may require that institution to exclude part or all of those equities from assets and capital when the institution calculates its capital and net collateral ratios under subparts H and K of part 615 of this chapter.

§ 611.1270 Repayment of obligations—terminating bank.

(a) *General rule.* If your institution is a terminating bank, you must pay or make adequate provision for the payment of all outstanding debt obligations, and provide for your responsibility for any probable contingent liabilities identified.

(b) *Satisfaction of primary liability on consolidated or Systemwide obligations.* After consulting with the other Farm Credit banks, the Funding Corporation, and the FCSIC, you must pay or make adequate provision for payment of your primary liability on consolidated or Systemwide obligations in a method that we deem acceptable. Before we make a final decision on your proposal and as we deem necessary, we may consult with the other Farm Credit banks, the Funding Corporation, and the FCSIC.

(c) *Satisfaction of joint and several liability and liability for interest on individual obligations.* (1) You and the other Farm Credit banks must enter into an agreement, which is subject to our approval, covering obligations issued under section 4.2 of the Act and outstanding on the termination date. The agreement must specify how you and your successor institution will make adequate provision for the payment of your joint and several liability to holders of obligations other than those obligations on which you are primarily liable, in the event we make calls for payment under section 4.4 of the Act. You and your successor institution must also provide for your liability under section 4.4(a)(1) of the Act to pay interest on the individual obligations issued by other System banks. As a part of the agreement, you must also agree that your successor institution will provide ongoing information to the Funding Corporation to enable it to fulfill its funding and disclosure duties. The Funding Corporation may, at its option, be a

party to the agreement to the extent necessary to fulfill its duties with respect to financing and disclosure.

(2) If you and the other Farm Credit banks are unable to reach agreement within 90 days before the proposed termination date, we will specify the manner in which you will make adequate provision for the payment of the liabilities in question and how we will make joint and several calls for those obligations outstanding on the termination date.

(3) Notwithstanding any other provision in these regulations, the successor institution will be jointly and severally liable for consolidated and Systemwide debt outstanding on the termination date (other than the obligations on which you are primarily liable). The successor institution will also be liable for interest on other banks' individual obligations as described in section 4.4(a)(1) of the Act and outstanding on the termination date. The termination application must include evidence that the successor institution will continue to be liable for consolidated and Systemwide debt and for interest on other banks' individual obligations.

§ 611.1275 Retirement of equities held by other System institutions.

(a) *Retirement at option of equity holder.* If your institution is a terminating institution, System institutions that own your equities have the right to require you to retire the equities on the termination date.

(b) *Value of equity holders' interests.* You must retire the equities in accordance with the liquidation provisions in your bylaws unless we determine that the liquidation provisions would result in an inequitable distribution to stockholders. If we make such a determination, we will require you to distribute the equity in accordance with another method that we deem equitable to stockholders. Before you retire any equity, you must make the following adjustments to the amount of stockholder equity as stated in the financial statements on the termination date:

(1) Make deductions for any taxes due to the termination that have not yet been recorded;

(2) Deduct the amount of the exit fee; and

(3) Make any adjustments described under § 611.1250(c) that we may require as we deem appropriate.

(c) *Transfer of affiliated association's investment.* As an alternative to equity retirement, an affiliated association that reaffiliates with another Farm Credit bank instead of terminating with its bank has the right to require the terminating bank to transfer its investment to its new affiliated bank when it reaffiliates. If your institution is a terminating bank, at the time of reaffiliation you must transfer the purchased and allocated equities held by the association, as well as its share of unallocated surplus, to the new affiliated bank. Calculate the association's share before deduction of the exit fee as of the month end preceding the reaffiliation date (or the termination date if it is the same as the reaffiliation date) in accordance with the liquidation provisions of your bylaws, unless we determine that the liquidation provisions would result in an inequitable distribution. If we make such a determination, we will require you to distribute the association's share of your unallocated surplus in accordance with another method that we deem equitable to stockholders. Before you distribute any unallocated surplus, you must make the following adjustments to stockholder equity as stated in the financial statements as of the month end preceding the reaffiliation date (or the termination date if it is the same as the reaffiliation date):

(1) Add back any taxes due to the termination, and the exit fee; and

(2) Make any adjustments described under § 611.1250(c) that we may require as we deem appropriate.

(d) *Prohibition on certain affiliations.* No Farm Credit institution may retain an equity interest otherwise prohibited by law in a successor institution.

§ 611.1280 Dissenting stockholders' rights.

(a) *Definition.* A dissenting stockholder is an equity holder (other than a System institution) in a terminating institution on the termination date who either:

(1) Was eligible to vote on the termination resolution and voted against termination;

(2) Was an equity holder on the voting record date but was not eligible to vote; or

(3) Became an equity holder after the voting record date.

(b) *Retirement at option of a dissenting stockholder.* A dissenting stockholder may require a terminating institution to retire the stockholder's equity interest in the terminating institution.

(c) *Value of a dissenting stockholder's interest.* You must pay a dissenting stockholder according to the liquidation provision in your bylaws, except that you must pay at least par or face value for eligible borrower stock (as defined in section 4.9A(d)(2) of the Act). If we determine that the liquidation provision is inequitable to stockholders, we will require you to calculate their share in accordance with another formula that we deem equitable.

(d) *Calculation of interest of a dissenting stockholder.* Before you retire any equity, you must make the following adjustments to the amount of stockholder equity as stated in the financial statements on the termination date:

(1) Deduct any taxes due to the termination that you have not yet recorded;

(2) Deduct the amount of the exit fee; and

(3) Make any adjustments described under § 611.1250(c) that we may require as we deem appropriate.

(e) *Form of payment to a dissenting stockholder.* You must pay dissenting stockholders for their equities as follows:

(1) Pay cash for the par or face value of purchased stock, less any impairment;

(2) For equities other than purchased equities, you may:

(i) Pay cash;

(ii) Cause or otherwise provide for the successor institution to issue, on the date of termination, subordinated debt to the stockholder with a face value equal to the value of the remaining equities. This subordinated debt must have a maturity date of 7 years or less, must have priority in liquidation ahead of all equity, and must carry a rate of interest not less than the rate (at the time of termination) for debt of comparable maturity issued by the U.S. Treasury plus 1 percent; or

(iii) Provide for a combination of cash and subordinated debt as described above.

(f) *Payment to holders of special class of stock.* If you have adopted bylaws under § 611.1210(g), you must pay a dissenting stockholder who owns shares of the special class of stock an amount equal to the lower of the par (or face) value or the value of such stock as determined under § 611.1280(c) and (d).

(g) *Notice to equity holders.* The notice to equity holders required in § 611.1240(f) must include a form for stockholders to send back to you, stating their intention to exercise dissenters' rights. The notice must contain the following information:

(1) A description of the rights of dissenting stockholders set forth in this section and the approximate value per share that a dissenting stockholder can expect to receive. State whether the successor institution will require borrowers to be stockholders or whether

it will require stockholders to be borrowers.

(2) A description of the current book and par value per share of each class of equities, and the expected book and market value of the stockholder's interest in the successor institution.

(3) A statement that a stockholder must return the enclosed form to you within 30 days if the stockholder chooses to exercise dissenters' rights.

(h) *Notice to subsequent equity holders.* Equity holders that acquire their equities after the termination vote must also receive the notice described in paragraph (g) of this section. You must give them at least 5 business days to decide whether to request retirement of their stock.

(i) *Reconsideration.* If a reconsideration vote is held and the termination is disapproved, the right of stockholders to exercise dissenters' rights is rescinded. If a reconsideration vote is held and the termination is approved, you must retire the equities of dissenting stockholders as if there had been no reconsideration vote.

§ 611.1285 Loan refinancing by borrowers.

(a) *Disclosure of credit and loan information.* At the request of a borrower seeking refinancing with another System institution before you terminate, you must give credit and loan information about the borrower to such institution.

(b) *No reassignment of territory.* If, at the termination date, we have not assigned your territory to another System institution, any System institution may lend in your territory, to the extent otherwise permitted by the Act and the regulations in this chapter.

§ 611.1290 Continuation of borrower rights.

You may not require a waiver of contractual borrower rights provisions as a condition of borrowing from and owning equity in the successor institution. Institutions that become other financing institutions on termination must comply with the applicable borrower rights provisions in the Act and part 617 of this chapter.

Dated: January 6, 2006.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 06–240 Filed 1–10–06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–23441; Directorate Identifier 2005–NM–199–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. The existing AD currently requires repetitive detailed and ultrasonic inspections of the thrust links of the rear engine mounts for any crack or fracture and corrective actions if necessary. This proposed AD would require repetitive replacement of the thrust links with new or overhauled thrust links, which ends the repetitive detailed and ultrasonic inspections. This proposed AD results from the finding of fractured and cracked forward lugs of the rear engine mount thrust link on the number one strut on two airplanes. We are proposing this AD to prevent cracked or fractured thrust links that could lead to the loss of the load path for the rear engine mount bulkhead and damage to other primary engine mount structure, which could result in the in-flight separation of the engine from the airplane and consequent loss of control of the airplane.

DATES: We must receive comments on this proposed AD by February 27, 2006.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- DOT Docket Web site: Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, room PL–401, Washington, DC 20590.
- Fax: (202) 493–2251.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2005–23441; Directorate Identifier 2005–NM–199–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or can visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

On September 6, 2005, we issued AD 2005–19–06, amendment 39–14271 (70 FR 54474, September 15, 2005), for certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. (A correction to AD 2005–19–06 was published in the **Federal Register** on September 30, 2005 (70 FR 57124).) That AD requires repetitive detailed and ultrasonic inspections of the thrust links of the rear engine mounts for any crack or fracture and corrective actions if necessary. That AD resulted from the finding of a fractured forward lug of the rear engine mount thrust link on the number one strut. We issued that AD to detect and correct cracked or fractured thrust links that could lead to the loss of the load path for the rear engine mount bulkhead and damage to other primary engine mount structure, which could result in the in-flight separation of the engine from the airplane and consequent loss of control of the airplane.

Actions Since Existing AD Was Issued

In the preamble to AD 2005–19–06, we indicated that the actions required by that AD were considered ''interim action.'' We also indicated that we were considering further rulemaking action to require repetitive replacement of the thrust link with a new or overhauled thrust link. (The repetitive replacements are included as an optional terminating action in AD 2005–19–06.) However, the planned compliance time for that action was sufficiently long so that it was practicable to allow notice and opportunity for prior public comment. We have now determined that further rulemaking making action is indeed necessary, and this NPRM follows from that determination. We point out that this NPRM would require the repetitive replacements within a certain compliance time, regardless of any inspection results.

Comments

We have considered the following comments to AD 2005–19–06.

Request To Use an Alternative Method of Compliance (AMOC)

One commenter states that it can reduce the work required for replacing a thrust link by omitting the step for removing the engine to gain access to the thrust link. Part 2 of the accomplishment instructions of Boeing Alert Service Bulletin 747–71A2309, dated August 18, 2005, specifies removal of the engine. The commenter states, however, that there is no load on the thrust link at static condition, so the engine does not need to be removed. Instead, only the engine exhaust sleeve needs to be removed to replace the thrust link. The commenter also states that, in Boeing message No. 1–385158991–9, dated September 16, 2005, the manufacturer agreed that removing the sleeve would be an appropriate alternative procedure for replacing the thrust link. On October 26, 2005, the commenter submitted this request for approval as an AMOC.

We agree, since we have found the commenter's request for an AMOC to be acceptable. We have approved removing the side cowls, as an alternative to opening the side cowls as required by paragraph (g) of AD 2005–19–06. We have also approved removal of the turbine exhaust sleeve, as an alternative to removing the engine as required by paragraph (j) of AD 2005–19–06 (corresponding to paragraph (k) of this NPRM) provided that the engine is supported. We have included a provision in paragraph (l)(5) of this NPRM to account for the commenter's AMOC. Under the provisions of paragraph (l) of this NPRM, we may consider other requests for approval of an alternative method of compliance if sufficient data are submitted to substantiate that such a method would provide an acceptable level of safety.

Request To Clarify Inspection Requirements

One commenter requests that we clarify the required actions of AD 2005–19–06 for thrust links having part number (P/N) 65B90360–7. The commenter states that Boeing Alert Service Bulletin 747–71A2309 requires repetitive replacement of those thrust links, but that the repetitive replacement is identified as an optional action in AD 2005–19–06. The commenter would like to know if this means that there is no mandatory requirement for thrust links having P/N 65B90360–7.

As discussed previously, repetitive replacement of the thrust links as required by AD 2005–19–06 is considered an optional action because the planned compliance time for that action was sufficiently long enough to allow the public time to comment. This NPRM, however, would require the repetitive replacement of thrust links having P/N 65B90360–7 in agreement with the service bulletin. Also, we point out that AD 2005–19–06 does require the repetitive replacement of P/N 65B90360–7. Although that action is conditional in AD 2005–19–06, depending on whether P/N 65B90360–7 was installed while accomplishing the corrective action as applicable or the optional terminating action, as specified in paragraphs (h)(1)(ii) and (j)(2) of AD 2005–19–06, respectively.

Clarification of AMOC Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 2005–19–06. This proposed AD would continue to require repetitive detailed and ultrasonic inspections of the thrust links of the rear engine mounts for any crack or fracture and corrective actions if necessary. This proposed AD would also require repetitive replacement of the thrust links with new or overhauled thrust links, which would end the repetitive inspections.

Costs of Compliance

There are about 274 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs, at an average labor rate of $65 per hour, for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (required by AD 2005–19–06).	8 (2 per engine)	None	$520, per inspection cycle	100	$52,000, per inspection cycle.

ESTIMATED COSTS—Continued

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Replacement (new proposed action).	4 (1 per engine)	$41,424 ..	$41,684, per replacement cycle.	100	$4,168,400, per replacement cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14271 (70 FR 54474, September 15, 2005), corrected at 70 FR 57124, September 30, 2005, and by adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2005–23441; Directorate Identifier 2005–NM–199–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by February 27, 2006.

Affected ADs

(b) This AD supersedes AD 2005–19–06.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, certificated in any category; equipped with Pratt & Whitney JT9D–3 and –7 series engines, except JT9D–70 engines; as identified in Boeing Alert Service Bulletin 747–71A2309, dated August 18, 2005.

Unsafe Condition

(d) This AD results from the finding of fractured and cracked forward lugs of the rear engine mount thrust link on the number one strut on two airplanes. We are issuing this AD to prevent cracked or fractured thrust links that could lead to the loss of the load path for the rear engine mount bulkhead and damage to other primary engine mount structure, which could result in the in-flight separation of the engine from the airplane and consequent loss of control of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of Requirements of AD 2005–19–06

Service Bulletin References

(f) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Boeing Alert Service Bulletin 747–71A2309, dated August 18, 2005.

Repetitive Inspections of Thrust Links

(g) Within 90 days after September 30, 2005 (the effective date of AD 2005–19–06), do a detailed inspection and ultrasonic inspection of thrust link lugs having part number (P/N) 65B90360–1 or –4 of the rear engine mount of struts 1, 2, 3, and 4 for any crack or fracture, in accordance with part 1 of the service bulletin. If the thrust link is not found cracked or fractured: Repeat the inspections thereafter at intervals not to exceed 1,200 flight cycles or 18 months, whichever is first, until the repetitive replacement or overhaul of the thrust link required by paragraph (k) of this AD is accomplished. Accomplishing the repetitive replacement or overhaul of a thrust link as specified in paragraph (h) or (k) of this AD terminates the repetitive inspections for that thrust link only.

Corrective Actions

(h) If a cracked thrust link is found during any inspection required by paragraph (g) of this AD or during any replacement or overhaul done in accordance with the service bulletin: Before further flight, do the actions specified in paragraph (h)(1) of this AD. If a fractured thrust link is found during any inspection required by paragraph (g) of this AD or during any replacement or overhaul done in accordance with the service bulletin: Before further flight, do the actions specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) Replace the thrust link with a new or overhauled thrust link in accordance with part 2 of the service bulletin; except as provided by paragraph (i) of this AD. Repeat the replacement at the

applicable compliance time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD.

(i) For replacement with a thrust link assembly having P/N 65B90360–1 or –4: Thereafter at intervals not to exceed 6,000 flight cycles.

(ii) For replacement with a thrust link assembly having P/N 65B90360–7: Thereafter at intervals not to exceed 12,000 flight cycles.

(2) Do the corrective actions in accordance with Parts 3, 4, and 5 of the service bulletin; except as provided by paragraph (i) of this AD.

Exception to Service Bulletin

(i) Where the service bulletin specifies to contact Boeing for appropriate action, do the corrective action using a method approved in accordance with paragraph (m) of this AD.

Credit for Certain Corrective Actions

(j) Reworking the lugs on the bulkhead fitting of the rear engine mount as specified in paragraphs (b)(2), (e), and (f) of AD 2001–15–15, amendment 39–12349, is acceptable for compliance with accomplishing the corrective action specified in ''Part 3—Rear Engine Mount Bulkhead Inspection and Lug Overhaul and Upper Fitting Overhaul and Bolt Replacement'' of the service bulletin.

New Requirements of This AD

Terminating Action—Repetitive Replacement or Overhaul of All Thrust Links

(k) At the applicable compliance times specified in Table 1 of this AD: Repetitively replace the thrust link of the rear engine mount of struts 1, 2, 3, and 4 with a new or overhauled thrust link, in accordance with part 2 of the service bulletin; except as provided by paragraph (i) of this AD. During any replacement required by this paragraph, an existing thrust link may be replaced with a new or overhauled thrust link having P/N 65B90360–1, –4 or –7, provided that the applicable repetitive interval specified in Table 1 of this AD is complied with. If a fractured thrust link is found during any replacement or overhaul done in accordance with this paragraph: Before further flight, do the corrective actions specified in paragraph (h)(2) of this AD. Repetitive replacement of all thrust links having P/N 65B90360–1 or –4 terminates the repetitive inspections required by paragraph (g) of this AD. Accomplishing the repetitive replacement or overhaul of a thrust link required by paragraph (h) of this AD constitutes compliance with the requirements of this paragraph for that thrust link only.

TABLE 1.—COMPLIANCE TIMES

For thrust link P/N—	Initial replacement—	Repetitive interval—
65B90360–1 or –4	Within 36 months after the effective date of this AD	Thereafter at intervals not to exceed 6,000 flight cycles.
65B90360–7	Within 12,000 flight cycles after the new thrust link has been installed.	Thereafter at intervals not to exceed 12,000 flight cycles.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, Seattle Aircraft Certification Office (ACO), Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) The actions identified in paragraphs (g) and (k) of this AD are approved as an AMOC to paragraphs (c) and (d) of AD 2004–07–22, amendment 39–13566, for the inspections of structural significant item S–2, for the thrust links only, of Boeing Supplemental Structural Inspection Document D6–35022, Revision G, dated December 2000. All provisions of AD 2004–07–22 that are not specifically referenced in this paragraph, including the initial inspection threshold required by paragraph (d) of AD 2004–07–22, remain fully applicable and must be complied with.

(5) AMOCs approved previously in accordance with AD 2005–19–06, amendment 39–14271, are approved as AMOCs for the corresponding provisions of this AD.

Issued in Renton, Washington, on December 23, 2005.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–136 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45, WC Docket No. 05–337; FCC 05–205]

Federal-State Joint Board on Universal Service; High-Cost Universal Service Support

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission seeks comment on issues raised by section 254(b) of the Communications Act of 1934, as amended (the Act) and the United States Court of Appeals for the Tenth Circuit's (Tenth Circuit) decision in *Qwest Corp.* v. *FCC (Qwest II).* We seek comment on how to reasonably define the statutory terms ''sufficient'' and ''reasonably comparable'' in light of the court's holding in *Qwest II.* We also seek comment on the support mechanism for non-rural carriers, which the *Qwest II* court invalidated due to the Commission's reliance on an inadequate interpretation of statutory principles and failure to explain how a cost-based mechanism would address problems with rates. We seek comment on a proposal by Puerto Rico Telephone Company, Inc. (PRTC) that the Commission adopt a non-rural insular mechanism.

DATES: Comments are due on or before February 10, 2006. Reply comments are due on or before March 13, 2006.

ADDRESSES: You may submit comments, identified by [CC Docket No. 96–45], by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

• Federal Communications Commission's Web Site: *http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.

• Mail: Sheryl Todd, Wireline Competition Bureau, Telecom Access Policy Division, 445 12th Street, SW., Washington, DC 20554.

• People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Ted Burmeister, Attorney, (202) 418–7389 or Katie King, Special Counsel, (202) 418–7491, Wireline Competition Bureau, Telecommunications Access Policy Division, TTY (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* in CC Docket No. 96–45, WC Docket No. 05–337 released on December 9, 2005. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

I. Introduction

1. In this Notice of Proposed Rulemaking, we seek comment on issues raised by section 254(b) of the Communications Act of 1934, as amended (the Act) and the United States Court of Appeals for the Tenth Circuit's (Tenth Circuit) decision in *Qwest Corp.* v. *FCC (Qwest II).* Specifically, we seek comment on how to reasonably define the statutory terms ''sufficient'' and ''reasonably comparable'' in light of the court's holding in *Qwest II.* The court directed the Commission on remand to articulate a definition of ''sufficient'' that appropriately considers the range of principles in section 254 of the Act and to define ''reasonably comparable'' in a manner that comports with its duty to preserve and advance universal service. We also seek comment on the support mechanism for non-rural carriers, which the *Qwest II* court invalidated due to the Commission's reliance on an inadequate interpretation of statutory principles and failure to explain how a cost-based mechanism would address problems with rates. Finally, we seek comment on a proposal by Puerto Rico Telephone Company, Inc. (PRTC) that the Commission adopts a non-rural insular mechanism. PRTC sought clarification and/or reconsideration of the *Order on Remand,* 68 FR 69622, December 15, 2003, and requests, among other things, that it receive support based on its embedded costs. Because granting PRTC's request would require amendment of the Commission's rules, we will treat PRTC's Petition as a petition for rulemaking.

A. Ninth Report and Order

2. In the *Ninth Report and Order,* 64 FR 67416, December 1, 1999, the Commission established a federal high-cost universal service support mechanism for non-rural carriers based on forward-looking economic costs. The non-rural mechanism determines the amount of federal high-cost support to be provided to non-rural carriers by comparing the statewide average non-rural, forward-looking cost per line to a nationwide cost benchmark that was set at 135 percent of the national average cost per line. Federal support is provided to non-rural carriers in states with costs that exceed the benchmark. In the companion *Tenth Report and Order,* 64 FR 67372, December 1, 1999, the Commission finalized the computer model platform and adopted model inputs used to estimate the forward-looking costs of a non-rural carrier's operations, which are then used to determine support under the mechanism adopted in the *Ninth Report and Order.*

B. Qwest I

3. In *Qwest I,* the Tenth Circuit remanded the *Ninth Report and Order* to the Commission for further consideration. On remand, the court directed the Commission to define more precisely the statutory terms ''sufficient'' and ''reasonably comparable'' and then to assess whether the non-rural mechanism will be sufficient to achieve the statutory principle of making rural and urban rates reasonably comparable. In addition, the court found that the Commission failed to explain how its 135 percent nationwide cost benchmark will help achieve the goal of reasonable comparability or sufficiency. The court directed the Commission on remand ''to develop mechanisms to induce adequate state action'' to preserve and advance universal service. Finally, because the non-rural mechanism concerns only one piece of universal service reform, the court stated that it could not properly assess whether the total level of federal support for universal service was sufficient and indicated the Commission would have the opportunity on remand to explain further its complete plan for supporting universal service.

C. Order on Remand

4. In response to the court and the recommendations of the Joint Board, the Commission modified the high-cost universal service support mechanism for non-rural carriers and adopted a rate review and expanded certification process to induce states to ensure reasonable comparability of rural and urban rates in areas served by non-rural carriers. The *Order on Remand* adopted in large part the Joint Board's recommendations, with certain modifications. In particular, the Commission defined the statutory terms ''sufficient'' as ''enough federal support to enable states to achieve reasonable comparability of rural and urban rates in high-cost areas served by non-rural carriers,'' and defined ''reasonably comparable'' in terms of a national urban residential rate benchmark. The Commission also set a national urban rate benchmark at two standard deviations above the average urban residential rate in an annual Wireline Competition Bureau (Bureau) rate survey, and sought comment on specific issues related to the rate review. In addition, the Commission modified the 135 percent cost benchmark by adopting a cost benchmark based on two standard deviations above the national average cost.

D. Qwest II

5. On February 23, 2005, the Tenth Circuit remanded the *Order on Remand* to the Commission. The court held that the Commission failed to reasonably define the terms ''sufficient'' and ''reasonably comparable.'' The court directed the Commission on remand to articulate a definition of ''sufficient'' that appropriately considers the range of principles in section 254 of the Act and to define ''reasonably comparable'' in a manner that comports with its duty to preserve and advance universal service. Because the non-rural, high-cost support mechanism rests on the application of the definition of ''reasonably comparable'' rates that was invalidated by the court, the court also deemed the support mechanism invalid. The court also noted that the Commission based the two standard deviations *cost* benchmark on a finding that *rates* were reasonably comparable, without empirically demonstrating a relationship between the costs and the rates in the record. On remand, the court directed the Commission to ''utilize its unique expertise to craft a support mechanism taking into account all the factors that Congress identified in

drafting the Act and its statutory obligation to preserve *and* advance universal service.'' The court upheld the Commission's determination that section 254 of the Act does not require the states to replace existing implicit subsidies with explicit universal service support mechanisms. In addition, the court also affirmed that portion of the *Order on Remand* requiring states to certify annually that rural rates within their boundaries are reasonably comparable, or if they are not, to present an action plan to the Commission.

II. Issues for Comment

6. We seek comment on a number of issues that will enable the Commission to craft a non-rural high-cost support mechanism consistent with the court's decision and the statute. Specifically, we seek comment on: (1) How the Commission should define the statutory term ''sufficient'' to take into account all the principles enumerated in section 254(b); (2) how the Commission should define ''reasonably comparable'' under section 254(b)(3), consistent with its concurrent duties to preserve and advance universal service; (3) how, in light of the interpretation of the key statutory terms, the Commission should modify the high-cost funding mechanism for non-rural carriers; and (4) whether the Commission should adopt a non-rural insular mechanism.

A. Definition of ''Sufficient''

7. In *Qwest II,* the court directed the Commission to demonstrate that it has appropriately considered all principles in section 254(b) of the Act in defining the term ''sufficient.'' In the *Order on Remand,* the Commission defined ''sufficient,'' for purposes of the statutory principle in section 254(b)(3) as applied to the non-rural mechanism, as enough federal support to enable states to achieve reasonable comparability of rural and urban rates in high-cost areas served by non-rural carriers. The court found this definition inadequate. We seek comment on how the Commission should balance all seven principles in section 254(b) of the Act in defining the term ''sufficient'' for purposes of the non-rural high-cost support mechanism. While the court directed the Commission to consider all the section 254(b) principles in addition to reasonable comparability in section 254(b)(3), the court recognized that the Commission could give greater weight to one principle over another. We seek comment on whether any of the section 254(b) principles conflict with one another and, if so, how to balance the principles to resolve such conflict. Should the Commission give greater weight to any particular principle? If so, how would the Commission justify such an approach? We seek comment on how the Commission should weigh each principle in relationship to the purposes of the non-rural high-cost mechanism, and discuss each principle in turn below.

8. Section 254(b)(1) provides that ''[q]uality services should be available at just, reasonable, and affordable rates.'' Although the Commission did not explicitly discuss how the non-rural mechanism helps to keep rates affordable in the *Order on Remand,* it has explained in the past that ''[a] major objective of universal service is to help ensure affordable access to telecommunications services to consumers living in areas where the cost of providing such services would otherwise be prohibitively high.'' We seek comment on whether ensuring that rates in rural areas are reasonably comparable to rates in urban areas also ensures that those rates are affordable.

9. We also seek comment on whether we should define the phrase ''affordable rates.'' In the *Order on Remand,* the Commission declined to adopt an affordability benchmark for local telephone service, proposed by SBC, based on the median household income of a particular geographic area. Although the court did not address this issue specifically, it was ''troubled by the Commission's seeming suggestion that other principles, including affordability, do not underlie the federal non-rural support mechanisms.'' We seek comment on whether we should reconsider SBC's proposal or any other proposals for defining affordability in relationship to income. Alternatively, should the Commission create eligibility requirements based on household income for non-rural high-cost support? In previously rejecting proposals to require that states implement such eligibility requirements in conjunction with non-rural high-cost support, the Commission found that ''section 254(b)(3) reflects a legislative judgment that all Americans, regardless of income, should have access to the network at reasonably comparable rates.'' We seek comment on whether defining affordability in terms of individual household income would be consistent with section 254(b)(3). We also seek comment from state commissions about implementation issues that would arise if the Commission were to adopt any of these approaches to determining affordability. The Commission previously determined that it was better to address affordability issues unique to low-income consumers through the federal low-income programs specifically designed for this purpose rather than through the high-cost support programs. Is this conclusion still appropriate in light of *Qwest II?*

10. In addition, we seek comment on whether we should consider the burden on universal service contributors when determining whether rates are affordable. In the *Order on Remand,* the Commission found that the principle of sufficiency means that non-rural high-cost support should be ''only as large as necessary'' to meet the statutory goal. While the court was not troubled by this language in the abstract, because excessive subsidization arguably may affect the affordability of telecommunications services for unsubsidized users, the court found that the Commission had failed to take into account the full range of principles by defining sufficiency only in terms of reasonable comparability. Would it be more appropriate to ground the idea that the amount of support should only be as large as necessary in the principle of affordability? We also seek comment on whether the Commission should define any of the other terms in section 254(b)(1) for purposes of determining whether non-rural high-cost support is sufficient. For example, the Commission and the Joint Board previously have interpreted the term ''quality services'' in this section to mean quality of service. We seek comment on both this prior interpretation and whether the Commission should consider quality of service in determining whether non-rural high-cost support is sufficient.

11. Section 254(b)(2) provides that ''[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation.'' Although advanced telecommunications and information services currently are not supported by the non-rural high-cost mechanism, the public switched telephone network is not a single-use network, and modern network infrastructure can provide access not only to voice services, but also to data, graphics, video, and other services. The Commission has found that the use of high-cost support to invest in infrastructure capable of providing access to advanced services is not inconsistent with the requirement in section 254(e) that support be used ''only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.'' To what extent should the Commission consider whether non-rural high-cost support is sufficient to enable carriers to upgrade networks in their high-cost

areas so that the networks are capable of providing access to advanced services?

12. Section 254(b)(3) provides that ''[c]onsumers in all regions of Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.'' Although we seek comment below on the definition of reasonably comparable rates, we seek comment here on whether we should consider other aspects of this principle in determining whether non-rural high-cost support is sufficient. For example, should the Commission consider whether the telecommunications and information services provided in rural areas are reasonably comparable to those services provided in urban areas?

13. Section 254(b)(4) provides that ''[a]ll providers of telecommunications services should make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service.'' We note that the Commission is considering modifications to its current universal service contribution methodology. A critical component of that inquiry is determining whether any proposed change meets section 254(d)'s requirement that providers of ''interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis * * *.'' We seek comment on the extent to which the Commission should consider whether all providers' contributions are ''equitable and nondiscriminatory'' in considering whether non-rural high-cost support is sufficient. We seek comment on whether and why the Commission should apply a different interpretation to the term ''equitable and nondiscriminatory,'' as contained in section 254(b)(4), than it applies with respect to that term as used in section 254(d). We also note that the statute uses the same terms in section 254(f), which concerns the permissive authority of states to require telecommunications carriers that provide intrastate telecommunications services to contribute, in a manner determined by the state, to state universal service mechanisms. In *Qwest II,* the court rejected petitioners' argument that implicit state subsidies may force some carriers to bear a disproportionate and inequitable share of the burden in supporting their own high-cost consumers. Agreeing with the Commission that section 254(f) merely imposes an obligation on carriers within a state to contribute if the state establishes universal service programs, the court said that ''it does not impose a requirement of parity with respect to internal functioning and the distribution of funds between and among carriers.'' Although the court was interpreting ''equitable and nondiscriminatory'' in section 254(f), does the court's statement shed any light on how these terms should be interpreted in section 254(b)(4)?

14. Section 254(b)(5) provides that ''[t]here should be specific, predictable, and sufficient Federal and state mechanisms to preserve and advance universal service.'' In determining whether non-rural high-cost support is sufficient, to what extent should the Commission also determine whether such support is specific and predictable? How should the terms specific and predictable be defined or interpreted? We also seek comment on whether the Commission should determine how each section 254(b) principle advances universal service in light of the court's direction that the Commission define reasonably comparable consistent with its duties to preserve *and* advance universal service.

15. Section 254(b)(6) provides that ''[e]lementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services as described in subsection (h).'' We note that the Commission has established separate programs to meet this goal. To what extent should the Commission consider whether non-rural high-cost support helps enable schools, libraries, and health care providers to have access to advanced telecommunications services?

16. Section 254(b)(7) provides that the Joint Board and the Commission may base their policies on additional principles that ''are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with [the 1996 Act].'' Pursuant to this section and based on the Joint Board's recommendation, the Commission established ''competitive neutrality'' as an additional principle upon which to base policies for the preservation and advancement of universal service. In determining whether non-rural high-cost support is sufficient, to what extent should the Commission determine that such support is competitively neutral? How does the Commission's prior determination that non-rural high-cost support is portable affect this analysis?

B. Definition of ''Reasonable Comparability''

17. In *Qwest II*, the court directed the Commission to define the term ''reasonably comparable'' in a manner that comports with its concurrent duties to preserve and advance universal service. In the *Order on Remand*, the Commission concluded that the range of variability of urban rates is an appropriate measure of what should be considered reasonably comparable rural and urban rates, and defined reasonably comparable in terms of a national urban rate benchmark. The court rejected this analysis, finding that ''the Commission erred in premising its consideration of the term 'preserve' on the disparity of rates existing in 1996 while ignoring its concurrent obligation to advance universal service, a concept that certainly could include a narrowing of the existing gap between urban and rural rates.'' We seek comment on how the Commission should define reasonably comparable rates in order to preserve and advance universal service. In *Qwest II*, the court was concerned that the variance between rural and urban rates was significant. Upon what rate data should the Commission rely to assess the extent of the existing variance between rural and urban rates? Should the Commission gather additional rate data? If so, how and where should the Commission obtain such data? We invite commenters, including state commissions, to submit rate data, suggest sources of such data, and propose methods of collecting and analyzing the data.

18. We seek comment on whether the Commission should compare rural and urban rates within each state instead of, or in addition to, comparing rural rates in all states to a national urban rate benchmark. Would a state-specific urban rate benchmark provide states more flexibility in designing state rates? For example, while some states may want to keep local rates in rural areas very low, customers in such states may have very small calling areas and, consequently, make more toll calls. Other states may want rural customers to have very large calling areas so they do not have to make as many intrastate toll calls, but that may require higher local rates to offset the revenues the carrier would lose from toll calls. If rural rates in the second group of states were no higher than urban rates in the state, should they be considered to be reasonably comparable even though they may be higher than the rural rates in the first group of states? We seek

comment, including comment form state commissions, on how the Commission would determine state-specific rate comparability benchmarks and how those benchmarks should relate to any national urban rate benchmark.

19. We seek comment on whether the Commission should continue to compare rural rates in all states to a single national urban rate benchmark. If so, which urban rates should the Commission use to establish the benchmark? How should the Commission interpret the *Qwest II* court's rejection of the Commission's reliance on the range of urban rates? Should the Commission seek to narrow the range of urban rates? Should the Commission compare rural rates to a national average urban rate, rather than some benchmark above the average? If the Commission uses a single national urban rate benchmark, should the Commission compare rural rates to the lowest urban rate? If the Commission uses the lowest urban rate as a benchmark, what would be the range of reasonably comparable rates? For example, should the Commission require that rural rates in all states be no more than ten percent, or perhaps twenty-five percent, above the lowest urban rate in the Bureau's annual rate survey ($15.65 in 2002)? We seek comment on how the Commission would justify any particular percentage above a benchmark.

20. We seek comment on whether the Commission should continue defining reasonably comparable rates in terms of local rates only. Most consumers do not purchase only local service, but purchase bundles of telecommunications services from one or more providers. Moreover, it may be that most rural consumers, who typically have smaller calling areas than urban consumers, purchase more long distance services than urban consumers. We seek comment on whether the Commission should consider a broader range of rates in determining whether rates are reasonably comparable. We also seek comment on whether comparing rates for packages of services would simplify the task of establishing a comparability benchmark. For example, if we were to compare what average consumers pay for a package of services that includes long distance services, we may not need to adjust local rates to account for differences in calling scopes between rural and urban areas.

21. We also seek comment on whether defining reasonably comparable rural and urban rates in terms of consumers' total telephone bills would be more consistent with our obligation to preserve and advance universal service than focusing only on local rates. As discussed above, the principles in section 254(b) provide that consumers in all regions of the nation should have access to telecommunications and information services, including advanced services and interexchange services. The telecommunications marketplace has changed considerably since the Commission adopted the non-rural mechanism in 1999. Consumers increasingly are purchasing packages of services that include unlimited local, regional toll, and long distance calling. If such packages were unavailable to consumers in rural areas, would their rates be reasonably comparable if they had very low local rates, but per-minute toll and long distance charges that exceeded the price of the flat-rate package? How does a consumer's ability to access the Internet via a local call or broadband connection affect our analysis? We invite commenters recommending that the Commission consider packages of services in determining reasonably comparable rates to submit rate data, as well as to propose methods of analyzing such data.

C. Funding Mechanisms

22. In this section we seek comment on the non-rural high-cost support mechanism. The *Qwest II* court found that the current mechanism must be invalidated because the mechanism rested on the application of a definition of ''reasonably comparable'' rates that the court also invalidated. The court remanded this issue, directing the Commission to ''craft a support mechanism taking into account all the factors that Congress identified in drafting the Act and [the Commission's] statutory obligation to preserve and advance universal service.'' We seek comment regarding how the non-rural support mechanism achieves the Act's goals and statutory principles, with specific emphasis on the concerns raised by the court in *Qwest II*. In light of the *Qwest II* court's direction that the Commission provides stronger evidence that its universal service support mechanisms achieve the Act's rate-related goals, we seek comment regarding a rate-based universal service support mechanism. Would a rate-based support mechanism better address the statutory principles discussed above? Would it be easier to show an empirical relationship between a rate-based support mechanism and rates, as the *Qwest II* court instructs?

23. *Rate-Based Support Mechanism.* We seek comment regarding how a rate-based support mechanism would be designed. What data would be necessary to administer a rate-based mechanism? Should the data be collected from the state ratemaking authority or from carriers? Would support simply be provided to areas which experience rates in excess of a nationwide benchmark? If so, how would the Commission set that benchmark? What elements should be included in the rate mechanism? Should the mechanism address residential and business rates, or only residential rates? Should the mechanism support only the basic rate elements, or should it include other mandatory fees and taxes? In areas where the basic calling plans rely heavily on message units, how would the rate mechanism compare those to the benchmark? As discussed above, consumers increasingly purchase their basic local service as part of a bundle of services, including long distance. How, if at all, should a rate-based mechanism account for bundled services?

24. We note that there are urban and suburban areas that have rates that would likely exceed any rate benchmark that the Commission would set. Should the rate mechanism have some means of excluding these areas, or should the mechanism fund all areas with high rates, including those with low costs for providing service? Conversely, many high-cost rural areas currently have lower rates that would likely not trigger support under a rate benchmark. Should the rate-based mechanism provide support to these areas? To the extent that these areas currently have low rates because they receive support under the high-cost mechanism, should there be a phase-out of high-cost support in conjunction with the introduction of a rate-based mechanism?

25. If the Commission adopted a rate-based support mechanism, is it likely that states would change their ratemaking policies? What are the likely consequences of a rate-based support mechanism on state ratemaking? Would a rate-based support mechanism have the effect of promoting rational rate-rebalancing? Would it be necessary for the Commission to adopt constraints to ensure that states do not set rates with the purpose of maximizing federal universal service support? How would the Commission do so, and does it have the authority to do so under the Act? Also, would a rate-based support mechanism work if a state were to deregulate its retail rates? What effect would a rate-based support mechanism have on the size of the universal service fund?

26. *Cost-Based Support Mechanism.* How does the current mechanism address the statutory principles

discussed above? Can the current cost-based support mechanism be used to achieve the Act's rate-related goals? How are costs related to rates? Can the current cost-based support be shown empirically to reduce rates, as directed by the court in *Qwest II?* What data would be necessary to make such a demonstration and from what sources would such data be available? If the current non-rural support mechanism cannot be shown, empirically, to reduce rates, can another cost-based mechanism be shown to reduce rates? If not, can any cost-based mechanism address the concerns expressed by the court in *Qwest II?* How would a cost-based mechanism have to be designed to address the court's concerns? Would a support mechanism based on embedded costs, study area or wire center average costs, or a different distributive mechanism better achieve the Act's goals? We seek comment regarding whether the adoption of additional measures that tie cost-based support to rates would better enable a cost-based mechanism to address the court's concerns.

27. *Other Support Mechanisms.* We seek comment generally regarding whether there are any universal service support mechanisms other than cost- or rate-based mechanisms (e.g., revenue-based) that would address the court's concerns. We ask that commenters describe any proposed plan in detail and explain exactly how the proposal would better address the Act's goals than other universal service support mechanisms. Commenters should place specific emphasis on how any plan could be shown empirically to address the Act's rate-related goals.

28. We specifically ask commenters to address the universal service aspects of the comprehensive plan proposed by the National Association of Regulatory Utility Commissioners (NARUC) Task Force in the Intercarrier Compensation proceeding. In sum, the NARUC Task Force plan proposes combining the support contained in all of the federal high-cost support mechanisms and giving the states discretion, within guidelines set by the Commission, to determine how the support should be distributed among carriers serving the state.

D. Puerto Rico Telephone Company's Request for an Insular-Specific Support Mechanism

29. In its Petition and in subsequent filings, PRTC requests high-cost universal service support through a non-rural insular support mechanism. Specifically, PRTC requests that, pending the Commission's comprehensive review of its high-cost support program, the Commission adopt, on an interim basis, a non-rural insular mechanism based on embedded costs. PRTC states that this interim mechanism should be ''patterned after, but distinct from,'' the existing mechanism for rural telephone companies. Thus, PRTC proposes that the Commission adopt a non-rural insular mechanism based on actual costs, calculated using Part 36 of the Commission's rules.

30. PRTC claims that high-cost support to Puerto Rico is essential for maintaining and expanding affordable telephone service in Puerto Rico. According to PRTC, the penetration rate in Puerto Rico has increased from 25 percent in the 1970s to over 70 percent in 1996. PRTC claims, however, that since its high-cost funding began to be reduced in 2001 pursuant to Commission action, Puerto Rico's previously growing penetration rate has fallen back to below 70 percent. PRTC asserts that its low penetration rate is a result of the high cost of providing service in Puerto Rico. In its Petition, PRTC explains that the need to have equipment and supplies shipped to the island increases infrastructure costs and requires that PRTC maintain a larger inventory of supplies and repair parts than would normally be necessary. PRTC also argues that it has other challenges which further complicate operations and increase costs including water-based erosion, unpredictable terrain, and operating in the Caribbean, which frequently faces hurricanes and tropical storms. PRTC contends that the cost of providing service in Puerto Rico is further increased as a result of providing service to Puerto Rico's sparsely populated mountainous region in its rural interior. For example, PRTC claims that the cost per local loop to install wireline service in these areas ranges from $5,000 to more than $15,000.

31. PRTC argues that section 254(b)(3) of the Act requires the Commission to address the unique needs of insular areas. Section 254(b)(3) of the Act directs the Commission and the states to devise methods to ensure that ''[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas * * * have access to telecommunications and information services * * * at rates that are reasonably comparable to rates charged for similar services in urban areas.'' In its White Paper, PRTC argues that the reference to ''insular'' in the statute was specifically added to recognize the unique concerns of these areas. In the *Unserved Areas NPRM,* 65 FR 47941, August 4, 2000, which was initiated to examine areas with low penetration rates, the Commission tentatively concluded that Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands are properly included in the definition of insular areas. To date, the Commission has released an order addressing only the tribal lands issues raised in the *Unserved Areas NPRM.* In that order, the Commission stated that it would continue to examine and address the causes of low subscribership in other areas and among other populations, especially among low-income individuals in rural and insular areas. The Commission has yet to establish a universal service mechanism for insular areas.

32. We tentatively conclude that section 254(b) provides the Commission with the authority to establish a new interim support mechanism for non-rural insular areas based on embedded costs. We seek comment on this tentative conclusion. We agree with PRTC that, through section 254(b), Congress intended that consumers in insular areas, as well as in rural and high-cost areas, have access to affordable telecommunications and information services. We believe that the low penetration rates in Puerto Rico demonstrate that this goal is not being met and that the Commission could be doing more to help the residents of Puerto Rico. Because of the unique challenges in providing telephone service in Puerto Rico, we believe that a special support mechanism, in combination with the Commission's low-income program, will help to combat the problem of low subscribership in Puerto Rico. The evidence provided by PRTC supports a finding that there appears to be a correlation between the recent decline in Puerto Rico's subcribership rates and the reduction of Puerto Rico's high-cost support. Although we tentatively conclude that an interim insular mechanism is the appropriate measure to help reverse this trend, we seek comment on this tentative conclusion in particular and on the impact of high-cost support on subscribership rates in general. We also seek comment on how previous Commission decisions affect our tentative conclusion that we should establish a new interim support mechanism for non-rural insular areas based on embedded costs.

33. We believe that our tentative conclusion to adopt a non-rural insular mechanism is appropriate because, as PRTC has explained, newly available

universal service funds will enable PRTC to construct new network and loop infrastructure to unserved areas, update its existing facilities, improve quality of service, maintain affordable rates, and educate and solicit potential first-time telephone customers. Moreover, we tentatively conclude that adopting a non-rural insular mechanism would have a limited impact on the universal service fund because this mechanism would only affect carriers operating in the Commonwealth of Puerto Rico if we adopt the Commission's proposed definition of ''insular areas.'' There would be no need for a rural insular mechanism because all rural insular carriers already receive rural high cost support. PRTC is the only incumbent carrier serving a high-cost insular area that is not currently classified as a rural carrier under the rural high-cost loop mechanism. Further, while we agree with PRTC that the impact would be limited because the total cost of the new mechanism would be less than one percent of the total fund, we invite comment on the impact the adoption of a non-rural insular mechanism would have on the universal service fund.

34. Appended to its White Paper, PRTC proposes rules establishing an insular mechanism based on embedded costs. We seek comment on these proposed rules and invite commenters to propose other rules that may be necessary to provide for a non-rural mechanism for insular areas. To the extent that commenters propose different rules or would propose modifications to PRTC's proposed rules, we ask that such commenters provide explanations for their proposals. We also invite commenters to compare and contrast the proposed insular mechanism with the mechanism currently in place for rural carriers.

35. We seek comment on whether or how the support already received by PRTC affects our tentative conclusion to adopt a non-rural insular mechanism. We also seek comment on how a non-rural insular mechanism in general would work in conjunction with the Commission's existing high-cost mechanisms. For example, high-cost loop support for rural carriers is subject to an indexed cap. Should high-cost loop support provided under a non-rural insular mechanism be subject to the same or similar cap? If the same cap is used for both mechanisms, should the cap be adjusted or should the high-cost loop support fund be rebased to account for the additional support provided to PRTC?

36. We note that under PRTC's proposed rules for the interim insular mechanism, federal high-cost funding would be available for those non-rural insular study areas in which the average unseparated cost per loop exceeds 115 percent of the national average loop cost. PRTC proposes that the national average loop cost would be calculated pursuant to § 36.622(a) of the Commission's rules. Section 36.622(a) states that the national average is equal to the sum of the loop costs for each study area in the country (as calculated pursuant to § 36.621(a) of the Commission's rules) divided by the sum of the working loops reported for each study area in the country. For rural incumbent LECs, however, § 36.622(a) of the Commission's rules provides that the national average unseparated loop cost is frozen at $240 per loop. Considering that § 36.622(a) of the Commission's rules provides for a separate national average loop cost for rural carriers, we seek comment on PRTC's proposal which would calculate the national average loop cost pursuant to § 36.622(a) of the Commission's rules. If a non-rural insular mechanism is created, would there be any reason to use the national average loop cost that is used for rural incumbent LECs, which is frozen at $240 per loop? Also, if the Commission adopts its tentative conclusion and creates an interim non-rural insular mechanism, should it impose any conditions on the disbursement of these funds (e.g., require PRTC to submit and implement build-out plans to address unserved areas of the island)? In addition, to what extent should the Commission consider steps taken by the Telecommunications Regulatory Board of Puerto Rico to achieve rate comparability as required by the *Order on Remand?*

37. Finally, if we adopt the tentative conclusion herein, we will need a definition of ''insular areas.'' In the *Unserved Areas NPRM,* the Commission proposed defining ''insular areas'' as ''islands that are territories or commonwealths of the United States,'' and sought comment on whether the definition of insular areas should exclude sovereign nations that are not subject to the laws of the United States. The Commission tentatively concluded that Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands are properly included in the definition of insular areas. We seek to refresh the record initially established in the *Unserved Areas NPRM,* and seek comment on the definition of ''insular areas'' proposed in that proceeding.

III. Procedural Matters

A. Initial Regulatory Flexibility Analysis

38. As required by the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) for this NPRM, of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this NPRM. The IRFA is in the Appendix. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

B. Paperwork Reduction Act Analysis

39. This Notice of Proposed Rulemaking does not contain proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

C. Ex Parte Presentations

40. These matters shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other requirements pertaining to oral and written presentations are set forth in § 1.1206(b) of the Commission's rules.

D. Comment Filing Procedures

41. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and, 1.419, interested parties may file comments on or before February 10, 2006, and reply comments on or before March 13, 2006. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in*

Rulemaking Proceedings, 63 FR 24121, May 1, 1998. Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response. Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), TTY 202–418–0432.

42. In addition, one copy of each pleading must be sent to each of the following: the Commission's duplicating contractor, Best Copy and Printing, Inc, 445 12th Street, SW., Room CY–B402, Washington, DC 20554; Web site: *http://www.bcpiweb.com;* by telephone at 1–800–378–3160; Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW., Room 5–B540, Washington, DC 20554; e-mail: *sheryl.todd@fcc.gov.*

43. Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Copies may also be purchased from the Commission's duplicating contractor, BCPI, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact BCPI through its Web site: *http://www.bcpiweb.com,* by e-mail at *fcc@bcpiweb.com,* by telephone at (202) 488–5300 or (800) 378–3160, or by facsimile at (202) 488–5563.

44. For further information regarding this proceeding, contact Ted Burmeister, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418–7389, or *theodore.burmeister@fcc.gov,* or Katie King, Special Counsel, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7491, e-mail: *katie.king@fcc.gov.*

Initial Regulatory Flexibility Analysis (Notice of Proposed Rulemaking)

45. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Notice of Proposed Rulemaking* (NPRM). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM on February 10, 2006. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

1. Need for, and Objectives of, the Proposed Rules

46. The Telecommunications Act of 1996 requires that the Commission establish rules to ''preserve and advance'' universal service. This NPRM addresses several issues related to universal service support for non-rural carriers. Seeking, and receiving, comment on these issues is a necessary step toward the adoption of rules that meet the 1996 Act's requirements.

47. First, we address issues remanded by the United States Court of Appeals for the Tenth Circuit for the second time. Specifically, we contemplate rules regarding how the Commission should define the statutory term ''sufficient'' to take into account all the principles enumerated in the statute. Further, we further address how the Commission should define ''reasonably comparable'' in the context of section 254(e)(3)'s requirement that consumers in all regions of the nation should have access to telecommunications and information services that are ''reasonably comparable to those provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.'' We also contemplate whether, in light of the interpretation of the key statutory terms, the Commission should modify the high-cost funding mechanism for non-rural carriers by adopting a rate-based support mechanism, by adjusting the current cost-based support mechanism, or if some other mechanism would better meet the statutory requirements of the Act.

48. Second, we address a proposal by Puerto Rico Telephone Company, Inc. (PRTC) that the Commission create a support mechanism for non-rural carriers serving insular areas. Currently, non-rural carriers receive support based on forward-looking economic costs, as estimated by the High-Cost Model. PRTC proposes that non-rural carriers serving insular areas receive support based on their embedded (i.e., historical) costs, as rural carriers do currently.

2. Legal Basis

49. The legal basis for the NPRM is contained in sections 1, 4, 201 through 205, 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 201–205, 214, 254, 303(r), and 403, and § 1.411 of the Commission's rules, 47 CFR 1.411.

3. Description and Estimate of the Number of Small Entities to Which Rules May Apply

50. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the Small Business Act, a ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the SBA.

51. The Commission has determined that the group of small entities directly affected by the rules adopted in this NPRM are eligible telecommunications carriers (ETCs) providing service in areas served by non-rural carriers. Within the category of ETCs we find competitive local exchange carriers (CLECs), which are all wired telecommunications carriers, and wireless carriers. Further descriptions of these entities are provided below.

52. *Wired Telecommunications Carriers.* The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. According to Census Bureau data for 1997, there were 2,225 firms in this category, total, that operated for the entire year. Of this total, 2,201 firms had employment of 999 or fewer employees, and an additional 24 firms had employment of 1,000 or more. Thus, under this size standard, the great majority of firms can be considered small.

53. *Competitive Local Exchange Carriers (CLECs), Competitive Access Providers (CAPs) and ''Other Local Exchange Carriers.''* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to providers of competitive exchange services or to competitive access providers or to ''Other Local Exchange Carriers.'' The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 532 companies reported that they were engaged in the provision of either competitive access provider services or competitive local exchange carrier services. Of these 532 companies, an estimated 411 have 1,500 or fewer employees and 121 have more than 1,500 employees. In addition, 55 carriers reported that they were ''Other Local Exchange Carriers.'' Of the 55 ''Other Local Exchange Carriers,'' an estimated 53 have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, and ''Other Local Exchange Carriers'' are small entities that may be affected by the rules and policies adopted herein.

54. *Cellular and Other Wireless Telecommunications Carriers.* The SBA has developed a small size standard for Cellular and Other Wireless Telecommunications Carriers which consists of all such companies having 1,500 or fewer employees. According to the Commission's most recent data, 1,761 companies reported that they were engaged in the provision of wireless service. Of these, 1,761 companies, and estimated 1,175 have 1,500 or fewer employees and 586 have more than 1,500 employees. Consequently, the Commission estimates that most wireless service providers are small entities that may be affected by the rules and policies adopted herein.

55. *Eligible Telecommunications Carriers (ETCs) that Provide Service in Areas Serviced by Non-Rural Carriers.* Neither the SBA nor the Commission has developed a definition of small entities specifically applicable to ETCs. ETC designation allows a carrier to receive universal service support in accordance with section 254 of the Act. An entity is designated as an ETC by a state commission or, if there is no state jurisdiction, by the Commission upon meeting the requirements of section 214(e) of the Act. Any entity offering services supported by Federal universal service mechanisms that uses its own facilities or a combination of its own facilities and resale of another carrier's services and advertises such charges and rates can seek designation as an ETC. ETCs are competitive carriers that are not dominant in the field. The group of ETCs providing service in areas served by non-rural carriers is composed of mostly CLECs and wireless carriers. We have indicated above that, pursuant to SBA standards, ETCs are CLECs or wireless carriers. In addition, we note that the only ETCs affected by this Order are those that provide service in areas served by non-rural carriers. If we had no further information concerning the specific ETCs affected by this rulemaking, we would estimate that numerous ETCs, which are either CLECs or wireless service providers that provide service in areas served by non-rural carriers, are small businesses that may be affected by the rules adopted herein.

56. At this time, however, the Commission is aware of approximately 30 ETCs providing service in areas served by non-rural carriers. We have determined that at least 9 of these ETCs are subsidiaries of public companies—not independently owned and operated—and, therefore, not small businesses under the Small Business Act. We do not have data specifying whether the remaining ETCs, or other ETCs not accounted for, are independently owned and operated, and therefore we are unable to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are 20 or fewer small entities that may be affected directly by the proposed rules herein adopted.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

57. The NPRM does not propose specific reporting, recordkeeping, or other compliance requirements at this time. The NPRM does, however, ask whether additional rate data should be collected for the purpose of defining the statutory term, ''reasonably comparable.'' The NPRM also considers the collection of data to administer a rate-based support mechanism, in the event that the Commission adopts one. A universal service support mechanism for non-rural insular carriers, if adopted, may require reporting, recordkeeping or other compliance requirements.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

58. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design,

standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

59. In this NPRM, we seek comment on issues related to universal service support for non-rural carriers. We note that many, if not all, non-rural carriers are not small entities. To the extent that there may, in fact, exist a non-rural carrier that is a small entity, or any rule that may be adopted by the Commission related to these issues could affect some other small entity, we have considered and will consider alternatives to minimize significant economic impact on small entities.

60. We seek comment regarding several issues related to the high-cost support mechanism for non-rural carriers that have been remanded by the United States Court of Appeals for the Tenth Circuit for the second time. We seek comment regarding the meaning of the statutory terms ''sufficient'' and ''reasonably comparable.'' Because we anticipate that the Commission will define these terms in a manner conducive to creating a viable non-rural support mechanism, we conclude that defining these statutory terms will not have a significant economic impact on small entities. We also seek comment regarding how a universal service support mechanism for non-rural carriers should be designed, consistent with the statutory terms. We conclude that adopting a new high-cost support mechanism for non-rural carriers, including particularly a rate-based support mechanism, or retaining a modified version of the current mechanism, based on forward-looking economic cost estimates, will not create a significant economic impact on small entities. In the event, however, that a commenter proposes rules that may create a significant economic impact on a small entity, we seek comment on steps to be taken or possible alternatives that would minimize the economic impact.

61. We also tentatively conclude that the Commission should adopt PRTC's proposed interim support mechanism for non-rural carriers serving insular areas. Pursuant to this proposal, non-rural carriers serving insular areas would receive universal service support based on their embedded costs rather than forward-looking economic cost estimates. Currently, PRTC is the only non-rural carrier serving an insular area, and it is not a small entity. CETCs (which receive support based on the incumbent's level of support) serving in PRTC's service territory would receive additional support, but would not have any other significant economic impact. Other alternatives to be considered include retaining the current rules, under which non-rural carriers serving insular areas receive support pursuant to the same mechanism as all other non-rural carriers.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

IV. Ordering Clauses

62. Pursuant to the authority contained in sections 1, 4(i), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–205, 214, 254, and 403, this *Notice of Proposed Rulemaking* is adopted.

63. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 54

Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–159 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 71, No. 7

Wednesday, January 11, 2006

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 AGRICULTURE

Forest Service

Bridger-Teton National Forest—Big Piney Ranger District, Wyoming; Eagle Prospect

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service has received notification from Plains Exploration & Production Company (PXP) that the company proposes to drill three exploratory oil and gas wells on National Forest System (NFS) lands in the Noble Basin area, about seven miles southeast of Bondurant in Sublette County, Wyoming. The proposed wells would evaluate production potential within the Eagle Prospect. The proposed project would include improvements to existing roads and new road construction to provide access to the drill location, construction of a single drill pad from which three wells would be drilled, and road decommissioning and rehabilitation of an existing low standard road into the area. Design of the proposed project, including final access route selection and well facilities would be required for production testing, will also be considered in the Environmental Impact Statement (EIS).

DATES: Comments concerning the proposed action should be received by February 13, 2006. Comments on issues that you feel should be evaluated as part of this analysis or are essential to this environmental analysis process should be submitted by the above date. Please direct any project related questions or comments to the following individuals. The Draft EIS (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in September 2006 and the Final EIS (FEIS) is expected to be available in the May 2007.

ADDRESSES: Send written comments to: Greg Clark, District Ranger, Big Piney Ranger District; PO Box 218; Big Piney, Wyoming 83113. Electronic comments may be sent to *mailroom_r4_bridger_teton@fs.fed.us* with the subject line ''Eagle Prospect''.

FOR FURTHER INFORMATION CONTACT: Teresa Trulock, Project Manager, at the Big Piney Ranger District at 307–276–3375.

SUPPLEMENTARY INFORMATION:

Project Area

The Eagle Prospect is located in the Noble Basin area, south of Muddy Creek, within Township 36 North, Range 113 West, Sixth Principal Meridian. The project area consists of the South Rim Unit, an exploration unit previously by the Bureau of Land Management (BLM) to ensure that exploration will be orderly and environmental effects will be minimized. The South Rim Unit encompasses 19,427 acres of federal minerals in Township 36 North, Range 113 West, including portions of the Big Piney Ranger District, Bridger-Teton National Forest and federal minerals underlying the Hoback Ranches subdivision.

Purpose and Need for Action

The purpose of this proposal is for the Forest Service to analyze exploration and development of existing federal oil and gas leases within the South Rim Unit by PXP, the unit operator, which allows them to exercise the leaseholders' existing rights to drill for, extract, remove, and market oil and gas products. The National Energy Policy recognizes the need to develop federal energy resources to meet continuing national needs and economic demands so long as natural resource values and uses are sustained.

Proposed Action

PXP proposes to conduct exploratory drilling to evaluate the Eagle Prospect by constructing an access road and a single drill pad from which three wells would be drilled. Access to the project area from Daniel Junction, north of Pinedale, is by State Highway 354 to Merna, and then along Sublette County Road #23–115 and forest development roads. PXP has submitted a Notice of Staking (NOS) and an Application for Permit to Drill (APD) to the BLM and Forest Service for each of three oil and gas wells, Eagle #1–8, Eagle #2–8, and Eagle #3–8, that would be drilled in the NW¼SW¼ or Section 8 in Township 36 North, Range 113 West. The proposed project would include improvements to existing forest development roads over a distance of 7.3 miles. New road construction would occur over a distance of 4.2 miles, within portions of Sections 8, 16, 17, and 21 in Township 36 North, Range 113 West. Proposed surface disturbance would affect 2.6 acres for the drill pad and 15 acres for new road construction. Construction is anticipated to begin in mid-year 2007. After construction of the access road and drill pad is completed, well drilling is expected to occur over three to four months. The drill pad would be recontoured and revegetated if drilling is unsuccessful.

The proposed well access route would also be used to provide public access to NFS lands. Road decommissioning and rehabilitation of an existing low standard road into the area would be accomplished in conjunction with the proposed project. This action would support current Forest Plan guidance based on a roads analysis previously conducted by the Forest Service.

Possible Alternatives

The proposed access route has been identified. Possible alternatives to the proposed action include the selection of a different access route or route segment and modification of other project design features. PXP has designed the proposed project so that only one drill location would be used to drill three wells. The scoping process and environmental analysis will evaluate the feasibility of alternatives to the proposed action.

Responsible Official

Greg Clark, District Ranger; Big Piney Ranger District; P.O. Box 218; Big Piney, Wyoming 83113.

Nature of Decision To Be Made

The decision, which is based on this analysis, will be to decide whether to approve or modify the Surface Use Programs for the APDs submitted for the Eagle #1–8, Eagle #2–8, and Eagle #3–8 wells, and to specify the access route and other project design criteria, best management practices, mitigating measures, and monitoring requirements that will be included in the drilling and surface use programs or as conditions of

approval for these wells. The decision will include reasonable measures identified as being needed during this analysis process in addition to any prescribed in the Forest Plan.

Scoping Process

The Forest Service is seeking information, comments, and assistance from individuals, organizations and federal, state, and local agencies that may be interested in or affected by the proposed action (36 CFR 219.6).

Public comments will be used and disclosed in the environmental analysis documented in the Eagle Prospect EIS. Public participation will be solicited by notifying in person and/or by mail known interested and affected parties. A legal notice and news releases will be used to give the public general notice. Open houses will be held from 4 p.m. to 7 p.m. on Monday, January 30, 2006, at the Bondurant Elementary School in Bondurant and from 4 p.m. to 7 p.m. on Tuesday, January 31, 2006 at the Public Library in Pinedale. Forest Service and PXP representatives will be available to explain the project and answer questions.

A reasonable range of alternatives will be evaluated and reasons will be given for eliminating alternatives from detailed study. A ''no-action alternative'' is required, meaning that the Surface Use Programs for the APDs under consideration by the BLM and Forest Service would not be approved. Alternatives will provide different access routes and project design criteria in response to public issues, management concerns, and resource opportunities identified during the scoping process. Scoping comments and existing condition reports will also be used to develop alternatives. It is possible that no other action alternative, other than the proposed action, will be determined to be feasible by the environmental analysis.

Preliminary Issues

The Forest Service has identified the following potential issues. No determination has been made as to which issues will be examined in detail in the environmental analysis. Your input will help determine which of these issues merit detailed analysis and will also help identify additional issues related to the proposed action that may not be listed here.

- Effects of improved road access on inventoried roadless areas.
- Effects of improved road access on travel management and enforcement.
- Effects of drilling on groundwater resources and nearby water wells.
- Effects of project activities on streams and watersheds.
- Effects on wetlands and riparian areas.
- Effects of project activities on air quality.
- Effects on the scenic resources and the visual character of the project area.
- Effects on the Hoback Ranches subdivision.
- Rights-of-way across private lands.
- Effects on individuals, property, and highway traffic.
- Effects on local communities, including Bondurant and Pinedale.
- Public safety during project activities.
- Effects on areas with sensitive soils or potential slope sstability hazards.
- Effects on recreational uses, including hunting, fishing, and snowmobiling.
- Effects on wildlife and fisheries habitats and special status species (threatened and endangered species, sensitive species, and management indicator species).
- Potential for harassment or illegal hunting of wildlife during project activities.
- Potential for vehicle collisions with wildlife or livestock.
- Concern that newly discovered gas resources from the Eagle Prospect could be added to the Lower Valley Energy (LVE) pipeline currently being evaluated by the Forest Service. (Note: The proposed LVE pipeline is a transmission line that will only carry processed gas and will not function as a gathering line that could accommodate unprocessed gas from an exploratory well.)

Early Notice of Importance of Public Participation in Subsequent Environmental Review

The Draft EIS (DEIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in September 2006. At that time, the EPA will publish a notice of availability for the DEIS in the **Federal Register**. The comment period on the DEIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; *Vermont Yankee Nuclear Power Corp.* v. *NRDC.* 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (FEIS) may be waived or dismissed by the courts; *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.,* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period on the DEIS so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS (FEIS).

To assist the Forest Service in identifying and considering issues and concerns on the proposed actions, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statements. Reviewers may wish to refer to the Council on Environmental Quality Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: January 3, 2006.

Greg W. Clark,

District Ranger, Big Piney Ranger District, Bridger-Teton National Forest.

[FR Doc. 06–244 Filed 1–10–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Kamiah, Idaho, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Tuesday, January 24th, 2006, in

Grangeville, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on January 24th, 2006, will be held at Super 8 Motel in Grangeville, Idaho, beginning at 10 a.m. (PST). Agenda topics will include discussion of potential projects. A public forum will begin at 2:30 p.m. (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszcazak, Staff Officer and Designated Federal Officer, at (208) 935–2513.

Dated: January 3, 2006.

Ihor Mereszcazak,

Acting Forest Supervisor.

[FR Doc. 06–233 Filed 1–10–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Site; Federal Lands Recreation Enhancement Act, (Title VIII, Pub. L. 108–447)

AGENCY: Lolo National Forest, USDA Forest Service.

ACTION: Notice of new fee site.

SUMMARY: The Lolo National Forest will begin charging a $60 fee for the overnight rental of Monture Cabin. Rentals of other cabins on the Lolo National Forest have shown that publics appreciate and enjoy the availability of historic rental cabins. Funds from the rental will be used for the continued operation and maintenance of Monture Cabin.

DATES: Monture Cabin will become available for rent January 1, 2006.

ADDRESSES: Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59804.

FOR FURTHER INFORMATION CONTACT: Jim Blackburn, Recreation Coordinator, 406–677–3924.

SUPPLEMENTARY INFORMATION: The Lolo National Forest currently has other cabin rentals. These rentals are often fully booked throughout their rental season. A business analysis of Monture Cabin has shown that people desire to have this sort of recreation experience on the Lolo National Forest. A market analysis indicates that the $60/per night fee is both reasonable and acceptable for this sort of unique recreation experience.

People wanting to rent Monture Cabin will need to do so through the National Recreation Reservation Service, at *http://www.reserveusa.com* or by calling 1–877–444–6777. The National Recreation Reservation Service charges a $9 fee for reservations.

Dated: January 3, 2006.

Deborah L.R. Austin,

Lolo National Forest Supervisor.

[FR Doc. 06–227 Filed 1–10–06; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1432]

Grant Of Authority For Subzone Status, Abbott Pharmaceuticals PR LTD. (APPR)/Abbott Diagnostics International Ltd. (formerly Abbott Health Products, Inc.)/Abbott Biotechnology LTD (ABL), (Pharmaceutical Products), Barceloneta, Puerto Rico

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for " . . . the establishment . . . of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Puerto Rico Industrial Development Corporation, grantee of FTZ 7, has made application to the Board for authority to establish special–purpose subzone status at the pharmaceutical intermediate manufacturing plant of Abbott Pharmaceuticals PR LTD. (APPR), Abbott Diagnostics International Ltd. (formerly Abbott Health Products, Inc.), and Abbott Biotechnology LTD (ABL), located in Barceloneta, Puerto Rico (FTZ Docket 23–2005, filed 5–17–05);

Whereas, notice inviting public comment has been given in the **Federal Register** (70 FR 30080, 5/25/05); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to pharmaceutical products at the manufacturing complex of Abbott Pharmaceuticals PR LTD. (APPR), Abbott Diagnostics International Ltd. (formerly Abbott Health Products, Inc.), and Abbott Biotechnology LTD (ABL), located in Barceloneta, Puerto Rico (Subzone 7I), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 23rd day of December 2005.

Stephen J. Claeys,

Acting Assistant Secretary of Commercefor Import Administration, Alternate Chairman Foreign–Trade Zones Board

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–164 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 123005D]

Gulf of Mexico Fishery Management Council; Scoping Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of scoping hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene scoping hearings to solicit comments on two joint amendments: Joint Reef Fish Amendment 27/Shrimp 14 and Joint Reef Fish Amendment 28/Shrimp 15.

DATES: The scoping hearings will held from January 23 – 31, 2006 at 10 locations throughout the Gulf of Mexico. For specific dates and times see **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting addresses: The scoping hearings will be held in the following locations: Brownsville, Port Aransas, and Galveston, Texas; Larose, Louisiana; Pascagoula, Mississippi; Mobile and Orange Beach, Alabama; and Panama City, Tampa, and Key West, Florida. For specific dates and times see **SUPPLEMENTARY INFORMATION**.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) has scheduled a series of scoping hearings to solicit public comment on two draft scoping documents. The first, Joint Reef Fish Amendment 27/Shrimp 14 proposes actions that deal with adjustments to the total allowable catch (TAC) for red snapper, size limits, bag limits, recreational season dates, and the certification of new shrimp bycatch reduction devices (BRDs). The amendment will also look at directed fishery gear restrictions and depth restrictions on the commercial fishery.

The second document, Joint Reef Fish Amendment 28/Shrimp 15, will consider such issues as shrimp trawl gear limits, limitations of shrimp vessel permit transferability, further reducing bycatch, shrimp fishery bycatch quota and quota monitoring, vessel monitoring systems (VMS), possible area closures for shrimp, and other management alternatives.

The scoping hearings will begin at 7 p.m. and conclude at the end of public testimony or no later than 10 p.m. at each of the following locations:

Monday, January 23, 2006, Four Points by Sheraton, 3777 North Expressway, Brownsville, TX 78520, telephone: (956) 547–1500;

Monday, January 23, 2006, Holiday Inn Mobile I–10 Bellingrath Gardens, 5465 Highway 90 West, Mobile, AL 36619, telephone: (251) 666–5600;

Tuesday, January 24, 2006, University of Texas Marine Science Institute Auditorium, 750 Channel View Drive, Port Aransas, TX 78373, telephone: (361) 749–6711;

Tuesday, January 24, 2006, LaFont Inn, 2703 Denny Avenue, Pascagoula, MS 39567, telephone: (228) 762–7111;

Wednesday, January 25, 2006, Holiday Inn Galveston, 5002 Seawall Boulevard, Galveston, TX 77550, telephone: (409) 740–3581

Wednesday, January 25, 2006, Hilton Garden Inn Orange Beach, 23092 Perdido Beach Boulevard, Orange Beach, AL 36561, telephone: (251) 974–1600;

Thursday, January 26, 2006, Larose Regional Park Gym, 307 East 5th Street, Larose, LA 70373, telephone: (985) 693–7355;

Thursday, January 26, 2006, National Marine Fisheries Service Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408, telephone: (850) 234–6541;

Monday, January 30, 2006, Tampa Marriott Westshore, 1001 North Westshore Boulevard, Tampa, FL 33607, (813) 287–2555; and

Tuesday, January 31, 2006, DoubleTree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, telephone: (305) 293–1818.

Copies of the scoping documents and related materials can be obtained by calling the Council office at (813) 348–1630.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: January 5, 2006.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E6–188 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010406A]

International Whaling Commission; Intersessional Revised Management Scheme Working Group Meeting; Nominations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Request for nominations.

SUMMARY: This notice is a call for nominees for one non-federal position to the U.S. Delegation to the February 28 - March 2, 2006, International Whaling Commission (IWC) intersessional Revised Management Scheme (RMS) Working Group meeting.

DATES: All nominations for the U.S. Delegation to the IWC intersessional RMS Working Group meeting must be received by January 31, 2006.

ADDRESSES: All nominations for the U.S. Delegation to the IWC intersessional RMS Working Group meeting should be addressed to Dr. Bill Hogarth, Acting U.S. Commissioner to the IWC, and sent via post to: Cheri McCarty, National Marine Fisheries Service, Office of International Affairs, 1315 East-West Highway, SSMC3 Room 12603, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

FOR FURTHER INFORMATION CONTACT: Cheri McCarty, 301–713–9090, Ext. 183.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. The U.S. Commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, the Marine Mammal Commission, and by other agencies. The non-federal representative selected as a result of this nomination process is responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations.

The intersessional RMS Working Group meeting will be held February 28 - March 2, 2006, in Cambridge, UK, at the University Arms Hotel.

Dated: January 5, 2006.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. E6–162 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition under the North American Free Trade Agreement (NAFTA)

January 5, 2006.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for Public Comments concerning a request for modification of the NAFTA rules of origin for nonwoven wipes made from viscose rayon staple fiber.

SUMMARY: On December 19, 2005 the Chairman of CITA received a request from Meeks & Sheppard, on behalf of Johnson & Johnson Consumer Products Company, alleging that rayon viscose

staple fiber, classified in subheading 5504.10 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for sanitary towels or tampons classified under HTSUS subheading 5601.10 should be modified to allow the use of non-North American viscose rayon staple fiber.

The President may proclaim a modification to the NAFTA rules of origin only after reaching an agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether woven fabrics of the type described below can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by February 10, 2006 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Martin J. Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2818.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

Background

Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. *See* Section 202(q) of the NAFTA Implementation Act. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. NAFTA Implementation Act, SAA, H. Doc. 103-159, Vol. 1, at 491 (1993). The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. SAA at 491. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification. *See* section 202(q) of the NAFTA Implementation Act.

On December 19, 2005 the Chairman of CITA received a request from Meeks & Sheppard, on behalf of Johnson & Johnson Consumer Products Company, alleging that rayon viscose staple fiber, classified in subheading 5504.10 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for sanitary towels or tampons classified under HTSUS subheading 5601.10 should be modified to allow the use of non-North American viscose rayon staple fiber. The petitioner requested that the modification be effective for entries made on or after October 1, 2005, the date they alleged all rayon production ended in the United States.

CITA is soliciting public comments regarding this request, particularly with respect to whether viscose rayon staple fiber can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than February 10, 2006. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

If a comment alleges that viscose rayon staple fiber can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer stating that it produces fiber that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E6–160 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–DS–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition under the North American Free Trade Agreement (NAFTA)

January 5, 2006.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for Public Comments concerning a request for modification of the NAFTA rules of origin for textile flock made from various man-made staple fiber and tow.

SUMMARY: On December 21, 2005 the Chairman of CITA received a request from Cellusuede Products, Inc. (Cellusuede), alleging that certain man-made staple fiber and tow, of the specifications detailed below, classified in the indicated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for textile flock classified under HTSUS subheading 5601.30 should be modified to allow the use of non-North American man-made staple fiber and tow, of the specifications detailed below.

The President may proclaim a modification to the NAFTA rules of origin only after reaching an agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether woven fabrics of the type described below can

be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by February 10, 2006 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Martin J. Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2818.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

Background

Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. *See* Section 202(q) of the NAFTA Implementation Act. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. NAFTA Implementation Act, SAA, H. Doc. 103-159, Vol. 1, at 491 (1993). The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. SAA at 491. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification. *See* section 202(q) of the NAFTA Implementation Act.

On December 21, 2005 the Chairman of CITA received a request from Cellusuede Products, Inc. (Cellusuede), alleging that certain man-made staple fiber and tow, of the specifications detailed below, classified in the indicated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for textile flock classified under HTSUS subheading 5601.30 should be modified to allow the use of non-North American man-made staple fiber and tow, of the specifications detailed below.

Specifications:

1) 3.0 denier (3.3 dtex) 100 kilotex uncrimped modacrylic tow. HTSUS 5501.30.
2) 3.0 denier (3.3 dtex) 50 kilotex solution-dyed black crimpless polyester tow moisture content less than 2% by weight. HTSUS 5501.20.
3) 3.0 denier (3.3 dtex) 100 kilotex crimpless polypropylene homopolymer tow. HTSUS 5501.90.
4) 3.0 denier (3.3 dtex) 100 kilotex crimpless polypropylene homopolymer staple fiber. HTSUS 5503.40.
5) 3.0 denier (3.3 dtex) solution dyed black T6.6 uncrimped nylon tow. HTSUS 5501.10.
6) 3.0 denier (3.3 dtex) bright viscose rayon tow. HTSUS 5502.00.
7) 1.5 denier (1.7 dtex) bright viscose rayon tow. HTSUS 5502.00.
8) 3.0 denier (3.3 dtex) solution dyed black viscose rayon tow. HTSUS 5502.00.
9) 3.0 denier (3.3 dtex) bright viscose rayon staple fiber. HTSUS 5504.10.
10) 1.5 denier (1.7 dtex) bright viscose rayon staple fiber. HTSUS 5504.10.

CITA is soliciting public comments regarding this request, particularly with respect to whether the man-made staple fiber and tow described above can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than February 10, 2006. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

If a comment alleges that these man-made staple fibers and tows can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer stating that it produces fiber that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E6–161 Filed 1–10–06; 8:45 am]

BILLING CODE 3510–DS–S

CONSUMER PRODUCT SAFETY COMMISSION

Senior Executive Service; Performance Review Board; Membership

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of names of members.

SUMMARY: This notice lists the individuals who have been appointed to the Commission's Senior Executive Service Performance Review Board.

EFFECTIVE DATE: January 11, 2006.

ADDRESSES: Consumer Product Safety Commission, Office of the Secretary, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Donna M. Simpson, Office of Human Resources, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–7218; e-mail *dsimpson@cpsc.gov*

Members of the Performance Review Board are listed below:

Lowell F. Martin (Chairman)
Gregory Rodgers
John Gibson Mullan
Patrick D. Weddle
Mary Ann T. Danello (alternate)
Jacqueline Elder (alternate)
Hugh M. McLaurin (alternate)
Joseph Mohorovic (alternate)
Marc Schoem (alternate)
Andrew G. Stadnick (alternate)
Patricia M. Semple (alternate)
Page C. Faulk (advisory member)
Donna Simpson (executive secretary)

Alternate members may be designated by the Chairman or the Chairman's

designee to serve in the place of regular members who are unable to serve for any reason.

Dated: January 6, 2006.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E6–167 Filed 1–10–06; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Renewal of the Defense Business Board

ACTION: Notice.

SUMMARY: The Defense Business Board has been renewed in consonance with the public interest, and in accordance with the provisions of Public Law 92–463, The ''Federal Advisory Committee Act.'' The Defense Business Board provides the Secretary of Defense independent advice and recommendations on effective strategies for the implementation of best business practices of interest to the Department of Defense.

The Defense Business Board consists of a balanced membership of not more than 20 members, who are eminent authorities in the fields of management, production, logistics, personnel leadership, and defense industrial base.

FOR FURTHER INFORMATION CONTACT: Please contact Ms. Kelly Van Niman at 703–697–2346.

Dated: January 5, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–216 Filed 1–10–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS). The purpose of the Committee meeting is to introduce new members and conduct orientation training. The meeting is open to the public, subject to the availability of space.

Interested persons may submit a written statement for consideration by the Committee and make an oral presentation of such. Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed below no later than 5 p.m., 5 January 2006. Oral presentation by members of the public will be permitted only on Monday 9 January 2006 from 4:45 p.m. to 5 p.m. before the full Committee. Presentations will be limited to two minutes. Number of oral presentations to be made will depend on the number of requests received from members of the public. Each person desiring to make an oral presentation must provide the point of contact listed below with one (1) copy of the presentation by 5 p.m., 5 January 2006 and bring 35 copies of any material that is intended for distribution at the meeting. Persons submitting a written statement must submit 35 copies of the statement to the DACOWITS staff by 5 p.m. on 20 January 2006.

DATES: 9 January 2006, 8:30 a.m.–5 p.m.

10 January 2006, 8:30 a.m.–5 p.m.

11 January 2006, 8:30 a.m.–5 p.m.

Location: Double Tree Hotel Crystal City National Airport, 300 Army-Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: MSgt Gerald Posey, USA DACOWITS, 4000 Defense Pentagon, Room 2C548A, Washington, DC 20301–4000. Telephone (703) 697–2122. Fax (703) 614–6233.

SUPPLEMENTARY INFORMATION: Meeting agenda.

Monday, 9 January 2006, 8:30 p.m.–5 p.m.

Welcome & Administrative Remarks.

New member Orientation.

Public Forum.

Tuesday, 10 January 2006, 8:30 a.m.–5 p.m.

New Member Orientation.

Wednesday, 11 January 2006, 8:30 a.m.–5 p.m.

New Member Orientation.

Note: Exact order may vary.

Dated: January 5, 2006.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 06–218 Filed 1–10–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army, (OAA–RPA), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 13, 2006.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to U.S. Army ROTC Cadet Command, ATTN: ATCC–OP–I–S (Elaine Krzanowski), 55 Patch Road, Building 56, Fort Monroe, Virginia 23651–1052.

Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports Clearance Officer at (703) 428–6440.

Title, Associated Form, and OMB Number: U.S. Army ROTC 4-Year College Scholarship Application (For High School Students); CC Form 114–R, OMB Control Number 0702–0073.

Needs and uses: The Army ROTC Program produces approximately 80 percent of the newly commissioned officers for the U.S. Army. The Army ROTC scholarship is an incentive to attract men and women to pursue educational degrees in the academic disciplines required by the Army. The information is collected annually.

Affected Public: Business or Other for-Profit.

Annual Burden Hours: 8,250.

Number of Respondents: 11,000.

Responses Per Respondent: 1.

Average Burden Per Response: 45 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION: The applications are available to high school students. Once the applications for U.S. Army ROTC 4-Year College Scholarship Program are completed, they are submitted to Headquarters, Cadet Command for review, screening and selection of scholarship recipients. The application and information provides the basis for the scholarship award.

Dated: January 3, 2006.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–220 Filed 1–10–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army, (OAA–RPA), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of the automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by March 13, 2006.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Department of the Army, Office of the Assistant G–1 (Civilian Personnel Evaluation Agency), ATTN: DAPE–CP–EA (Murray Mack), 2461 Eisenhower Avenue, Hoffman I, Room 1150, Alexandria, VA 22332–0300.

Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports clearance officer at (701) 428–6440.

Title and OMB Number: Evaluation of Reasons for Non-Acceptance of Department of Army Civilian Job Offers, OMB Control Number 0702–0118.

Needs and Uses: Applicants for Department of the Army civilian jobs will be surveyed to assess reasons why they declined Army job offers. The purpose of the survey is to provide a better understanding and determine which factors influenced job candidate to decline a position with the Department of the Army so that these factors may be addressed and subsequently lead to a better work force.

Affected Public: Individuals or households.

Annual Burden hours: 292.

Number of Respondents: 2,500.

Responses Per Respondent: 1.

Average Burden Per Response: 7 minutes.

Frequency: Semi-annually.

SUPPLEMENTARY INFORMATION: This information collection will provide a deeper understanding of the problems the Army faces in recruiting talented and qualified employees. The Department of the Army has a special interest in maintaining a qualified work force in that our national security rests on a foundation of good, capable, knowledgeable people working for the Department of the Army.

Dated: January 3, 2006.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06–221 Filed 1–10–06; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Technical Assistance Center on Evidence-Based Practices To Improve Early Literacy and Language Development of Young Children With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006

Catalog of Federal Domestic Assistance (CFDA) Number: 84.326B.

Dates: Applications Available: January 13, 2006.

Deadline for Transmittal of Applications: February 27, 2006.

Deadline for Intergovernmental Review: May 31, 2006.

Eligible Applicants: State educational agencies (SEAs), local educational agencies (LEAs), public charter schools that are LEAs under State law, institutions of higher education (IHEs), other public agencies, private nonprofit organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

Estimated Available Funds: The Administration has requested $49,397,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program for FY 2006, of which we intend to use an estimated $800,000 for the Technical Assistance Center on Evidence-Based Practices to Improve Early Literacy and Language Development of Young Children with Disabilities competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: We will reject any application that proposes a budget exceeding $800,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: This program promotes academic achievement and

improves results for children with disabilities by supporting technical assistance, model demonstration projects, dissemination of useful information, and implementation activities that are supported by scientifically based research.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2005 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technical Assistance Center on Evidence-Based Practices To Improve Early Literacy and Language Development of Young Children With Disabilities

Background: The process of developing literacy skills begins in the early childhood years. A growing body of evidence shows that early literacy skills, such as phonological processing, print awareness, and oral language are the foundations to later reading success. The recognition of the early childhood years as a critical period in developing the skills needed for later school success has been well documented in research literature. Several recent Federal initiatives, including the Early Reading First grants, the Good Start Grow Smart initiative, and the White House Summit on Early Childhood Cognitive Development in 2001, have highlighted the need for evidence-based practices that promote and support the development of school readiness skills, including early literacy.

In an effort to develop this research base, Federal resources have been directed to examine the impact different curricula, interventions, and programs have on young children's readiness skills, including early literacy and language skills (*e.g.*, Preschool Curriculum Evaluation Research, Head Start Impact Study, Interagency School Readiness Consortium, and Evaluation of Early Reading First Grants). Current efforts are also underway to synthesize and disseminate this knowledge base (*e.g.*, What Works Clearinghouse review of early childhood education, National Early Literacy Panel research synthesis, Child Care and Early Education Research Connections, and Research and Training Center in Early Childhood Development). The ultimate challenge in promoting the development of early literacy and language skills in young children is ensuring the various early care and education providers and families have access to and can utilize the most up-to-date research and information.

One group of children particularly at-risk for experiencing later reading difficulties is young children with developmental delays or diagnosed disabilities. Traditionally, early intervention and early childhood special education providers have focused on developmental and functional goals and have not necessarily addressed early literacy skills. The growing evidence base on the relationship between early literacy and later reading skills highlights the importance of working on early literacy for young children with developmental delays or diagnosed disabilities. Early literacy skills should be targeted with the recognition of the integrated nature of young children's development, within the context of broader early learning and development.

In an effort to encourage the focus on readiness skills for young children receiving services under IDEA, the Office of Special Education Programs (OSEP) developed child outcome indicators for programs under Part C and Part B that States must report on annually in the State Performance Plan (SPP) and Annual Performance Report (APR) required under section 616 of IDEA. These indicators include a focus on early literacy and language development. Specialized technical assistance will be needed to ensure early intervention and early childhood special education and related service providers are equipped with evidence-based interventions and practices that promote the development of early literacy and language skills in young children with disabilities.

Priority: The Technical Assistance Center on Evidence-Based Practice to Improve Early Literacy and Language Development of Young Children with Disabilities (the Center) is designed to build on the existing database of evidence-based and promising intervention practices and to identify, disseminate, and assist in the implementation of the most successful practices available that improve the early literacy and language outcomes of young children with disabilities. For purposes of this priority, young children with disabilities mean children from birth through age five with developmental delays and diagnosed disabilities. The Center must provide the conceptual framework and research base for intervention practices and a cohesive decision-making model related to implementing those practices. In carrying out its activities, the Center must take into consideration the availability of professionals who can coordinate and deliver an effective and practical approach to technical assistance (TA) that providers and programs can adopt, TA efforts that support and enhance the use of evidence-based practices, and TA efforts that support Federal provisions for delivery of services to infants, toddlers, and preschool children with disabilities under Part C and Part B of IDEA.

The Center's knowledge and development activities must include but are not limited to:

(a) Developing a conceptual framework for the work of the Center that includes an evidence base for intervention practices that have been shown to improve early literacy and language outcomes in the context of broader early learning and development, and a cohesive decision-making model related to implementing those practices.

(b) Developing a national TA network comprised of a cadre of experts to provide TA to States in early language and literacy development for young children with disabilities. In their applications, applicants must describe the network and identify the cadre of experts.

(c) In year 1 of the project period, conducting or identifying research syntheses on interventions that have been shown to improve the early literacy and language outcomes for young children with disabilities, and increase the likelihood that they will enter school ready to succeed and participate in classrooms with their typically developing peers. To the extent possible, the Center should use criteria from the What Works Clearinghouse and other rigorous sources in determining what is ''evidenced-based''. The research syntheses conducted or identified must at a minimum include research synthesis on:

(1) Developmentally appropriate interventions for young children with disabilities that target the critical components of early literacy, such as phonological processing, print awareness, oral language, and the motivational aspects of early literacy.

(2) Curricula with a research base for young children that include a focus on early literacy and language and how these curricula can be successfully modified, adapted, or individualized for young children with disabilities. These curricula could primarily target early literacy and language or be part of an integrated approach focused on the development of language, early literacy and other pre-academic skills, social behavior, and social-emotional

competence necessary for later academic learning and achievement.

(3) The delivery of evidence-based interventions and curricula targeting early literacy and language in a variety of inclusive and natural early childhood environments.

(4) The delivery of family-focused interventions targeting early literacy and language for children receiving services under Part C of IDEA.

(5) Empirically-based assessment practices, including the use of valid and reliable curriculum-based assessments and measures (CBA/CBM) for improving early literacy and language, monitoring individual growth and progress, data-based decisionmaking, aggregating individual child data to evaluate program efforts, and coordinating assessments with State early learning or school readiness standards targeting early literacy and language.

(6) TA strategies that lead to knowledge utilization, sustainable changes in practice, and improved outcomes.

The Center's TA and dissemination activities must include but are not limited to:

(a) Providing general TA and information on evidence-based interventions and practices that promote the development of early literacy and language skills for young children with disabilities to all interested States and other stakeholders. This general TA must reflect the on-going work of the Center by providing up-to-date information on practices that enhance early literacy and language development of young children with disabilities through a variety of TA and dissemination activities (e.g., Web site; listserv; presentations at national, regional, or State conferences; conducting national training institutes, etc.). The Center's training and support must develop the capacity of service providers to use high quality, evidence-based interventions and practices in the various settings where young children with disabilities are served including home, typical early childhood settings, and early intervention/early childhood special education settings. For children receiving services under Part C of IDEA the focus must be on family-focused interventions.

(b) In years 1 and 2 of the project period, identifying and/or developing and evaluating models that successfully implement evidence-based or promising practices and interventions that promote the development of early literacy and language in young children with disabilities in a minimum of five local communities. Models must be identified or developed for providers and programs serving young children with disabilities receiving services under Part C and Part B of IDEA. Models developed or identified must include sites where providers and programs serve young children with disabilities in a variety of settings and sites in various types of communities (rural, urban, suburban, etc.) serving diverse groups of children. Models must include the creation and implementation of professional development plans that enhance early childhood professionals' implementation of evidence-based and high quality interventions and practices. Professional development plans must include early intervention and early childhood special education providers and may include other early care and education providers serving young children with disabilities, such as providers in Head Start/Early Head Start, child care, Title I-funded school-based preschool, and State funded pre-K programs. The Center should be attentive to factors that facilitate fidelity of implementation and are necessary to sustain the model.

(c) In years 3, 4, and 5 of the project period, facilitating the development of State-wide or regional TA networks specifically focused on increasing the use of evidence-based practices that improve the early literacy and language outcomes of young children with disabilities by scaling-up evidence-based models and practices. These TA networks must include building a system for training and supporting State-funded or program-funded ''coaches'' who provide TA to regional, State, and local early intervention and early childhood special education programs and providers and other early childhood professionals serving young children with disabilities (such as Head Start/Early Head Start, child care, Title I-funded school-based preschool, and State-funded pre-K programs). These TA networks also must include State and local early childhood program administrators (Part C and Part B, Section 619 coordinators, child care administrators, Head Start administrators, Pre-K administrators), families, early childhood professional development experts (including community colleges and other IHEs), researchers, early childhood TA experts, and others. The Center must allocate sufficient resources and time to develop strong TA networks and must give priority to working with States most in need. Applicants must describe in their applications the process and criteria for choosing the States with whom they will work and should consider child outcome data reported on State APRs. This selection process must involve consultation with OSEP.

(d) Developing and implementing a plan for involving and communicating with families in the work of the Center. This plan must be developed in collaboration with OSEP-funded parent programs, including representatives from both the Parent Training and Information Centers and the Community Parent Resource Centers funded by the Department under sections 671 and 672 of IDEA, and must include strategies to ensure involvement and communication with diverse and hard-to-reach families.

The Center also must—

(a) Coordinate the Center's and the TA networks' activities with existing and future IDEA-funded early intervention and early childhood special education TA and research centers. The Center must build on the work of other successful federally funded early childhood projects where applicable. The Center must coordinate activities with the National Early Childhood Technical Assistance Center (NECTAC), the Regional Resource Centers (RRCs), and the Early Childhood Outcomes (ECO) Center, and build on the work of the Research and Training Center in Early Childhood Development;

(b) Coordinate the Center's and the TA networks' activities with other national, regional, State, and local early childhood training and TA efforts, including but not limited to such efforts targeting Head Start/Early Head Start, child care, Title I school-based preschool programs, and State-funded pre-K programs;

(c) Establish, maintain, and meet at least annually with a national advisory group that includes families, early intervention and early childhood special education providers, early literacy experts, national early childhood organizations, and community members involved with young children with disabilities. The national advisory group will be responsible for providing annual feedback on the plans, activities, and accomplishments of the Center;

(d) Evaluate the Center's and TA networks' activities. The Center must measure the impact of TA activities on early childhood professionals and families. Specifically, the Center must document what practitioners and families learn and how TA affected their interactions with young children with disabilities;

(e) Maintain a Web site that is available to early childhood professionals and families and includes all TA materials prepared by the Center in a format that meets a government or

industry-recognized standard for accessibility; and

(f) Maintain on-going communication with the OSEP project officer, including monthly conference calls. Budget for a three-day Project Directors' meeting in Washington, DC during each year of the project plus additional two-day trips annually to Washington, DC to attend additional national meetings and to meet and collaborate with the OSEP Project Officer and other funded projects for purposes of cross-project collaboration and information exchange.

Fourth and Fifth Years of the Project: In deciding whether to continue funding the Center for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, DC. Projects must budget for travel expenses associated with this one-day intensive review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the Center; and

(c) The degree to which the project promotes best practices in the area of services to young children with disabilities.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on a proposed priority. However, section 681(d) of IDEA makes the public comment requirements under the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481(d).

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested $49,397,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program for FY 2006, of which we intend to use an estimated $800,000 for the Technical Assistance Center on Evidence-Based Practices to Improve Early Literacy and Language Development of Young Children with Disabilities competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Award: We will reject any application that proposes a budget exceeding $800,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs, LEAs, public charter schools that are LEAs under State law, IHEs, other public agencies, private nonprofit organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other: General Requirements*—(a) The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this competition must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.326B.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team listed under *For Further Information Contact* in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: January 13, 2006.

Deadline for Transmittal of Applications: February 27, 2006.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: May 31, 2006.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* We have been accepting applications electronically through the Department's e-Application system since FY 2000. In order to expand on those efforts and comply with the President's Management Agenda, we are continuing to participate as a partner in the new government wide Grants.gov Apply site in FY 2006. The Technical Assistance Center on Evidence-Based Practices to Improve Early Literacy and Language Development of Young Children with Disabilities-CFDA Number 84.326B is one of the competitions included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for The Technical Assistance Center on Evidence-Based Practices to Improve Early Literacy and Language Development of Young Children with Disabilities at: *http://www.grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*
- To submit your application via Grants.gov, you must complete all of the steps in the Grants.gov registration process (see *http://www.Grants.gov/GetStarted*). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/assets/GrantsgovCoBrandBrochure8X11.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to successfully submit an application via Grants.gov.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.
- Your electronic application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of System Unavailability

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under *For Further Information Contact*, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326B), 400 Maryland Avenue, SW., Washington, DC 20202–4260;

or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.326B), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* Under the Government Performance and Results Act (GPRA), the Department has developed measures that will yield information on various aspects of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures focus on: the extent to which projects provide high quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

We will notify grantees if they will be required to provide any information related to these measures.

Grantees will also be required to report information on their projects' performance in annual reports to the Department (34 CFR 75.590).

VII. Agency Contact

For Further Information Contact: Jennifer Tschantz, U.S. Department of Education, 400 Maryland Avenue, SW., room 4055, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7556.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request by contacting the following office: The Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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

Dated: January 5, 2006.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E6–163 Filed 1–10–06;8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–8020–3]

Beaches Environmental Assessment and Coastal Health Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Grants for Implementation of Coastal Recreation Water Monitoring and Public Notification under the Beaches Environmental Assessment and Coastal Health Act.

SUMMARY: The Beaches Environmental Assessment and Coastal Health (BEACH) Act, signed into law on October 10, 2000, amended the Clean Water Act (CWA), to incorporate provisions to reduce the risk of illness to users of the Nation's recreational waters. Section 406(b) of the CWA, as amended by the BEACH Act, authorizes the U.S. Environmental Protection Agency (EPA) to award program development and implementation grants to eligible States, Territories, Tribes, and local governments to support microbiological monitoring of coastal recreation waters, including the Great Lakes, that are adjacent to beaches or similar points of access used by the public. BEACH Act grants also support development and implementation of programs to notify the public of the potential exposure to disease-causing microorganisms in coastal recreation waters. EPA encourages coastal and Great Lakes States and Territories to apply for BEACH Act grants for program implementation (referred to as implementation grants) to implement effective and comprehensive coastal recreation water monitoring and public notification programs. EPA also encourages coastal and Great Lakes Tribes to apply for BEACH Act grants for program development (referred to as development grants) to develop effective and comprehensive coastal recreation water monitoring and public notification programs.

DATES: States and Territories must submit applications on or before April 11, 2006. Eligible Tribes should notify the relevant Regional BEACH Act grant coordinator of their interest in applying on or before March 13, 2006. Upon receipt of a Tribe's notice of interest, EPA will establish an appropriate application deadline.

ADDRESSES: You must send your application to the appropriate Regional Grant Coordinator listed in this notice under **SUPPLEMENTARY INFORMATION** section VI.

FOR FURTHER INFORMATION CONTACT: Rich Healy, 1200 Pennsylvania Ave., NW., (4305T), Washington, DC 20460, 202–566–0405, *healy.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Grant Program

What Is the Statutory Authority for BEACH Act Grants?

The general statutory authority for BEACH Act grants is section 406(b) of the Clean Water Act, as amended by the BEACH Act, Public Law No. 106–284, 114 Stat. 970 (2000). It provides: ''The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.'' CWA section 406(b)(2)(A), however, limits EPA's ability to award grants only to those States, Tribes and Territories that meet certain requirements (see section II, Funding and Eligibility, below for information on specific requirements).

What Activities Are Eligible for Funding Under the FY 2006 Grants?

In fiscal year 2006, EPA intends to award grants authorized under CWA section 406(b) to eligible States and Territories to support the implementation of coastal recreation water monitoring and public notification programs that are consistent with EPA's required performance criteria for implementation grants. Also in fiscal year 2006, EPA intends to award development grants to eligible Tribes to support the development of coastal recreation water monitoring and public notification programs that are consistent with EPA's performance criteria for grants. EPA published the required performance criteria for grants in *National Beach Guidance and Required Performance Criteria for Grants,* (EPA–823–B–02–004), on July 19, 2002. A notice of availability of the document was published in the **Federal Register** (67 FR 47540, July 19, 2002). This document can be found on EPA's Web site at *http://www.epa.gov/waterscience/beaches/grants.* Copies of the document may also be obtained by writing, calling, or e-mailing: Office of Water Resources Center, U.S. Environmental Protection Agency, Mail Code 4100T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (Phone: 202–566–1731 or e-mail: *center.water-resource@epa.gov*).

II. Funding and Eligibility

Who Is Eligible To Apply for These Implementation Grants?

Coastal and Great Lake States that meet the requirements of CWA section 406(b)(2)(A) are eligible for grants in fiscal year 2006 to implement monitoring and notification programs. The definition of the term ''State'' in CWA section 502 includes the District of Columbia, and current U.S. Territories: the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Are Local Governments Eligible for Funding?

CWA section 406(b)(2)(B) authorizes EPA to make a grant to a local government for implementation of a monitoring and notification program only if, after the one-year period beginning on the date of publication of the performance criteria (July 19, 2002), EPA determines that the State within which the local government has jurisdiction is not implementing a program that meets the requirements of CWA section 406(b), which includes a requirement that the program is consistent with the performance criteria in *National Beach Guidance and Required Performance Criteria for Grants.* Local governments may contact their EPA Regional office for further information about BEACH Act grants.

How May Tribes Apply for BEACH Act Development Grants and How Much Funding Is Available for Tribes?

Section 518(e) of the CWA authorizes EPA to treat eligible Indian Tribes in the same manner as States for the purpose of receiving CWA section 406 grant funding. For fiscal year 2006, EPA will make $50,000 available for development grants to eligible Tribes. In order to be eligible for a CWA section 406 development grant, a Tribe must have coastal recreation waters adjacent to beaches or similar points of access that are used by the public. The phrase ''coastal recreation waters'' is defined in CWA section 502(21) to mean the Great Lakes and marine coastal waters (including coastal estuaries) that are designated under CWA section 303(c) for use for swimming, bathing, surfing, or similar water contact activities. The statute explicitly excludes from the definition inland waters and waters

upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea. In addition, a tribe must demonstrate that it meets the ''treatment in the same manner as a State'' (TAS) criteria contained in CWA section 518(e) for purposes of receiving a section 406 beaches grant. To demonstrate TAS, the Tribe must show that it: (1) Is federally recognized; (2) has a governing body carrying out substantial governmental duties and powers; (3) will be exercising functions pertaining to waters within reservation; and (4) is reasonably expected to be capable of carrying out the functions consistent with the CWA and all applicable regulations. EPA encourages those Tribes with coastal recreation waters to contact their regional Beach Act grant coordinator for further information regarding the application process as soon as possible.

Are There Any Additional Eligibility Requirements and Grant Conditions Applicable to States, Tribes, and Territories?

Yes, there are additional eligibility requirements and grant conditions. First, CWA section 406(b)(2)(A) provides that EPA may only award a grant to implement a monitoring and notification program if:

(i) The program is consistent with the performance criteria published by the Administrator under CWA section 406(a);

(ii) The State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

(iii) The State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

(iv) The State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under CWA section 406(a); and

(v) The public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

Second, CWA section 406(c) requires that as a condition of receipt of a CWA section 406 grant, a State or local government program for monitoring and notification must identify:

(1) Lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

(2) In the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

(3) The frequency and location of monitoring and assessment of coastal recreation waters based on:

(A) The periods of recreational use of the waters;

(B) The nature and extent of use during certain periods;

(C) The proximity of the waters to known point sources and nonpoint sources of pollution; and

(D) Any effect of storm events on the waters;

(4) (A) The methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

(B) The assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

(5) Measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to:

(A) The Administrator, in such form as the Administrator determines to be appropriate; and

(B) A designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

(6) Measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

(7) Measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

Third, as required by CWA section 406(b)(3)(A), a State recipient of a CWA section 406 grant must submit to EPA, in such format and at such intervals as EPA determines to be appropriate, a report that describes:

(1) Data collected as part of the program for monitoring and notification as described in section 406(c), and

(2) Actions taken to notify the public when water quality standards are exceeded. States must submit to EPA both the monitoring and notification reports for any beach season by January 31 of the year following the beach season. For the 2006 beach season the deadline for states to submit these reports is January 31, 2007. EPA established this report submission deadline in the **Federal Register** notice for the fiscal year 2003 grants (68 FR 15446, 15449 (March 31, 2003)) and reiterated it in the **Federal Register** notice for the fiscal year 2004 and 2005 grants (69 FR 24592, 24596 (May 4, 2004) and 70 FR 15850, 15854 (March 29, 2005)).

Fourth, States are required to report to EPA, latitude, longitude and mileage data on:

(1) The extent of beaches and similar points of public access adjacent to coastal recreation waters, and

(2) the extent of beaches that are monitored.

EPA established this requirement in the **Federal Register** notice for the fiscal year 2003 grants (68 FR 15446, 15447 (March 31, 2003)) and reiterated the requirement in the **Federal Register** notice for the fiscal year 2004 and 2005 grants (69 FR 24592, 24594 (May 4, 2004) and 70 FR 15850, 15852 (March 29, 2005)). EPA is continuing this requirement in order to capture any changes States may make to their beach monitoring program. States must report to EPA any changes to either the extent of their beaches or similar points of access, or to the extent of their beaches that are monitored.

How Much Funding Is Available?

For fiscal year 2006, the total available for BEACH Act grants is $9,853,100. EPA expects to award $9,803,100 in implementation and development grants to eligible States and Territories. In addition, EPA intends to award $50,000 in development grants to eligible Tribes.

How Will the Funding for States and Territories Be Allocated?

EPA expects to award grants to all eligible States and Territories who apply for funding based on an allocation formula that the Agency developed for allocating BEACH Act grant funds in 2002. EPA consulted with various States, the Coastal States Organization, and the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) to develop this formula. It uses three factors that

are readily available and verifiable: (1) Beach season length, (2) beach miles, and (3) beach use.

(1) Beach Season Length

EPA selected beach season length as a factor because it determines the part of the year when a government would conduct its monitoring program. The longer the beach season, the more resources a government would need to conduct monitoring. The Agency obtained the information on the length of a beach season from the National Health Protection Survey of Beaches for the States or Territories that submitted a completed survey. EPA estimated the beach season length for Alaska based on air and water temperature, available information on recreation activities, and data from the 1993 National Water Based Recreation Survey. EPA grouped the States and U.S. Territories into four categories of beach season lengths:

For beaches in:	The beach season category is:
Alaska	<3 months.
Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, Wisconsin.	3–4 months.
Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	5–6 months.
American Samoa, California, Florida, Guam, Hawaii, Northern Mariana, Puerto Rico, Texas, U.S. Virgin Islands	9–12 months.

(2) Beach Miles

EPA selected miles of beach as a factor because it determines the geographical extent over which a government would conduct monitoring. The more miles of beaches, the more resources a government would need to conduct monitoring. EPA does not have beach mileage data in a format that can be used for the allocation formula at this time. Therefore, in the interim, EPA is using shoreline miles as a surrogate for beach miles in the allocation formula. Shoreline miles data overestimates beach miles in some States and Territories; however, EPA and States agreed that this is the best beach estimate available at this time. EPA used the National Oceanic and Atmospheric Administration (NOAA) publication, *The Coastline of the United States*, to quantify shoreline miles.

(3) Beach Use

EPA selected beach use as a factor because it reflects the magnitude of potential human exposure to pathogens at recreational beaches. Greater use of beaches makes it more likely that a government would need to increase monitoring frequency due to the larger number of people potentially exposed to pathogens. EPA continues to use the coastal population of counties (based on the 2000 Census data) to quantify the coastal population that is wholly or partially within the State's or Territory's legally defined coastal zone, as a surrogate for actual beach usage.

The grants allocation formula sums three parts. The first part is a base amount for all States and Territories that varies with the length of the beach season. The second part distributes 50% of the total remaining funds based on the ratio of shoreline miles in a State or Territory to the total length of shoreline miles. For example, if a State has 4% of the total coastal and Great Lakes shoreline, that State would receive 4% of 50% (or 2%) of total funds remaining after the Agency distributed the funds for part one. The third part distributes the remaining 50% based on the ratio of coastal population in a State or Territory to the total coastal population. For example, if a State has 2% of the total coastal and Great Lakes population, that State would receive 2% of 50% (or 1%) of the total funds remaining after the Agency distributes the funds for the first two parts. The following table summarizes the allocation formula:

For the factor:	The part of the allocation is:
Beach season length	<3 months: $150,000 (States and Territories with a season <3 months receive season-based funding only.). 3–4 months: $200,000. 5–6 months: $250,000. >6 months: $300,000.
Shoreline miles	50% of funds remaining after allocation of season-based funding.
Coastal population	50% of funds remaining after allocation of season-based funding.

For 2006, the total available for BEACH Act grants to States and Territories is $9,853,100 million. Assuming all 35 States and Territories with coastal recreation waters apply and meet the statutory eligibility requirements for implementation grants (and have met the statutory grant conditions applicable to previously awarded section 406 grants), the distribution of the funds for year 2006 would be:

For the State or Territory of:	The year 2006 allocation is:	For the State or Territory of:	The year 2006 allocation is:
Alabama	$262,170	Massachusetts	254,440
Alaska	150,000	Michigan	278,450
American Samoa	302,140	Minnesota	204,270
California	516,960	Mississippi	257,510
Connecticut	223,370	New Hampshire	204,530
Delaware	210,750	New Jersey	277,730
Florida	528,410	New York	348,740
Georgia	286,200	North Carolina	302,480
Guam	302,600	Northern Marianas	303,330
Hawaii	323,020	Ohio	223,650
Illinois	242,940	Oregon	228,780
Indiana	205,800	Pennsylvania	222,530
Louisiana	322,010	Puerto Rico	328,450
Maine	254,730	Rhode Island	212,640
Maryland	269,250	South Carolina	296,660

For the State or Territory of:	The year 2006 allocation is:
Texas	382,890
U.S. Virgin Islands	303,180
Virginia	276,900
Washington	270,320
Wisconsin	225,270

With this notice, the BEACH Act grant program is entering its fourth year of implementation grants. Most States and Territories have gained sufficient experience in running their beach monitoring and notification programs to most effectively use their BEACH Act grants. For the 2007 swimming season, EPA intends to take advantage of that extensive experience to revise the grant allocation formula to better reflect factors associated with the cost of operating a monitoring and reporting program, as well as the current level of funding of the program. EPA expects to consult with States, Tribes and Territories, as well as non-governmental organizations such as the Coastal States Organization, and the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) to revise this formula. EPA expects to begin the consultation process in early 2006.

What If a State Does Not Apply or Does Not Qualify for Funding?

EPA expects that all 35 States and Territories will apply. If fewer than 35 States and Territories apply for the allocated amount, or if any applicant fails to meet the statutory eligibility requirements (or the statutory conditions applicable to previously awarded section 406 grants), then EPA will distribute available grant funds to eligible States and Territories in the following order:

(1) States that meet the eligibility requirements for implementation grants and that have met the statutory conditions applicable to previously awarded section 406 grants will be awarded the full amount of funds allocated to the State under the formula described above.

(2) States that have not met the requirements for implementation grants but have met the statutory requirements and grant conditions applicable to previously awarded section 406 grants may receive grants for continued program development. Any program development grants that the Agency awards will be for the limited purpose of completing work needed to qualify for implementation grants. Therefore, we expect that funding levels for continued program development grants will be lower than the amount allocated for program implementation grants.

(3) EPA may award program implementation grants to local governments in States that the Agency determines have not met the requirements for implementation grants.

(4) Should there be any remaining funds, EPA may award these funds to those States that have met the statutory requirements for implementation grants, as well as the statutory grant conditions of previous section 406 grants, using the criteria in the allocation formula.

What If a State Cannot Use All of Its Allocation?

If a State, Tribe, or Territory cannot use all of its allocation, the Regional Administrator may award the unused funds to any eligible coastal or Great Lake grant recipient in the Region for the continued development or implementation of their coastal recreation water monitoring and notification program(s). If, after re-allocations, there are still unused funds within the Region, EPA Headquarters will redistribute these funds to any eligible coastal or Great Lake grant recipient.

How Will the Funding for Tribes Be Allocated?

EPA expects to apportion the funds set aside for tribal grants evenly among all eligible Tribes that apply for funding.

What Is the Expected Duration of Funding and Projects?

EPA recognizes that the Agency recently issued 2005 grants to States and Territories. Because of the short gap between the recent 2005 grant awards and this notice, EPA expects that States will need to work with their EPA Regions to establish appropriate funding and project periods consistent with 40 CFR part 31.

Does EPA Require Matching Funds?

Recipients do not have to provide matching funds for these Implementation Grants. EPA may establish a match requirement in the future based on a review of State program activity and funding levels.

III. Eligible Activities

Recipients of implementation grants may use funds for activities to support implementing a beach monitoring and notification program that is consistent with the required performance criteria for grants specified in the document, *National Beach Guidance and Required Performance Criteria for Grants,* (document number: EPA–823–B–02–004). Recipients of development grants may use the funds to develop a beach monitoring and notification program consistent with the performance criteria.

IV. Selection Process

EPA Regional offices will award CWA section 406 grants through a non-competitive process. EPA expects to award grants to all eligible State, Tribe, and Territory applicants that meet the applicable requirements described in this notice.

Who Has the Authority To Award BEACH Act Grants?

The Administrator has delegated the authority to award BEACH Act grants to the Regional Administrators.

V. Application Procedure

What Is the Catalog of Federal Domestic Assistance (CFDA) Number for the BEACH Monitoring and Notification Program Implementation Grants?

The number assigned to the BEACH Act Grants is 66.472, Program Code CU.

Can BEACH Act Grant Funds Be Included in a Performance Partnership Grant?

For fiscal year 2006, BEACH Act Grants cannot be included in a Performance Partnership Grant.

What Is the Application Process for States and Territories?

Your application package should contain completed:

- EPA SF–424 Application for Federal Assistance,
- Program Summary, and
- Data Submission Plan.

In order for EPA to determine that a State or local government is eligible for an implementation grant, the applicant must submit documentation with its application to demonstrate that its program is consistent with the performance criteria. The Program Summary must contain sufficient technical detail for EPA to confirm that your program meets the statutory eligibility requirements and statutory grant conditions for previously awarded CWA section 406 grants listed in section II (Funding and Eligibility) of this notice. The Program Summary must also describe how the State used BEACH Act Grant funds to develop the beach monitoring and notification program, and how the program has met the nine performance criteria in *National Beach Guidance and Required Performance Criteria for Grants,* (EPA–823–B–02–004). The Program Summary should also describe the state or territory program's objectives for the next year.

The Data Submission Plan describes the State data infrastructure and how

the State plans to submit beach monitoring and notification data to EPA. States may submit a new Data Submission Plan, or they may submit updates and amendments to their current Plan. More information on both the Program Summary and Data Submission Plan is available at *http://www.epa.gov/waterscience/beaches/grants/*.

States and territories must submit application packages to the appropriate EPA Regional Office by April 11, 2006. EPA will make an award after the Agency reviews the documentation and confirms that the program meets the applicable requirements. The Office of Management and Budget has authorized EPA to collect this information (BEACH Act Grant Information Collection Request, OMB control number 2040–0244). Please contact the appropriate EPA Regional Office for a complete application package. See section VI for a list of EPA Regional Grant Coordinators or visit the EPA Beach Watch Web site at *http://www.epa.gov/waterscience/beaches/contact.html* on the Internet.

What Should a Tribe's Notice of Interest Contain?

The Notice of Intent should include the Tribe's name and the name and telephone number of a contact person.

Are Quality Assurance and Quality Control (QA/QC) Required for Application?

Yes. Three specific QA/QC requirements must be met to comply with EPA's performance criteria for grants:

(1) Applicants must submit documentation that describes the quality system implemented by the State, Tribe, or local government. Documentation may be in the form of a Quality Management Plan or equivalent documentation.

(2) Applicants must submit a quality assurance project plan (QAPP) or equivalent documentation.

(3) Applicants are responsible for submitting documentation of the quality system and QAPP for review and approval by the EPA Quality Assurance Officer or his designee before they take primary or secondary environmental measurements. More information about the required QA/QC procedures is available in Chapter Four and Appendix H of *National Beach Guidance and Required Performance Criteria for Grants* (EPA–823–B–02–004).

Are There Reporting Requirements?

Recipients must submit annual performance reports and financial reports as required in 40 CFR 31.40 and 31.41. The annual performance report explains changes to the beach monitoring and notification program during the grant year. It also describes how the grant funds were used to implement the program to meet the performance criteria listed in *National Beach Guidance and Required Performance Criteria for Grants* (EPA–823–B–02–004). The annual performance report required under 40 CFR 31.40 is due no later than 90 days after the grant year. Recipients must also submit annual monitoring and notification reports required under by the *National Beach Guidance and Required Performance Criteria for Grants;* (EPA–823–B–02–004). Sections 2.2.3 and 4.3 of the document contain the performance criterion requiring an annual monitoring report, and sections 2.2.8 and 5.4 contain the performance criterion requiring an annual notification report. This document can be found at *http://www.epa.gov/waterscience/beaches/grants/*. These reports, required to be submitted to EPA by States, Tribes and Territories under CWA section 406(b)(3)(A), include data collected as part of a monitoring and notification program. As a condition of award of an implementation grant, EPA requires that the monitoring report and the notification report for any beach season be submitted not later than January 31 of the year following the beach season. (See section II, Funding and Eligibility, above.)

What Regulations and OMB Cost Circular Apply to the Award and Administration of These Grants?

The regulations at 40 CFR Part 31 govern the award and administration of grants to States, Tribes, local governments, and Territories under CWA sections 406(b). Allowable costs will be determined according to the cost principles outlined in OMB Cost Circular A–87.

VI. Grant Coordinators

Headquarters—Washington, DC

Rich Healy USEPA, 1200 Pennsylvania Ave., NW., 4305, Washington, DC 20460; T: 202–566–0405; F: 202–566–0409; *healy.richard@epa.gov.*

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island

Matt Liebman USEPA Region I, One Congress St. Ste. 1100–CWQ, Boston, MA 02114–2023; T: 617–918–1626; F: 617–918–1505; *liebman.matt@epa.gov.*

Region II—New Jersey, New York, Puerto Rico, U.S. Virgin Islands

Helen Grebe USEPA Region II, 2890 Woodbridge Ave. MS220, Edison, NJ 08837–3679; T: 732–321–6797; F: 732–321–6616; *grebe.helen@epa.gov.*

Region III—Delaware, Maryland, Pennsylvania, Virginia

Tiffany Crawford USEPA Region III, 1650 Arch Street 3ES10, Philadelphia, PA 19103–2029; T: 215–814–5776; F: 215–814–2301; *crawford.tiffany@epa.gov.*

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina

Joel Hansel USEPA Region IV, 61 Forsyth St. 15th Floor, Atlanta, GA 30303–3415; T: 404–562–9274; F: 404–562–9224; *hansel.joel@epa.gov.*

Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Holly Wirick USEPA Region V, 77 West Jackson Blvd. WT–16J, Chicago, IL 60604–3507; T: 312–353–6704; F: 312–886–0168; *wirick.holiday@epa.gov.*

Region VI—Louisiana, Texas

Mike Schaub USEPA Region VI, 1445 Ross Ave. 6WQ–EW, Dallas, TX 75202–2733; T: 214–665–7314; F: 214–665–6689; *schaub.mike@epa.gov.*

Region IX—American Samoa, Commonwealth of the Northern Mariana Islands, California, Guam, Hawaii

Terry Fleming USEPA Region IX, 75 Hawthorne St. WTR–2, San Francisco, CA 94105; T: 415–972–3462; F: 415–947–3537; *fleming.terrence@epa.gov.*

Region X—Alaska, Oregon, Washington

Rob Pedersen USEPA Region X, 120 Sixth Ave. OW–134, Seattle, WA 98101; T: 206–553–1646; F: 206–553–0165; *pedersen.rob@epa.gov.*

Dated: January 3, 2006.

Benjamin H. Grumbles,

Assistant Administrator for Water.

[FR Doc. E6–154 Filed 1–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8020–7]

Air Quality Management Subcommittee to the Clean Air Act Advisory Committee (CAAAC) Notice of Meeting

SUMMARY: The Environmental Protection Agency (EPA) established the CAAAC on November 19, 1990, to provide

independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical, scientific, and enforcement policy issues.

Open Meeting Notice: Open Meeting Notice: Pursuant to 5 U.S.C. App.2 section 10(a)(2), notice is hereby given that the Air Quality Management subcommittee to the Clean Air Act Advisory Committee will hold its next open meeting on Tuesday, January 24 and Wednesday, January 25, 2006 from approximately 8 a.m. to 5 p.m. at the EPA Region 6 Office at 1445 Ross Avenue, Dallas, Texas. Any member of the public who wishes to submit written or brief oral comments; or who wants further information concerning this meeting should follow the procedures outlined in the section below titled ''Providing Oral or Written Comments at this Meeting''. Seating will be limited and available on a first come, first served basis. Because of security measures at the EPA Office, members of the public wishing to attend this meeting must contact Mr. Jeffrey Whitlow, Office of Air and Radiation, U.S. EPA (919) 541–5523, Fax (919) 685–3307 or by mail at U.S. EPA, Office of Quality Planning and Standards (Mail code C 439–04), 109 T.W. Alexander Drive, Research Triangle Park, NC 27711 or by email at: *whitlow.jeff@epa.gov* by noon Eastern Time on January 19, 2006. For information on access or services for individuals with disabilities, please contact Mr. Jeffrey Whitlow at 919–541–5523 or *whitlow.jeff@epa.gov.* To request accommodation of a disability, please contact Mr. Whitlow, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Inspection of Committee Documents: The subcommittee agenda and any documents prepared for the meeting will be sent to participants via e-mail prior to the start of the meeting. Thereafter, these documents, together with the meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket OAR–2004–0075 and can be found on the CAAAC Web site: *http://www.epa.gov/air/caaac.* The Docket office can be reached by telephoning (202) 260–7548; FAX (202) 260–4400.

FOR FURTHER INFORMATION CONTACT: For further information concerning the Air Quality Management subcommittee to the CAAAC, please contact Mr. Jeffrey Whitlow, Office of Air and Radiation, U.S. EPA (919) 541–5523, FAX (919) 685–3307 or by mail at U.S. EPA, Office of Air Quality Planning and Standards (Mail Code C 439–04), 109 T.W. Alexander Drive, Research Triangle Park, NC 27711, or e-mail at: *whitlow.jeff@epa.gov.* Additional Information about the CAAAC and its subcommittees can be found on the CAAAC Web site: *http://www.epa.gov/air/caaac.*

Providing Oral or Written Comments at This Meeting: It is the policy of the subcommittee to accept written public comments of any length and to accommodate oral public comments whenever possible. The subcommittee expects that public statements presented at this meeting will not be repetitive of previously-submitted oral or written statements. Oral Comments: In general, each individual or group requesting an oral presentation at this meeting is limited to a total time of five minutes (unless otherwise indicated). However, no more than 30 minutes total will be allotted for oral public comments at this meeting; therefore, the time allowed for each speaker's comments will be adjusted accordingly. In addition, for scheduling purposes, requests to provide oral comments must be in writing (e-mail, fax or mail) and received by Mr. Whitlow no later than noon Eastern Time five business days prior to the meeting in order to reserve time on the meeting agenda. Written Comments: Although the subcommittee accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received by Mr. Whitlow no later than noon Eastern Time five business days prior to the meeting so that the comments may be made available to the subcommittee members for their consideration. Comments should be supplied to Mr. Whitlow (preferably via e-mail) at the address/contact information noted above, as follows: one hard copy with original signature or one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files.

Dated: January 4, 2006.

Gregory A. Green,

Deputy Director, Office of Air Quality Planning and Standards.

[FR Doc. E6–153 Filed 1–10–06; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0469; FRL–7754–6]

Exposure Modeling Work Group; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Exposure Modeling Work Group (EMWG) will hold a 1 day meeting on January 24, 2006. This notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on January 24, 2006 from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Office of Pesticide Programs (OPP), Crystal Mall #2, Room 1126 (Fishbowl), 1801 S. Bell St., Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mark Corbin, Environmental Fate and Effects Division (7507C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0033; fax number: (703) 308–6309; e-mail address: *corbin.mark@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA), the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0469. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket,

the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall –2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

EDOCKET, EPA's electronic public docket and comment system was replaced on November 25,2005, by an enhanced Federal-wide electronic docket management and comment system located at *http://www.regulations.gov/.* Follow the on-line instructions.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. Background

On a quarterly interval, the Exposure Modeling Workgroup meets to discuss current issues in modeling pesticide fate, transport, and exposure to pesticides in support of risk assessment in a regulatory context.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting to the person listed under **FOR FURTHER INFORMATION CONTACT.** Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number EPA–HQ–OPP–2005–0269, must be received on or before 30 days after date of publication in the **Federal Register**.

IV. Tentative Agenda

1. Welcome and Introductions
2. Old Action Items
3. Brief Updates
   - PRZM3.12.2 Evaluation (J. Hetrick)
   - EFED's Modeling Scenarios (M. Corbin)
   - Terrestrial Field Dissipation (M. Corbin)
   - Spray Drift Update (N. Birchfield)
4. Major Topics
   - The FOCUS Version Control Process - (Russell Jones, Bayer CropScience)
   - EFED Quality Assurance Procedures for Tools Involving the Use of Environmental Data - (Lisa Eisenhauer, OPP-EFED)
   - Version Control for Great Lakes Models on Unix Systems - (Russell Kreis, ORD-NHERL)
   - Model Development and Version Control Using a Collaboration Envionment (COLAB) - (TBD, USDA-ARS, Great Plains Systems Research Unit)
   - Model Version Control in EPA Air Models - (TBD)
   - Evaluation of the AGDISP Ground Boom Spray Drift Model - (Al Barefoot, CropLife America

List of Subjects

Environmental protection, Modeling, Pesticides, pests.

Dated: January 4, 2006.

Steven Bradbury,

Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. E6–101 Filed 1– 10–06; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0491; FRL–7756–3]

Bitertanol Tolerance Reassessment Decision for Low Risk Pesticide; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision, known as a TRED, for the fungicide bitertanol, and opens a public comment period on this document, related risk assessments, and other support documents. EPA has reviewed the low risk pesticide bitertanol through a modified, streamlined version of the public participation process that the Agency uses to involve the public in developing pesticide tolerance reassessment and reregistration decisions. Through the tolerance reassessment program, EPA is ensuring that all pesticides meet current health and food safety standards.

DATES: Comments, identified by docket ID number EPA–HQ–OPP–2005–0491, must be received on or before February 10, 2006.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Rosanna Louie, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–0037; fax number: (703) 308–8005; e-mail address: *louie.rosanna@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number EPA–HQ–OPP–2005–0491. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although, a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday

through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced Federal-wide electronic docket management and comment system located at *http://www.regulations.gov/*. Follow the on-line instructions.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also, include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket/*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number EPA–HQ–OPP–2005–0491. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID number EPA–HQ–OPP–2005–0491. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID number EPA–HQ–OPP–2005–0491.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number EPA–HQ–OPP–2005–0491. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI

on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Background

A. What Action is the Agency Taking?

EPA has, on November 30, 2005, reached a tolerance reassessment decision for 1 existing tolerance or residue limit for bitertanol on bananas. Bitertanol is a broad-spectrum fungicide used to control black sigatoka on banana and plantain plants. The existing tolerance for bitertanol allows for residues on imported bananas and plantains, as there are no U.S. registrations for bitertanol. The Agency is now issuing for comment the resulting Report on Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision for bitertanol, known as a TRED, as well as related risk assessments and technical support documents.

EPA developed the bitertanol TRED through a modified, streamlined version of its public process for making tolerance reassessment and reregistration eligibility decisions. Through these programs, the Agency is ensuring that pesticides meet current standards under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by FQPA. EPA must review tolerances and tolerance exemptions that were in effect when the FQPA was enacted to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the bitertanol tolerance included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** of May 14, 2004 (69 FR 26819) (FRL–7357–9) explains that in conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. EPA can expeditiously reach decisions for pesticides like bitertanol, that pose no risk concerns and require no risk mitigation. Once EPA assesses uses and risks for such low risk pesticides, the Agency may go directly to a decision and prepare a document summarizing its findings, such as the bitertanol TRED.

The tolerance reassessment program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public in finding ways to effectively mitigate pesticide risks. Bitertanol, however, poses no risks that require mitigation. The Agency therefore is issuing the bitertanol TRED, its risk assessments, and related support documents simultaneously for public comment. The comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the TRED. All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION,** and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for bitertanol. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

EPA will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and electronic EDOCKET. If any comment significantly affects the document, EPA also will publish an amendment to the TRED in the **Federal Register**. In the absence of substantive comments requiring changes, the decisions reflected in the TRED will be implemented as presented.

B. What is the Agency's Authority for Taking this Action?

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 4, 2006.

Debra Edwards,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. E6–99 Filed 1–10–06; 8:45 am]

BILLING CODE 6560–50–S

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Amendment to Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on January 4, 2006 (71 FR 345) of the regular meeting of the Farm Credit Administration Board (Board) scheduled for January 6, 2006. This notice is to amend the agenda by adding an item to the closed session of that meeting.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm

Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board were open to the public (limited space available), and parts were closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The agenda for January 6, 2006 is amended by adding the following item to the closed session as follows:

Closed Session*

- Fiscal Year 2005 Financial Audit

Dated: January 6, 2006.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 06–292 Filed 1–9–06; 2:14 pm]

BILLING CODE 6705–01–P

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(2) and (6).

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 23, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 10, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.* If you would like to obtain or view a copy of this information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0760.

Title: Access Charge Reform, CC Docket No. 96–262 (First Report and Order); Second Order on Reconsideration and Memorandum Opinion and Order, and Fifth Report and Order.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 17.

Estimated Time per Response: 3–1,575 hours.

Frequency of Response: On occasion and one-time reporting requirements.

Total Annual Burden: 55,454 hours.

Total Annual Cost: $12,240.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Commission is submitting this revised information collection to OMB in order to obtain the full three year clearance.

This collection has been revised because we have eliminated the cost study and third party disclosure requirements. The information collection requirements that remain in this submission to OMB are: (a) Showings under the market-based approach; (b) contract-based tariff filings; (c) proposed deaveraging of common line and traffic sensitive access elements; and (d) proposed common line and traffic sensitive Phase II showings. The information to be collected by the Commission by incumbent LECs for use in determining whether the incumbent LECs should receive regulatory relief proposed in the Orders referenced in the title above. The information collected under the Second Order on Reconsideration and Memorandum Opinion and Order would be submitted by LECs to the interexchange carriers (IXCs) for use in developing the most cost-efficient rates and rate structures.

OMB Control No.: 3060–0207.

Title: Part 11—Emergency Alert System (EAS).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 63,000 respondents; 3,402,762 responses.

Estimated Time per Response: .017 hours–40 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

Total Annual Burden: 62,472 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Needs and Uses: The Commission is submitting this information collection to OMB for revision. The Commission revised this collection by eliminating the one-time voluntary purchase of a computer chip to update event and location codes contained in Section 11.31 (165,00 burden hours and $8,250,000 cost burden) that was approved by OMB on 1/23/03. The program change decrease in hour burden is slightly offset by the inclusion of new additional respondents, i.e., digital television, digital radio, digital cable, and satellite television and radio. There were no changes in the reporting, recordkeeping or third party disclosure requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–151 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 22, 2005.

SUMMARY: The Federal Communications Commission, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13, and as part of its continuing effort to reduce paperwork burden, invites the general

public and other Federal agencies to take this opportunity to comment on the following information collection(s). An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 10, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Leslie F. Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov.* If you would like to obtain or view a copy of this revised information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Leslie F. Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1053.

Title: Telecommunication Relay Services and Speech-to-Speech Services for Individual with Hearing and Speech Disabilities, CC Docket No. 98–67 and CG Docket No. 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; and State, local or tribal government.

Number of Respondents: 3 respondents.

Number of Responses: 6 responses.

Estimated Time per Response: 8 hours.

Frequency of Response: Recordkeeping; Annual reporting requirement.

Total Annual Burden: 64 hours.

Total Annual Cost: $0.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On August 1, 2003, the Commission released the *Declaratory Ruling,* In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC 98–67, FCC 03–190. In the *Declaratory Ruling,* the Commission clarified that one-line captioned telephone voice carry over (VCO) service is a type of telecommunications relay service (TRS) and that eligible providers of such services are eligible to recover their costs in accordance with section 225 of the Communications Act. The Commission also clarified that certain TRS mandatory minimum standards does not apply to one-line captioned VCO service, and waived 47 CFR 64.604(a)(1) and (a)(3) of the Commission's rules for all current and future captioned telephone VCO service providers, for the same period of time beginning August 1, 2003. The waivers were contingent on the filing of annual reports, for a period of three years, with the Commission. Sections 64.604 (a)(1) and (a)(3) of the Commission's rules, which contained information collection requirements under the PRA became effective on March 26, 2004.

On July 19, 2005, the Commission released a subsequent *Order,* In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC 98–67 and CG Docket No. 03–123, FCC 05–141, that clarified two-line captioned telephone VCO service, like one-line captioned telephone VCO service, is a type of TRS eligible for compensation from the Interstate TRS Fund. Also, the Commission clarified that certain TRS mandatory minimum standards do not apply to two-line captioned VCO service, and waived 47 CFR 64.604(a)(1) and (a)(3) of the Commission's rules, for providers who offer two-line captioned VCO service. This clarification increased the number of providers who will be providing one-line and two-line captioned VCO services.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–152 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

December 20, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before February 10, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your comments by e-mail or U.S. mail. To submit your comments by e-mail send them to *PRA@fcc.gov.* To submit your comments by U.S. mail send them to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 and Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918. If you would like to obtain a copy of this revised information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0174.

Title: Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification.

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or household.

Number of Respondents: 23,215.

Estimated Time per Response: Four seconds to 0.1 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 112,096 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 73.1212 requires a broadcast station to identify the sponsor of any matter transmitted for consideration. 47 CFR 76.1615 states that, when a cable operator engaged in origination cable casting presents any matter for which consideration is provided to such cable television system operator, the cable television system operator, at the time of the telecast, shall identify the sponsor. For both sections, for advertising commercial products or services, the mention of the sponsor's name or product, when it is clear that the mention of the product constitutes sponsorship identification, is all that is required. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds.

47 CFR 73.1212 and 76.1715 state that, with respect to sponsorship announcements that are waived when the broadcast/origination cablecast of ''want ads'' sponsored by an individual, the licensee/operator shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

47 CFR 73.1212 states that, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter in its public file.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–153 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

December 22, 2005.

SUMMARY: The Federal Communications Commission, as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13, and as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 10, 2006. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Leslie F. Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov*. If you would like to obtain or view a copy of this revised information collection, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Leslie F. Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1047.

Title: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; State, local or tribal government.

Number of Respondents: 177 respondents.

Number of Responses: 677 responses.

Estimated Time per Response: 2 to 5 hours.

Frequency of Response: Recordkeeping; Annual and on occasion reporting requirements.

Total Annual Burden: 2,554 hours.

Total Annual Cost: $0.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On December 12, 2005, the Commission released a *Report and Order and Order on Reconsideration*, In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 05–203, creating a fourth method for some TRS providers to become certified as eligible to receive compensation from the Interstate Telecommunications Relay Service (TRS) Fund. The *Report and Order and Order on Reconsideration* amends the TRS regulations to permit common carriers seeking to offer Video Relay Service (VRS) and Internet Protocol (IP) Relay Service to seek certification as an eligible TRS provider, eligible to receive reimbursement from the Interstate TRS Fund directly from the Commission.

The information collection requirements include the following: (A) 47 CFR 64.605(a)(2) common carriers seeking to offer VRS and IP Relay service and receive compensation from the Interstate TRS Fund, independent of a certified state program or a common carrier offering TRS, may seek

certification from the Commission by providing documentation detailing: (1) A description of the forms of TRS to be provided, (2) a description of how the provider will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, (3) a description of the provider's procedures for ensuring ongoing compliance with all applicable TRS rules, (4) a description of the provider's complaint procedures, (5) a narrative describing any areas in which the provider's service will differ from the applicable mandatory minimum standards, (6) a narrative establishing that services that differ from the mandatory minimum standards do not violate applicable mandatory minimum standards, (7) demonstration of status as common carrier, and (8) a statement that the provider will file annual compliance reports demonstrating continued compliance with the rules;

(B) 47 CFR 64.605(c)(2) a VRS or IP Relay provider may apply for renewal of its certification by filing documentation with the Commission, at least 90 days prior to expiration of certification, containing the information described in 47 CFR 64.605(a)(2);

(C) 47 CFR 64.605(e)(2) a certified VRS or IP Relay provider must submit documentation demonstrating ongoing compliance with the Commission's minimum standards if, for example, the Commission receives evidence that a certified VRS or IP Relay provider may not be in compliance with the minimum standards and the Commission requests such information;

(D) 47 CFR 64.605(f)(2) VRS and IP Relay providers certified under this section must notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of when such changes occur, and must certify that the interstate TRS provider continues to meet Federal minimum standards after implementing the substantive change; and (E) 47 CFR 64.605(g) VRS and IP Relay providers certified under this section shall file with the Commission, on an annual basis, a report providing evidence that they are in compliance with § 64.604.

The information collection requirements also include those information collection requirements contained in the Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Speech Disabilities, *2003 Report and Order and Notice of Proposed Rulemaking*, which were previously approved by OMB on January 27, 2004, and adjustments made to the previous submission pursuant to the new census data.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–154 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

December 20, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments by March 13, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit your Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to: *PRA@fcc.gov*. To submit your comments by U.S. mail, mark it to the attention of Judith B. Herman, Federal Communications Commission, 445 12th Street, SW., Room 1–C804, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0441.

Title: Section 90.621(b)(4), Selection and Assignment of Frequencies.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 1,000.

Estimated Time per Response: .5 hours for contracted out work; 1.5 hours for in-house staff.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 1,500 hours.

Annual Cost Burden: $100,000.

Privacy Act Impact Assessment: N/A.

Needs and Uses: Applicants wishing to locate co-channel systems less than 70 miles from an existing system operating on the same channel may do so upon request. If the requested distance falls within the parameters of the Short-Spacing Separation Table pursuant to the Commission's rules, the applicant must provide certain information about the co-channel stations, but no waiver of the short spacing rules is required. If the request is for distances less than those prescribed in the Short-Spacing Separation Table, a waiver of the short spacing rules is required. Incumbent licensees seeking to utilize an 18 dBu V/M signal strength interference contour (see 47 CFR 90.693), and that are unsuccessful in obtaining the consent of affected co-channel incumbents, may submit to any certified frequency coordinator of 800 MHz band channels, an engineering study showing that interference will not occur, together with proof that the incumbent licensee has sought consent. The incumbent may then provide to the Commission in their modification applications, a statement from a certified frequency coordinator that no harmful interference will occur to a co-channel licensee. The Commission will use the information to determine whether to grant licenses to applicants whose systems do not satisfy mileage separation requirements. Without this information, the Commission would deny the applications. After this 60 day comment period, the Commission will submit this information collection to OMB in order to seek the full three year clearance.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 06–155 Filed 1–10–06; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 010776–129.

Title: Asia North America Eastbound Rate Agreement.

Parties: American President Lines, Ltd.; APL Co. Pte Ltd.; Hapag-Lloyd Container Line GmbH; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; A. P. Moller-Maersk A/S; Nippon Yusen Kaisha Line; Orient Overseas Container Line Limited; P&O Nedlloyd B.V.; and P&O Nedlloyd Limited.

Filing Party: David F. Smith, Esq.; Sher & Blackwell; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The modification extends the suspension of the conference through January 31, 2006.

Agreement No.: 010977–058.

Title: Hispaniola Discussion Agreement.

Parties: Crowley Liner Services; Seaboard Marine Ltd.; Tropical Shipping and Construction Co. Ltd.; and Frontier Liner Services.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment removes Nina (Bermuda) Ltd. d/b/a FTD Shipping Line as a party to the agreement.

Agreement No.: 011117–037.

Title: United States/Australasia Discussion Agreement.

Parties: A.P. Moller-Maersk A/S; Australia-New Zealand Direct Line; CMA CGM, S.A.; Compagnie Maritime Marfret S.A.; Fesco Ocean Management Limited; Hamburg-Süd CP Ships USA, LLC; LLC; Safmarine Container Lines NV; and Wallenius Wilhelmsen Logistics AS.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes the name of Wallenius Wilhelmsen, updates Maersk's trade name to Maersk Line, and removes P&O Nedlloyd Limited as a party effective February 12, 2006.

Agreement No.: 011155–004.

Title: WWL/NYK Atlantic Space Charter and Cooperative Working Agreement.

Parties: Nippon Yusen Kaisha (''NYK'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011261–008.

Title: ACL/Wallenius Wilhelmsen Lines Agreement.

Parties: Atlantic Container Line AB and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011268–019.

Title: New Zealand/United States Discussion Agreement.

Parties: New Zealand/United States Container Lines Association; P&O Nedlloyd Limited; Hamburg-Süd; Australia-New Zealand Direct Line; FESCO Ocean Management Ltd., A.P. Moller-Maersk A/S; and CP Ships USA, LLC.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell, LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment removes NYKLauritzenCool AB as a party to the agreement.

Agreement No.: 011441–006.

Title: NYK/WWL Joint Service Contract Agreement.

Parties: Nippon Yusen Kaisha (''NYK'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011443–004.

Title: Space Charter and Cooperative Working Agreement Between NYK and WWL.

Parties: Nippon Yusen Kaisha (''NYK'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS, updates WWL's address, and restates the agreement to reflect the name change throughout.

Agreement No.: 011523–005.

Title: WWL/Hoegh Autoliners Space Charter Agreement.

Parties: Hoegh Autoliners AS and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011546–003.

Title: Wallenius Wilhelmsen Lines/NYK Space Charter Agreement.

Parties: Nippon Yusen Kaisha (''NYK'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011591–004.

Title: EUKOR/WWL Space Charter Agreement.

Parties: EUKOR Car Carriers, Inc. (''EUKOR'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS, and updates EUKOR's and WWL's addresses.

Agreement No.: 011602–006.

Title: Grand Alliance Agreement II.

Parties: Hapag-Lloyd Container Linie GmbH; Nippon Yusen Kaisha; Orient Overseas Container Line, Inc.; Orient Overseas Container Line Limited; Orient Overseas Container Line (Europe) Limited; P&O Nedlloyd Limited; and P&O Nedlloyd, B.V.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The modification would add CP Ships USA, LLC and CP Ships (UK) Limited as parties to the agreement in the transpacific trades and makes technical changes to accommodate the new parties' participation in the alliance. The parties request expedited review of the modification.

Agreement No.: 011775–001.

Title: NYK/WWL South America Space Charter Agreement.

Parties: Nippon Yusen Kaisha (''NYK'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011820–001.

Title: WWL/WLS Space Charter Agreement.

Parties: Wallenius Wilhelmsen Lines AS (''WWL'') and World Logistics Service (U.S.A.), Inc. (''WLS'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011836–001.

Title: WWL/K-Line Americas Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. (''K-Line'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

Agreement No.: 011848–002.

Title: WWL/K-Line Transatlantic Space Charter Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd. (''K-Line'') and Wallenius Wilhelmsen Lines AS (''WWL'').

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes WWL's name to Wallenius Wilhelmsen Logistics AS and updates WWL's address.

By Order of the Federal Maritime Commission.

Dated: January 6, 2006.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E6–166 Filed 1–10–06; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicant

Cargo Honduras, Inc., 13746 N Nebraska Avenue, Tampa, FL 33613, Officers: Fredy J. Starkman, President (Qualifying Individual), Rebecca Starkman, Vice President.

Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Global Freight Forwarders Inc., 72 Sharp Street, Suite C11, Hingham, MA 02043, Officers: Paul F. Kalita, Executive Vice President (Qualifying Individual), John M. Rooney, President.

Liberty Container Line, Inc., 600 Inwood Avenue North, Suite 160, Oakdale, MN 55128, Officers: Brad Heier, President (Qualifying Individual), Kenji Go, Director.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Transglobal Logistics Inc., 200 Middlesex Essex Turnpike, Suite 200, Iselin, NJ 08830, Officers: Allan Joseph Couto, Secretary (Qualifying Individual), Ajay Sehgal, Director.

Transworld Auto, Inc., 5215 Stone Croft Trail, Atlanta, GA 30331, Officer: Jamal Kader, President (Qualifying Individual).

Dated: January 6, 2006.

Karen V. Gregory,

Assistant Secretary.

[FR Doc. E6–165 Filed 1–10–06; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *http://www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 6, 2006.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. Meridian Interstate Bancorp, Inc., East Boston, Massachusetts; to become a holding company by acquiring East Boston Savings Bank, Boston, Massachusetts.

In connection with this application Meridian Financial Services, Inc., East Boston, Massachusetts, has applied to acquire Meridian Interstate Bancorp, Inc.

Board of Governors of the Federal Reserve System, January 6, 2006.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E6–176 Filed 1–10–06; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 9 a.m. (EDT) January 17, 2006.

PLACE: 4th Floor Conference Room, 1250 H Street, NW., Washington, DC.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED

Parts Open to the Public

1. Approval of the minutes of the December 19, 2005, Board member meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Ennis Knupp presentation.
4. Investment policy quarterly review.
5. Quarterly Vendor Financial Statement report.
6. Review of DOL audit report.

Employee Benefits Security Administration Review of the Thrift Savings Plan July 2004 Loan Program Changes, dated August 24, 2005, and Executive Director's response.

Parts Closed to the Public

7. Internal personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: January 6, 2006.

Elizabeth S. Woodruff,

Secretary to the Board, Federal Retirement Thrift Investment Board.

[FR Doc. 06–255 Filed 1–6–06; 4:49 pm]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. 2005N–0510]

Anti-Counterfeit Drug Initiative Workshop and Vendor Display

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop and vendor display.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop and vendor display on the use of electronic track and trace technology to combat counterfeit drugs. The purpose of the meeting is as follows: To identify incentives for widespread adoption of radio-frequency identification (RFID), as well as obstacles to the adoption of RFID across the U.S. drug supply chain and possible solutions to those obstacles; to solicit comment on the implementation of the pedigree requirements of the Prescription Drug Marketing Act (PDMA) and the use of an electronic pedigree (e-pedigree); and to learn the state of technology development related to electronic track and trace and e-pedigree technology solutions.

To address these issues, we are inviting interested individuals, organizations, and other stakeholders to present information to FDA's Counterfeit Drug Task Force. We are also inviting vendors of track and trace technologies and e-pedigree solutions relevant to the drug distribution system to display their products for the educational benefit of FDA and attendees. (For this meeting, we are only interested in displays from vendors of track and trace technology and e-pedigree solutions for the PDMA requirement, as opposed to covert or overt counterfeiting technologies, such as holograms or color-shifting inks.)

DATES AND TIMES: The public workshop and vendor display will be held on February 8 and 9, 2006, from 9 a.m. to 5 p.m. See section V of this document for information on how to register to attend, present at the workshop, or participate in the vendor display. If you would like to present at the workshop or participate in the vendor display, you must register by January 27, 2006.

We are opening a docket to receive your written or electronic comments. Written or electronic comments must be submitted to the docket at the address below by February 24, 2006.

ADDRESSES: The public workshop and vendor display will be held at Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Submit written comments to Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

For information about this document: Poppy Kendall, Food and Drug Administration (HF–11), 5600 Fishers Lane, Rockville, MD 20857, 301–827–3360, FAX: 301–594–6777, e-mail: *poppy.kendall@fda.gov*.

For information about registration or if you need special accommodations due to a disability: Isabelle Howes, Graduate School, U.S. Department of Agriculture, 490 L'Enfant Plaza, Promenade Level, suite 710, Washington, DC 20024, 202–314–4713, FAX: 202–479–6801, e-mail: *Isabelle_Howes@grad.usda.gov*.

SUPPLEMENTARY INFORMATION:

I. Why Are We Holding a Public Workshop and Vendor Display?

On February 18, 2004, we issued a report entitled ''*Combating Counterfeit Drugs: A Report of the Food and Drug Administration*'' (Counterfeit Drug Report) (*http://www.fda.gov/oc/initiatives/counterfeit/report02_04.html*). This comprehensive report highlights several measures that can be taken to better protect Americans from counterfeit drugs. These measures address a range of critical areas:

- Securing the actual drug product, its packaging, and the movement of the product as it travels through the U.S. drug distribution chain;
- Enhancing regulatory oversight and enforcement;
- Increasing penalties for counterfeiters;
- Heightening vigilance and awareness of counterfeit drugs; and
- Increasing international collaboration.

We issued an update to the Counterfeit Drug Report in May 2005. (See *http://www.fda.gov/oc/initiatives/counterfeit/update2005.html*).

We have worked with manufacturers, wholesalers, pharmacies, consumer groups, technology specialists, standard-setting bodies, State and Federal agencies, international governmental entities, and others to advance the measures outlined in the Counterfeit Drug Report.

In the Counterfeit Drug Report, we stated that adoption and widespread use of reliable track and trace technology is feasible by 2007. We stated that, if properly implemented, this technology would help secure the integrity of the supply chain by providing an accurate drug ''pedigree,'' an electronic record (also known as an ''e-pedigree'') documenting the distribution of the drug from the point of manufacture to the final dispenser. We particularly supported the implementation of electronic track and trace mechanisms and noted that RFID is the most promising technology to meet this need. RFID technology involves tagging the drug product package with a tiny radio frequency chip containing essential data in the form of an electronic product code (EPC) or unique electronic serial number. If implemented properly, RFID could allow supply chain stakeholders to track the chain of custody (or pedigree) of every package of medication through every step of the supply chain. A unique electronic serial number could also be embedded in some types of barcodes.

As discussed further in this document, we have delayed the effective date of certain regulations related to the PDMA until December 1, 2006. We delayed the effective date in 2004 in order to give stakeholders in the drug supply chain time to focus on implementing widespread use of e-pedigree across the drug supply chain

and to consider the effects of adoption of electronic track and trace technology on certain PDMA requirements. We are also soliciting comment on issues related to the delayed effective date, as discussed more in section III of this document.

Progress has been made towards adoption of RFID and implementation of an e-pedigree across the U.S. drug supply chain, although more slowly than originally anticipated. Several issues have surfaced that, left unresolved, may slow or impede the adoption of RFID. These issues merit a public discussion as RFID standards are being developed and greater experience with RFID is gained. Therefore, we have reconvened FDA's Counterfeit Drug Task Force, which decided to hold this public workshop to address these and other related issues. This public workshop will focus on securing the product and its movement through the supply chain.

This workshop and vendor display have the following three objectives:

- Identify incentives for widespread adoption of RFID, as well as obstacles to the adoption of RFID across the U.S. drug supply chain and possible solutions to those obstacles;
- Solicit comment on the implementation of the pedigree requirements of the PDMA and the use of an e-pedigree; and
- Learn the state of technology development related to electronic track and trace and e-pedigree technology solutions.

After taking into account public comment provided at the meeting or submitted to the docket, the Task Force may develop and issue recommendations.

II. What Issues Are We Interested in Seeking Comment on at the Meeting Related to RFID and E-pedigree?

Please fully explain your rationale and reasons for your answers and comments to the following questions.

A. Implementation of RFID

1. What incentives are needed for more rapid and widespread adoption of RFID in the U.S. drug supply chain? How can these incentives be achieved?
2. What are the current obstacles to widespread adoption of RFID in the U.S. drug supply chain? How can these obstacles be overcome?
3. What is FDA's role in further facilitating adoption of RFID across the drug supply chain?
4. What is the timetable for widespread adoption of RFID across the drug supply chain, with and without additional incentives?

B. RFID Standard Setting

1. Who should set the standards for RFID? Currently we are aware of the efforts of only one organization, EPCglobal, to develop standards for the use of RFID in the drug supply chain. Are there other entities within the United States or abroad that are also developing standards for the use of RFID for the drug supply chain?

2. Role of FDA

- Is there a role for Federal leadership by FDA to advance the standard setting efforts? What is that role? Is there a role for other Federal entities, such as the Drug Enforcement Administration or the Department of Defense?
- Should standards remain voluntary? Why?

C. Specific Drug Supply Chain RFID and E-pedigree Issues

We have been approached by a number of stakeholders for our advice and thoughts on various issues that have surfaced as a result of RFID pilot studies, standards development, and e-pedigree implementation. We would like to discuss these issues at the public workshop.

1. Mass Serialization

In the Counterfeit Drug Report, we advocated the use of mass serialization, which involves the incorporation of unique identifier numbers on each drug package in order to track the individual drug package as it moves through the supply chain. We still believe that this is an important element for the success of electronic track and trace in the drug supply chain.

- What numbering conventions currently are being used or considered for mass serialization?
- Should there be a single numbering convention or are different conventions compatible?
- Should the national drug code (NDC) be part of the unique identifier or should the identifier be a randomly generated number? Concerns have been raised that use of the NDC raises privacy issues. What is the extent of these concerns and how should they be addressed?
- What is the timetable for widespread mass serialization for prescription drug products, with and without additional incentives?

2. Universal Pedigree Fields

FDA regulations at 21 CFR 203.50 (currently stayed) list the information that must be provided in the pedigree. This is the minimum information that was also set forth in the PDMA. These requirements were established at a time when a paper pedigree was the only mechanism available for passing a pedigree. An e-pedigree not only requires additional information because of its technological nature, but it may also facilitate the inclusion of more information. In addition, some States are requiring that specific information be included in pedigrees passed with drugs sold in their State. Consequently, pedigree information required by one State may be different than the pedigree information required in the next State where the drug is received. Some States now also require that all wholesalers (both primary and secondary) pass pedigrees.

- Are there logistical concerns or barriers to passing a pedigree for a drug that moves from one State to another with different pedigree requirements?
- Would a universal pedigree alleviate these concerns or barriers? How?
- What common fields/information are the most important in a pedigree? Why?
- How can a universal pedigree be achieved?

3. Data Management and Security

For e-pedigree transmission from manufacturer to dispenser to be successful, business partners must be able to share information specific for the product that is the subject of the pedigree. We are aware that there is a great deal of interest in the management and sharing of pedigree information among business partners.

- One issue that has been raised is whether the data/information should be stored in one central database or if a distributed approach (where each stakeholder's system exchanges information with other systems) should be used. Can/should the pedigree information be passed and authenticated using either model? If some stakeholders subscribe to a central database and others use a distributed approach, can the pedigree information still be passed and authenticated?
- If there is to be a central database, who should host it? Why?
- What types of encryption or other data security measures are available to ensure the authenticity of the information being passed and digitally signed?
- What measures can be taken to secure the databases themselves in either the central database or distributed approach?

D. Privacy Issues

The use of RFID in the drug supply chain raises a number of privacy issues. It is important to fully understand the

issues and ensure that measures are in place to protect patient privacy. We have also heard concerns that thieves or others could unscrupulously identify a drug product if its identity is concealed.

1. Disclosure of Information

Is it possible for someone to read the information from an RFID tag on a drug product without the possessor of the product knowing it? If it is possible, what information would they learn, and how could the information be used?

2. Turning off the RFID Tag

Some people have suggested that the RFID tag could be ''turned off'' before it leaves the pharmacy, or that patients could be given the choice of whether it is ''turned off.'' Is it possible to ''turn off'' the RFID tag? What are the advantages or disadvantages of ''turning off'' the RFID tag?

3. Consumer Education

What type of consumer education is needed as the use of RFID in the drug supply chain becomes more prevalent? What messages should be conveyed? Who should develop consumer education program(s)? Should there be a notice on the product package that an RFID tag is affixed to the product package? If so, what should the notice say?

E. Public Health Emergency Use

In certain public health emergency situations, it is essential to promptly and efficiently deploy vital medications from Federal or State stockpiles to locations that need them the most, as well as rapidly identify and reroute vital medications from other sources when there is a national shortage. Such situations could include anti-viral drugs for pandemic influenza, countermeasures for bioterrorist incidents, or antibiotics or other essential medications for natural disasters, such as hurricanes. Electronic track and trace technology, such as RFID, could enable public health officials to know what medications are available to meet their needs from the closest stockpile, how much is available, track its location en route to the site, as well as provide a means for inventory control onsite.

In addition, in times of crisis, we can anticipate an increase in devious and unscrupulous activities, such as drug counterfeiting and diversion of medicines that are in high demand for the public health situation at hand.

1. How can RFID be utilized in these types of public health emergencies, such as pandemic influenza? Should RFID be used on other types of medical countermeasures besides drugs in the Strategic National Stockpile?

2. What is the role of the Federal Government in encouraging or requiring RFID or other electronic track and trace technologies for drugs most likely used in these situations?

3. Are companies willing to explore the use of RFID for drugs most likely to be used in these situations?

F. Other

Are there other issues that need to be addressed to facilitate the widespread adoption of RFID across the U.S. drug supply chain?

III. What Issues Are We Interested in Discussing related to PDMA and E-pedigree?

The PDMA of 1987 (Public Law 100–93), as modified by the Prescription Drug Amendments of 1992 (PDA) (Public Law 102–353, Stat. 941), amended sections 301, 303, 503, and 801 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 331, 333, 353, 381) to, among other things, establish requirements for the wholesale distribution of prescription drugs. Section 503(e)(1)(A) of the act (21 U.S.C. 353(e)(1)(A)) requires that ''each person who is engaged in the wholesale distribution of a drug * * * who is not the manufacturer or authorized distributor of record of such drug * * * provide to the person who receives the drug a statement (in such form and containing such information as the Secretary may require) identifying each prior sale, purchase, or trade of such drug (including the date of the transaction and the names and addresses of all parties to the transaction.)'' This is the so-called ''pedigree'' requirement. The PDMA states that an authorized distributor of record is a wholesaler that has an ''ongoing relationship'' with a manufacturer to distribute that manufacturer's drug; however, it does not define ''ongoing relationship.'' (21 U.S.C. 353(e)(3)(A)).

In the **Federal Register** of December 3, 1999 (64 FR 67720), the agency published final regulations (the 1999 final rule) in part 203 (21 CFR part 203) implementing PDMA that were to take effect on December 4, 2000. After publication of the 1999 final rule, the agency received comments from industry, industry trade associations, and members of Congress objecting to the provisions in §§ 203.3(u) and 203.50. These provisions define the phrase ''ongoing relationship'' as used in the definition of ''authorized distributor of record'' and set forth requirements regarding an identifying statement of origin (commonly referred to as a ''pedigree'').

Based on the concerns raised, the agency delayed the effective date for those provisions until October 1, 2001, (65 FR 25639) to reopen the comment period for the regulations and receive additional comments. In addition, the House Committee on Appropriations requested that the agency review the potential impact that the regulation would have on the secondary wholesale pharmaceutical industry and prepare a report summarizing the comments and issues raised and the agency's plans to address these concerns.

The agency's report, which was submitted to Congress on June 7, 2001, concluded that we could address some of the concerns raised by the secondary wholesale industry through regulatory changes. However, to make some of the changes requested by the secondary wholesale industry, Congress would have to amend relevant provisions of section 503(e) of the act (see *http://www.fda.gov/oc/pdma/report2001/*). Since submitting the report to Congress, we have continued to delay the effective date of these provisions.

Most recently, on February 23, 2004 (69 FR 8105) (as amended on March 18, 2004 (69 FR 12792)), we further delayed the effective date of these particular provisions until December 1, 2006, because we were informed by stakeholders in the U.S. drug supply chain that industry would implement electronic track and trace capability by 2007. When widely adopted, this capability would create a de facto electronic pedigree that would follow the product from the place of manufacture through the U.S. drug supply chain to the final dispenser. If properly implemented, electronic pedigree could meet the statutory requirement in section 503(e) of the act.

The agency has been closely monitoring the implementation of electronic track and trace and electronic pedigree across the U.S. drug supply chain. As the expiration of the December 1, 2006, delayed effective date gets closer, it appears that the goals described previously may not be met. To guide the agency's decision whether to continue the delayed effective date, let the regulatory provisions go into effect, or take other steps, we are particularly interested in testimony and comments on the following issues:

Please fully explain your rationale and reasons for your answers and comments to the following questions.

A. 1999 Final Rule

1. Small Business Impact

At FDA's 2001 PDMA public meeting, we heard testimony and received comments that the 1999 final rule provisions at issue would have a significant impact on small businesses because these businesses would not be able to obtain the necessary information to adequately complete pedigrees and sell drug products. Since 2001, there have been a number of process changes in the way that wholesalers do business, such as increased use of computers and barcodes, electronic track and trace solutions, and new state wholesaler laws, which could alleviate some of the earlier concerns. How has the potential impact of the 1999 rule on small businesses changed since the 2001 public meeting?

2. Delay of The Effective Date

• If the delay of the effective date is not extended, how will implementation of the rule affect primary and secondary wholesalers? Would it impact the distribution of drugs to smaller retail outlets or rural communities? Will secondary wholesalers have access to the information they need to meet the pedigree requirements?

• What is the regulatory significance of the fact that the current federal pedigree requirements apply only to wholesalers who are not authorized distributors of record? Please explain.

• Should the delay of the effective date be further extended? If so, how long should it be extended? Why?

• If the delay of the effective date is not extended, would the 1999 rule ensure that there is effective track and trace capability to combat drug counterfeiting? If not, why? In order to further address this question, we refer you to the 2001 Report to Congress at *http://www.fda.gov/oc/pdma/report2001/*.

3. Minimum Standards for Wholesaler Licensing

• The PDMA required FDA to issue minimum standards for wholesaler licensing. ((21 USC 353(e)(s)(A)), codified at (21 CFR 205.3)). These standards were adopted by the states and incorporated into state law. How effective are these standards?

4. State Efforts

• How would the recent actions by various states that have implemented stricter wholesale licensing and oversight laws impact compliance with the 1999 final rule?

B. Adoption of E-pedigree Across the Drug Supply Chain

1. What is the status of developing standards that allow for interoperability of e-pedigree solutions across the drug supply chain?

2. To what extent are stakeholders using e-pedigree?

3. If you are not using an e-pedigree program now, do you anticipate having this capability in the future? If so, when do you plan to use e-pedigree?

4. What is the experience to date of interoperable e-pedigree solutions across the drug supply chain?

5. Paper to E-pedigree Transition

• Discuss the feasibility of a paper and e-pedigree system co-existing across the drug supply chain.

• Can the authenticity and validity of the pedigree be maintained in such a system? How can this be done?

• What capabilities would be needed for such a system?

• Please provide cost estimates for the minimal equipment and infrastructure needed for members of the supply chain to accept and pass a paper pedigree? Cost estimates for use of e-pedigree? Is there a difference in costs if the drug product has a unique identifier versus one that does not?

6. What is the timetable for widespread adoption of e-pedigree across the drug supply chain, with and without additional incentives?

IV. Technologies That Will Be Considered For Display At the Vendor Display

One purpose of this meeting is to gain greater understanding about electronic track and trace technology and e-pedigree. Therefore, we are inviting manufacturers and organizations that market or have in development an electronic track and trace product to display their product at this meeting. We are also inviting manufacturers and organizations that market, have in development, or are facilitating e-pedigree solutions across the U.S. drug supply chain to display their products. Although very important in the effort to combat counterfeit drugs, it is beyond the scope of this program to display overt and covert products and technologies used for anti-counterfeiting including, but not limited to, holograms, color-shifting inks, taggants, and nanotechnologies.

Questions about whether your product or technology would fall within the scope of this vendor display should be directed to the contact person for vendor displays listed at the top of this notice.

V. How Do You Register?

Registration is required if you would like to present at the workshop or participate in the vendor display. If you wish only to attend the workshop and vendor display, you should also register because space is limited.

Because of time constraints, you may register either to present at the workshop or participate in the vendor display. You may not register for both. If you choose to participate in the vendor display, you will have the opportunity to share information about your products with the FDA Task Force members through your participation in the vendor display.

You may register online to present at the workshop or participate in the vendor display at *http://www.fda.gov/RFIDmeeting.html* no later than January 27, 2006. The online registration form will instruct you as to the information you should provide (such as name, address, telephone number, e-mail address, whether you wish to make a presentation or participate in the vendor display, summary of your presentation or product). To register to attend the workshop, go to this same Web site. Seating is limited to 400 persons and if capacity is reached, registration will close. If you register as a presenter or to participate in the vendor display, you do not need to also register as an attendee.

If you plan to present at the workshop, we will try to accommodate all persons who wish to make a presentation. We encourage persons and groups having similar interests to consolidate their information and present it through a single representative, if possible, to enable a broad range of views to be presented.

By February 2, 2006, we will schedule each appearance and, by e-mail or telephone, notify each participant who will present of the time allotted to the person and the approximate time the person's presentation is scheduled to begin. The time allotted for presentations may be between 5 to 15 minutes, depending on the number of people who wish to present.

At the time of registration, you will be asked to provide a short summary of your presentation. Presenters must send final electronic presentations in Microsoft PowerPoint, Microsoft Word, or PDF by 12 noon on February 6, 2006, to Isabelle Howes, Graduate School, U.S. Department of Agriculture, 490 L'Enfant Plaza, Promenade Level, suite 710, Washington, DC 20024, 202–314–4713, e-mail: *Isabelle_Howes@grad.usda.gov*.

If you plan to participate in the vendor display, there will be no fee for participating in the vendor display. For the purposes of this meeting, we are only interested in displays from vendors of track and trace technologies and e-pedigree solutions. At the time of registration, you will be asked to submit a short summary of your product.

We can accommodate 30 vendors at this meeting. When vendor registration reaches this number, additional vendor display registrants will be placed on a wait-list. If you have been placed on the wait-list, we will notify you by e-mail or telephone if you become confirmed. There will be no onsite registration for vendors. Each vendor will be provided with a 6-foot tabletop space. Please note that Internet access will not be available.

VI. How Should You Send Comments on the Issues?

If you would like to submit comments on any of the issues described in this document, please send your comments to the Division of Dockets Management (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. To ensure consideration of your comments, we must receive any written or electronic comments by the date indicated (see **DATES AND TIMES**).

VII. Will Meeting Transcripts Be Available?

The workshop will be transcribed. The transcript will be posted on FDA's Web site at *www.fda.gov*. You may request a copy of the transcript by writing to our Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857. We anticipate that transcripts will be available approximately 10 days after the public meeting at a cost of 10 cents per page. The transcripts will also be available for public examination at the Division of Dockets Management (HFA–305), 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 5, 2006.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. 06–249 Filed 1–9–06; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One New Public Collection of Information: TSA Claims Management Program

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Notice.

SUMMARY: TSA invites public comment on a new information collection requirement abstracted below that we will submit to the Office of Management and Budget (OMB) for approval in compliance with the Paperwork Reduction Act.

DATES: Send your comments by March 13, 2006.

ADDRESSES: Katrina Wawer, Information Collection Specialist, Office of Transportation Security Policy, TSA–9, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220.

FOR FURTHER INFORMATION CONTACT: Katrina Wawer at the above address or by telephone (571) 227–1995 or facsimile (571) 227–2594.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a valid OMB control number. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

Purpose of Data Collection

The TSA Claims Management Office (CMO) needs to collect additional certain information from claimants in order to thoroughly investigate and resolve tort claims against the agency. TSA receives approximately 2,000 tort claims per month arising from airport screening activities and other circumstances, including motor vehicle accidents and employee loss. The Federal Tort Claims Act (28 U.S.C. 1346(b), 1402(b), 2401(b), 2671–2680) is the authority under which the CMO adjudicates tort claims.

Description of Data Collection

The data is collected whenever a citizen believes they have experienced property loss or damage, a personal injury, or other damages due to the negligence or wrongful act or omission of a TSA employee, and decides to file a Federal tort claim against TSA. Submission of a claim is entirely voluntary and initiated by citizens. The claimants (or respondents) to this collection are typically the traveling public. Currently claimants file a claim by submitting to TSA a Standard Form 95 (SF–95), which has been approved under OMB control number 1105–0008. Because TSA requires further clarifying information from claimants, it is requesting OMB approval for two additional forms for tort claims. In addition to the SF–95, claimants will be asked to complete a Supplemental Information form, which is agency specific to TSA. If, after review of these two forms, TSA determines payment is warranted, TSA will send the claimant a third form requesting banking information in order to direct payment to the claimant.

Claim instructions and forms are available through the Internet at *http://www.tsaclaims.org* (also accessible via the TSA Web site at *http://www.tsa.gov).* However, currently claimants must download these forms and mail or fax them to TSA. TSA is developing an online claim submission system by which claimants may submit claims electronically. TSA is also seeking OMB approval for the online claim submission system, which, once developed, will be an option for claims submissions, in addition to the paper SF–95 and Supplemental Information forms. The online system will streamline the information collection so that claimants can input all the

necessary information in one location and ensure their claims are completed sufficiently the first time. The online system will also increase TSA's efficiency in processing claims.

On the Supplemental Information form, claimants are asked to provide additional claim information including: (1) E-mail address, (2) location of incident within the airport, (3) airport, (4) complete travel itinerary, (5) whether baggage was delayed by airline (6) why they believe TSA was negligent, (7) whether they used a third-party baggage service, (8) whether they were traveling under military orders, and (9) whether they submitted claims with the airlines or insurance.

If TSA determines payment is warranted, TSA sends the claimant a third form where TSA requests: (1) Claimant signature, (2) banking information (routing and accounting numbers), and (3) Social Security number (required by the U.S. Treasury for all Government payments to the public pursuant to 31 U.S.C. 3325).

Under the current system of claims submitted by mail or fax, TSA estimates there will be approximately 28,800 respondents on an annual basis, for a total annual hour burden of 19,200 hours. Once the online system is operational, TSA estimates that out of the 28,800 annual respondents, approximately 70 percent, or 20,160, will submit claims electronically, for a total annual hour burden of 5,040 hours; and that approximately 30 percent, or 8,640, will continue to submit claims by mail or fax, for a total annual hour burden of 2,160 hours.

Use of Results

TSA will use all data collected from claimants to investigate and analyze tort claims against the agency to determine alleged TSA liability and to reimburse claimants when claims are approved. In some cases, TSA may use the information to identify victims of theft or to aid any criminal investigations into property theft.

Issued in Arlington, Virginia, on January 5, 2006.

Lisa S. Dean,

Privacy Officer.

[FR Doc. E6–138 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5042–N–01]

Notice of Proposed Information Collection: Evaluating Outcomes of HUD's Healthy Homes Grants

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning an evaluation of grants made under the Healthy Homes Initiative (HHI) funded by HUD will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 13, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to Shelby Glover, Reports Liaison Officer, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Peter J. Ashley, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708–0614, extension 7595 (this is not a toll-free number) for copies of the proposed questionnaire and related information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses).

This Notice also lists the following information:

Title of Proposal: Evaluating Outcomes of HUD's Healthy Homes Grants.

OMB Control Number: To be assigned.

Need for the Information and Proposed Use: The Healthy Homes Initiative, initiated in 1999, encourages a holistic approach to efficiently reducing multiple health and safety hazards in homes, including asthma triggers such as mold and other allergens, pests, lead, carbon monoxide and other indoor contaminants, and injury hazards. To date, the Department has awarded 63 grants in the categories of demonstration, education and outreach, and technical studies. HUD is interested in evaluating the outcomes of these grants to identify and highlight effective practices and significant research findings and to assess progress in achieving HHI program objectives.

HUD will ask grant recipients to respond to a questionnaire, administered by telephone, on: (a) The range of interventions and activities that have been conducted under demonstration and education and outreach grants, the effectiveness of these actions, and factors that determine effectiveness; (b) the major research findings from technical studies and demonstration grants, and information on how these findings are being disseminated and applied; (c) the extent to which grants have resulted in local infrastructure being developed to continue healthy-housing related activities after completion of the grant; and (d) results of healthy-housing activities supported through interagency agreements with other federal agencies. To minimize the burden on grantees, HUD will, where applicable, enter available information from each grantee's quarterly progress reports and final project report into the questionnaire responses prior to administering the questionnaire by telephone, at which time the information will be confirmed.

Agency Form Numbers: None.

Members of Affected Public: Managers of programs funded by grants provided under the Healthy Homes Initiative.

Total Burden Estimate: Number of respondents: 2.5 for each of the 63 grantees = 157.5; Frequency of responses = 1; Hours per response = 4 (including preparation); Burden hours: total estimate = 630.

Status of the Proposed Information Collection: New request.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 4, 2006.

Warren Friedman,

Deputy Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. E6–133 Filed 1–10–06; 8:45 am]

BILLING CODE 4210–70–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 5-Year Review of Mt. Graham Red Squirrel and Little Colorado Spinedace

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 5-year review of the Mt. Graham red squirrel (*Tamiasciurus hudsonicus grahamensis*) and the Little Colorado spinedace (*Lepidomeda vittata*) under 4(c)(2)(A) of the Endangered Species Act of 1973 (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.12) is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow adequate time to conduct this review, information submitted for our consideration must be received on or before April 11, 2006. However, we will continue to accept information about any listed species at any time.

ADDRESSES: Information submitted on these species should be sent to the U.S. Fish and Wildlife Service at the following address. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same addresses.

Information regarding the Mt. Graham red squirrel and Little Colorado spinedace should be sent to the Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021.

FOR FURTHER INFORMATION CONTACT: For the Mt. Graham red squirrel, contact Thetis Gamberg at the Arizona Ecological Services Tucson Sub-office, 201 North Bonita, Suite 141, Tucson, AZ 85745, 520–670–6150 x 231, *thetis_gamberg@fws.gov.* For the Little Colorado spinedace, contact Shaula Hedwall at the Arizona Ecological Services Flagstaff Sub-office, 323 North Leroux, Suite 101, Flagstaff, AZ 86001, 928–226–0614 x 103, *shaula_hedwall@fws.gov.*

SUPPLEMENTARY INFORMATION:

Why Is a 5-Year Review Conducted?

Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed from the List of Endangered and Threatened Wildlife and Plants (delisted), or reclassified from endangered to threatened (downlisted), or from threatened to endangered (uplisted). The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the following species since their original listings as either endangered (Mt. Graham red squirrel) or threatened (Little Colorado spinedace). If the present classification of either of these species is not consistent with the best scientific and commercial information available, the Service will recommend whether or not a change is warranted in the Federal classification of the species. Any change in Federal classification would require a separate final rule-making process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Mt. Graham red squirrel and Little Colorado spinedace.

What Information Is Considered in the Review?

A 5-year review considers all new information available at the time of the review. These reviews will consider the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading ''How do we determine whether a species is endangered or threatened?''); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

Specific Information Requested for the Mt. Graham Red Squirrel

We specifically request information regarding the species' life history, habitat requirements, and distribution. We also request information on threats, including predation, competition, and habitat loss. We further request information on designated critical habitat.

Specific Information Requested for the Little Colorado Spinedace

We specifically request information regarding the current distribution of populations and evaluation of the degree of habitat protection for each population, and information regarding management plans and techniques for improving and maintaining spinedace habitat. We also are particularly interested in recent information regarding conservation measures that have been implemented to benefit the species.

How Are the Mt. Graham Red Squirrel and Little Colorado Spinedace Currently Listed?

The List of Endangered and Threatened Wildlife and Plants (List) is found in 50 CFR 17.11 (wildlife) and 17.12 (plants). Amendments to the List through final rules are published in the **Federal Register**. The List is also available on our Internet site at *http://endangered.fws.gov/wildlife.html#Species*. In Table 1 below, we provide a summary of the listing information for the species under active review.

TABLE 1.—SUMMARY OF THE LISTING INFORMATION FOR THE MT. GRAHAM RED SQUIRREL AND LITTLE COLORADO SPINEDACE

Common name	Scientific name	Status	Where listed	Final listing rule
Mt. Graham red squirrel	*Tamiasciurus hudsonicus grahamensis.*	Endangered	U.S.A. (Arizona, California)	51 FR 10842 (31–MAR–1986).
Little Colorado spinedace	*Lepidomeda vittata*	Threatened	U.S.A. (Arizona)	52 FR 35054 (16–SEPT–1987).

Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How Do We Determine Whether a Species Is Endangered or Threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the five following factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What Could Happen as a Result of This Review?

If we find that there is new information concerning Mt. Graham red squirrel or Little Colorado spinedace indicating a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) remove the species from the List. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Solicitation of New Information

We request any new information concerning the status of Mt. Graham red squirrel and Little Colorado spinedace. See ''What information is considered in the review?'' heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the supporting record, which we will honor to the extent allowable by law. There also may be circumstances in which we may withhold from the supporting record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will not consider anonymous comments, however. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: November 1, 2005.

Larry G. Bell,

Acting Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. E6–139 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Revised Recovery Plan for the Aga or Mariana Crow (Corvus kubaryi)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and comment.

SUMMARY: The U.S. Fish and Wildlife Service (''we'') announces the availability of the Draft Revised Recovery Plan for the Aga or Mariana Crow (*Corvus kubaryi*) for public review and comment.

DATES: Comments on the draft revised recovery plan must be received on or before March 13, 2006.

ADDRESSES: Copies of the draft revised recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850 (phone: 808–792–9400). Requests for copies of the draft revised recovery plan and written comments and materials regarding this plan should be addressed to the Field Supervisor, Ecological Services, at the above Honolulu address. The draft revised plan is currently available on the World Wide Web at *http://endangered.fws.gov/recovery/index.html#plans.*

FOR FURTHER INFORMATION CONTACT: Fred Amidon, Fish and Wildlife Biologist, at the above Honolulu address and telephone number.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) and our endangered species program. Recovery means improvement of the status of listed species to the point at which listing is no longer required under the criteria set out in section 4(a)(1) of the Act. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Act requires the development of recovery plans for endangered or threatened species unless such a plan would not promote the conservation of

the species. Section 4(f) of the Act requires that public notice, and an opportunity for public review and comment, be provided during recovery plan development. We will consider all information presented during the public comment period on each new or revised recovery plan. Substantive comments may result in changes to a recovery plan. Comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to the appropriate Federal agency or other entities so that they can take these comments into account during the course of implementing recovery actions. Individual responses to comments will not be provided.

The aga or Mariana crow is native to the islands of Guam and Rota in the Mariana Archipelago of the Pacific Ocean. The aga has been listed as an endangered species by the United States since 1984, and is also listed by the governments of the Territory of Guam and the Commonwealth of the Northern Mariana Islands. The last of the aga on Guam disappeared sometime in 2002 or 2003. Currently, northern Guam has a small population of 10 aga, all individuals translocated from Rota. Estimates for the island of Rota indicate that approximately 85 pairs of aga persist there, but this population is apparently in decline.

Aga utilize a wide variety of forested habitats including limestone, strand, ravine, agricultural forest, and secondary forests. However, available evidence suggests that aga are most abundant in native limestone forests. On both Guam and Rota, aga nests have been found exclusively in native species of trees, which also serve as the primary foraging sources for these birds.

The introduction of the exotic brown treesnake (Boiga irregularis) to the island of Guam in the late 1940's is believed to have been the primary cause of the extirpation of aga from that island. Brown treesnakes are not established on Rota. The cause of the observed decline in the aga population on Rota, as well as parallel declines in other forest birds on the island, is not well understood, but may be due to a combination of habitat loss, human persecution, and possibly introduced rats or other exotic predators.

Captive propagation of the aga in mainland zoos was attempted in the 1990's, but was largely unsuccessful. Most of the captive individuals have since been released back on Guam. The translocation of individuals from Rota to Guam has proven a more viable option, and in recent years some of these birds have paired and successfully nested on Guam. Since the native aga on Guam have been extirpated, recovery of the species is now entirely dependent upon the remaining population of aga on the island of Rota.

This draft revised recovery plan replaces the original recovery plan for the aga, which was published in 1990 and addressed multiple species of native forest birds of Guam and Rota. The draft revised recovery plan was developed by the Mariana Crow Recovery Team, which includes representatives from various Federal agencies, the Guam Division of Aquatic and Wildlife Resources, the Commonwealth of the Northern Mariana Islands' Division of Fish and Wildlife, Andersen Air Force Base, the University of Hawaii, and the University of Washington. The primary objective of this draft revised recovery plan is to establish a total of at least three viable, self-sustaining subpopulations of aga in the wild, two on Guam and one on Rota. The recovery program described in this draft revised recovery plan includes active research, habitat management, predator control, translocation, population monitoring, and community involvement. The recovery actions are designed to address threats to the aga in order to achieve the recovery goal of downlisting to threatened status and then eventually delisting (removing from the List of Endangered and Threatened Wildlife and Plants).

Public Comments Solicited

We solicit written comments on the draft revised recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 28, 2005.

David J. Wesley,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

Editorial Note: This document was received at the Office of the Federal Register on January 6, 2006.

[FR Doc. E6–143 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Corrections to the Notice of Availability of the Draft Environmental Impact Statement for the Proposed Cordova Oil Spill Response Facility, Cordova, AK

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public of two corrections to the Notice of Availability of the Draft Environmental Impact Statement for the proposed Cordova Oil Spill Response Facility, Cordova, Alaska, which was published in the **Federal Register** on December 22, 2005 (70 FR 76066–76067) and which described the proposed action. These corrections are as follows:

- The two-letter abbreviation for Alaska in the Notice heading was incorrectly given as ''AL.'' The correct abbreviation for Alaska is AK.
- The project website in the **ADDRESSES** section of the Notice was incorrect. The correct Web site is *http://www.cordovaresponsefacility.com*.

FOR FURTHER INFORMATION CONTACT: Kristin K'eit, (907) 586–7423.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with sections 1503.1, 1506.6 and 1508.22 of the Council of Environmental Quality Regulations (40 CFR, parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: January 4, 2006.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. E6–140 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–030–1310–DB]

Correction to Notice of Availability of the Draft Environmental Impact Statement for the Atlantic Rim Natural Gas Development Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of correction.

SUMMARY: On Monday, December 12, 2005, the Bureau of Land Management published a Notice of Availability of the Draft Environmental Impact Statement for the Atlantic Rim Natural Gas Development Project in the **Federal Register** [Vol. 70, No. 237, p. 73482]. The **SUPPLEMENTARY INFORMATION** on alternatives analyzed in detail contained naming errors. The correct information is as follows:

The Atlantic Rim DEIS analyzed four alternatives in detail:

1. The Proposed Action Alternative;
2. Alternative A, the No Action Alternative, which means the project as proposed would be rejected by the BLM;
3. Alternative B—Phased development; and,
4. Alternative C—Special protection of sensitive of sensitive resources.

''The agency's preferred alternative is a combination of Alternative B and C.''

These corrected alternative names also correct references to the alternatives for the remainder of the notice.

FOR FURTHER INFORMATION CONTACT: Mr. David Simons, Project Lead or Mr. Mark Storzer, Field Manager, BLM Rawlins Field Office. Mr. Simons and Mr. Storzer may be reached at (307) 328–4200.

Dated: December 27, 2005.

Robert A. Bennett,

State Director.

[FR Doc. E6–158 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–1430–PN]

Notice of Availability of the Record of Decision for the Wind Energy Development Programmatic Environmental Impact Statement (PEIS) and Associated Land Use Plan Amendments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Record of Decision (ROD).

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and Bureau of Land Management (BLM) procedures, the BLM announces the availability of the ROD to implement a Wind Energy Development Program and amend BLM land use plans. The decision is hereby made to implement a comprehensive Wind Energy Development Program to administer the development of wind energy resources on BLM-administered public lands in 11 western states, excluding Alaska. In addition, this decision amends 52 BLM land use plans in 9 states to adopt the new program. The Assistant Director, Minerals, Realty and Resource Protection and the Assistant Director, Renewable Resources and Planning jointly signed the ROD on December 15, 2005.

ADDRESSES: Copies of the Wind Energy Development Program ROD are available upon request from Scott Powers, Montana State Office, Bureau of Land Management, 5001 Southgate Dr., Billings, Montana 59107 or via the Internet at *http://windeis.anl.gov*. Copies will also be available at each of the following BLM offices: Arizona State Office, 222 N. Central Ave., Phoenix; California State Office, 2800 Cottage Way, Suite W–1834, Sacramento; Colorado State Office, 2850 Youngfield St., Lakewood; Idaho State Office, 1387 S. Vinnell Way, Boise; Montana State Office, 5001 Southgate Dr., Billings; Nevada State Office, 1340 Financial Blvd., Reno; New Mexico State Office, 1474 Rodeo Rd., Santa Fe; Oregon State Office, 333 SW. 1st Ave., Portland; Utah State Office, 440 West 200 South, Salt Lake City; Wyoming State Office, 5353 Yellowstone Rd., Cheyenne; and BLM Washington Office, Public Affairs Office.

FOR FURTHER INFORMATION CONTACT: Scott Powers, at 406–896–5319, (or e-mail at *scott_powers@blm.gov*), Montana State Office, Bureau of Land Management, 5001 Southgate Dr., Billings, Montana 59107.

SUPPLEMENTARY INFORMATION: The Wind Energy Development Program ROD was developed through preparation of the *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States*. The elements of the Wind Energy Development Program and the associated land use plan amendments were evaluated through this PEIS, which was prepared in accordance with the National Environmental Policy Act (NEPA) and the FLPMA. The U.S. Department of Energy (DOE) cooperated in the preparation of the PEIS in support of the BLM's proposed action.

The Wind Energy Development Program will be implemented in 11 western states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The Program establishes policies and best management practices (BMPs) for the administration of wind energy development activities and establishes minimum requirements for mitigation measures. The policies and BMPs, included in Attachment A of the ROD, address the mitigation of potential impacts to all natural and cultural resources that could occur during any phase of development. These include impacts such as the use of geologic and water resources; creation or increase of geologic hazards or soil erosion; water quality degradation; localized generation of airborne dust; generation of noise; alteration or degradation of wildlife habitat or sensitive or unique habitat; interference with resident or migratory fish or wildlife species, including protected species; alteration or degradation of plant communities, including the occurrence of invasive vegetation; land use changes; alteration of visual resources; release of hazardous materials or wastes; increased traffic; increased human health and safety hazards; and destruction or loss of paleontological or cultural resources.

With the decision to implement the Wind Energy Development Program, the BLM Interim Wind Energy Policy, dated October 16, 2002, will be replaced by a new policy that incorporates the programmatic policies and BMPs evaluated in the PEIS. Elements of the Interim Policy addressing applications, authorizations, competitive interests, and due diligence will not be changed by the new program requirements.

In addition, this decision amends 52 BLM land use plans in 9 of the states in the study area: Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The land use plan amendments, identified in Attachment B of the ROD, include the adoption of the Wind Energy Development Program policies and BMPs and, in a few instances, the identification of specific areas where wind energy development will be excluded.

Public involvement in preparation of the Wind Energy Development PEIS was extensive, as documented in the PEIS and the ROD. The 30-day public protest period resulted in no protests. In addition, results of the 90-day Governors Consistency Review of the PEIS, required by BLM planning regulations, were favorable in that none of the Governors objected to the proposed plan amendments.

On May 18, 2001, the President issued Executive Order (E.O.) 13212, ''Actions to Expedite Energy-Related Projects,'' which established a policy that federal agencies should take appropriate actions, to the extent consistent with applicable law, to expedite projects to

increase the production, transmission, or conservation of energy. In that same month, the President's National Energy Policy Development Group recommended to the President, as part of the National Energy Policy, that the Departments of the Interior, Energy, Agriculture, and Defense work together to increase renewable energy production. On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (Pub. L. 109–58). Section 211 of the Act states, ''It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity.'' Implementation of the Wind Energy Development Program and the amendment of multiple land use plans to adopt the program will effectively support the directives of E.O. 13212, the recommendations of the 2001 National Energy Policy, and congressional direction provided in the Energy Policy Act of 2005 regarding renewable energy development on public lands.

Dated: December 19, 2005.

Ray Brady,

Team Lead, Energy Policy Act Implementation Team.

[FR Doc. E6–157 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–200–1120–PH]

Notice of February Resource Advisory Council Meeting To Be Held in Twin Falls District, ID

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This notice announces the intent to hold a Resource Advisory Council (RAC) meeting in the Twin Falls District of Idaho on Tuesday, February 7, 2006. The meeting will be held at the Red Lion Canyon Springs Hotel, 1357 Blue Lakes Boulevard, in Twin Falls, Idaho.

SUPPLEMENTARY INFORMATION: The Twin Falls District Resource Advisory Council consists of the standard fifteen members residing throughout south central Idaho. Meeting agenda items will include updates on sub-committee efforts, Cotterell Mountain Wind Power Plant EIS status, SEMPRA coal plant proposal, Recreation RAC status and pending decisions and more.

FOR FURTHER INFORMATION CONTACT: Sky Buffat, Twin Falls District, Idaho, 2536 Kimberly Road, Twin Falls, Idaho 83301, (208)735–2068.

Dated: January 4, 2006.

Bill Baker,

Twin Falls District Associate Manager.

[FR Doc. E6–144 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW141204]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Antelope Coal Company of competitive oil and gas lease WYW141204 for lands in Converse County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW141204 effective March 1, 2005, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. E6–150 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–936–1430–ET; HAG–06–0012; WAOR–59196]

Public Land Order No. 7651; Withdrawal of Public Land, Hot Lake Natural Area; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 80 acres of public land from location and entry under the United States mining laws for a period of 20 years for the Bureau of Land Management to protect the Hot Lake Natural Area.

DATES: Effective January 11, 2006.

FOR FURTHER INFORMATION CONTACT: William Schurger, Bureau of Land Management, Wenatchee Field Office, 509–665–2116, or Charles R. Roy, Bureau of Land Management Oregon/Washington State Office, 503–808–6189.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management will manage the lands to protect the unique educational, scientific, and research values of the Hot Lake Natural Area.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from location and entry under the United States mining laws, (30 U.S.C. Ch. 2 (2000)), for the Bureau of Land Management to protect the unique educational, scientific and research values of the Hot Lake Natural Area:

Willamette Meridian

Hot Lake Natural Area

T. 40 N., R. 27 E.,
Sec. 7, SE¼SE¼;
Sec. 18, NE¼NE¼.

The area described contains 80 acres in Okanogan County.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f)(2000), the Secretary determines that the withdrawal shall be extended.

Dated: December 15, 2005.

Craig Manson,

Assistant Secretary of the Interior.

[FR Doc. E6–151 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–936–1430–ET; HAG–06–0013; WAOR–57965]

Public Land Order No. 7652; Withdrawal of Public Lands, San Juan Archipelago; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 276.41 acres of public lands from location and entry under the United States mining laws for a period of 20 years for the Bureau of Land Management to protect the unique natural, scenic, and recreational values and Federal improvements on 11 tracts of land in the San Juan Archipelago.

EFFECTIVE DATE: January 11, 2006.

ADDRESSES: Oregon/Washington State Office, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: William Schurger, BLM, Wenatchee Field Office, 509–665–2116, or Charles R. Roy, BLM, Oregon/Washington State Office, 503–808–6189.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management will manage the lands to protect the unique natural, scenic, and recreational values and the investment of Federal funds on 11 tracts of public lands in the San Juan Archipelago. Complete legal descriptions for those tracts described by metes and bounds are available from the Bureau of Land Management office at the address above.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in the San Juan Archipelago are hereby withdrawn from location and entry under the United States mining laws, (30 U.S.C. Ch. 2 (2000)), for the Bureau of Land Management to protect the unique natural, scenic, and recreational values:

Willamette Meridian

Tract H (Lopez Island: NW Chadwick Hill and Wetland)

T. 34 N., R. 1 W.,
Sec. 17, metes and bounds parcel in the SE¼.

Tract I (Lopez Island: Chadwick Hill/Watmough Bay)

T. 34 N., R. 1 W.,
Sec. 21, lot 1 and NW¼NW¼.

Tract J (Lopez Island: Watmough Bay)

T. 34 N., R. 1 W.,
Sec. 21, metes and bounds parcel in lot 2 and SW¼NW¼.

Tract K (Lopez Island: Watmough Head and Watmough Bay)

T. 34 N., R. 1 W.,
Sec. 21, metes and bounds parcel in lot 2.

Tract L (Lopez Island: Cape St. Mary)

T. 34 N., R. 1 W.,
Sec. 15, lot 1.

Tract M (Lopez Island: Lopez Pass)

T. 35 N., R. 1 W.,
Sec. 33, lot 1.

Tract N (Eliza Island: south end)

T. 36 N., R. 2 E.,
Sec. 5, Eliza Island. (unsurveyed).

Tract O (Lummi Island: Carter Point)

T. 36 N., R. 2 E.,
Sec. 6, Lummi Island. (unsurveyed).

Tract P (Lummi Rocks)

T. 37 N., R. 1 E.,
Sec. 27, Lummi Rocks in the NW¼ and SW¼NE¼. (unsurveyed).

Tract Q (Chuckanut Rock)

T. 37 N., R. 2 E.,
Sec. 24, Chuckanut Rock. (unsurveyed).

Tract R (west end of Patos Island)

T. 38 N., R. 2 W.,
Sec. 17, most westerly 5 acres of Patos Island as described by metes and bounds.

The areas described aggregate 276.41 acres in San Juan and Whatcom Counties.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: December 15, 2005.

Craig Manson,

Assistant Secretary of the Interior.

[FR Doc. E6–155 Filed 1–10–06; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 24, 2005. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by January 26, 2006.

John W. Roberts,

Acting Chief, National Register/National Historic Landmarks Program.

ARIZONA

Navajo County

Bailey Ruin, Address Restricted, Pinedale, 05001560

ARKANSAS

Chicot County

Chicot County Courthouse, 108 Main St., Lake Village, 05001592

Clark County

Arkansas 7/51 Bridge, (Arkansas Highway History and Architecture MPS) AR 7/51, Arkadelphia, 05001591

Garland County

Army and Navy Hospital, 105,200,417,421 and 425 Reserve Ave., Hot Springs, 05001590

COLORADO

Alamosa County

Howard Store, 8681 Main St., Hooper, 05001597

Douglas County

Franktown Cave, Address Restricted, Franktown, 05001561

GEORGIA

Clarke County

Coca-Cola Bottling Plant—Athens, 297 Prince Ave., Athens, 05001594

Cobb County

Butner—Mctyre General Store, 4455 Marietta St., Powder Springs, 05001593

Fulton County

Tyler, Mary Elizabeth, House, 2887 Howell Mill Rd., Atlanta, 05001598

Lee County

Leesburg High School, 100 Starkville Ave., Leesburg, 05001595

Troup County

West Point Commercial Historic District, Roughly bounded by 4th Ave., 2nd Ave., W. 9th St., and W. 7th St., West Point, 05001596

IDAHO

Ada County

Bell, R.H. and Jessie, House, 137 E. Pine St., Meridian, 05001599
Hill, Clara, House, 1123 N. Main St., Meridian, 05001600

Custer County

Idaho Mining and Smelter Company Store, One Ford St., Clayton, 05001601

ILLINOIS

Cook County

Homestead, The, 1625 Hinman Ave., Evanston, 05001607
Maverick Lloyd, Lola, House, 455 Birch St., Winnetka, 05001606
North Mayfair Bungalow Historic District, (Chicago Bungalows MPS) Roughly bounded by W. Foster Ave., N. Pulaski Rd., N. Kilbourn Ave., and W. Lawrence Ave., Chicago, 05001608
Pilsen Historic District, Roughly bounded by W. 16th St., W. Cermak Rd., S. Halsted St. and S. Western Ave., Chicago, 05001609

Grundy County

Morris Downtown Commercial Historic District, Liberty St., roughly bounded by the RR, Illinois St., Fulton and Wauponsee Sts and Franklin, Morris, 05001603

Henry County

Kewanee Hotel, 125 N. Chestnut, Kewanee, 05001605

Jackson County

Hull, William H., House, 1517 Walnut, Murphysboro, 05001602

Warren County

Monmouth Courthouse Commercial Historic District, Roughly bounded by Archer Ave., First St., Second Ave. and A St., Monmouth, 05001604

MAINE

Cumberland County

Abyssinian Meeting House, 73–75 Newbury St., Portland, 05001612

MINNESOTA

Lake County

Isabella Ranger Station, Address Restricted, Isabella, 05001611

MISSISSIPPI

Warren County

Grove Street—Jackson Historic District, (Vicksburg MPS) Along Grove and Jackson Sts. bet. Cherry St. and First N. St., Vicksburg, 05001613

MISSOURI

Cape Girardeau County

Jackson Uptown Commercial Historic District, Roughly bounded by Court, Main, Missouir and High Sts., Jackson, 05001562

Jackson County

Park Manor Historic District, 910 Ward Pkwy, 920 Ward Pkwy. and 4826 Roanoke Pkwy, Kansas City, 05001610

NEW JERSEY

Bergen County

Presbyterian Church of Norwood, 701 Broadway, Norwood Borough, 05001567

Hudson County

First Baptist Church, 901–907 Bloomfield St., Hoboken, 05001570

Hunterdon County

Eversole, Charles, House, 509 Cty Rd. 523, Readington Township, 05001563

Mercer County

Pearson, Isaac, House, Hobson Ave. at Emiline Ave., Hamilton Township, 05001568

Monmouth County

Probasco-Dittner Farmstead, 61 Bucks Mill Rd., Colts Neck, 05001564

Morris County

Miller-Rinehard Farmstead, 72 Hacklebarney Rd., Washington Township, 05001569

Ocean County

Bay Head Historic District, Roughly bounded by Point Pleasant Beach Borough line, Atlantic Ocean, Manotoloking Borough line and Point Pleasant, Bay Head Borough, 05001566

Union County

Reeve, William Edgar, House, 314 Mountain Ave., Westfield Town, 05001565

NEW YORK

Columbia County

Linlithgo Reformed Church of Livingston, 447 Church Rd., Livingston, 05001614

Delaware County

First Presbyterian Church, Clinton St., Delhi, 05001616

Livingston County

Kellerman Log Cabin, 6074 S. Livonia Rd., Conesus, 05001615

OHIO

Cuyahoga County

Brownell School and Annex, 1300–1360 Sumner St., Cleveland, 05001576
Federal Knitting Mills (Boundary Increase), 2820, 2811–21 Vermont Ave., Cleveland, 05001575
Old River Road Historic District, 1220–1330 Old River Rd., Cleveland, 05001574

Tuscarawas County

Dennison High School, 220 N. Third St., Dennison, 05001573

RHODE ISLAND

Newport County

Farnham Farm, 113 Mount Pleasant Ave., Portsmouth, 05001617

SOUTH CAROLINA

Kershaw County

Belmont Neck Site—38KE06, Address Restricted, Camden, 05001578

Newberry County

Howard Junior High School, 431 Shiloh St., Prosperity, 05001577

Richland County

Woodlands, 409 Old Woodlands Rd., Columbia, 05001572

Spartanburg County

Pacolet Mills Cloth Room and Warehouse, 1560 Sunny Acres Rd., Pacolet, 05001571

UTAH

Davis County

Smith, Thomas J. and Amanda N., House, 472 N. Main St., Kaysville, 05001632

Salt Lake County

Smith, Lauritz H. and Emma, House, (Draper, Utah MPS) 12423 S. Relation St., Draper, 05001633
Walbeck, Glen M. and Roxie, House, (Draper, Utah MPS) 12875 S. Boulter St., Draper, 05001630

Tooele County

Anderson-Clark Farmstead, (Grantsville, Utah MPS) 378 W. Clark St., Grantsville, 05001627
Erickson, Hilda, House, (Grantsville, Utah MPS) 247 W. Main St., Grantsville, 05001626
Johnson Hall—Deseret Mercantile Building, (Grantsville, Utah MPS) 4 W. Main St., Gransville, 05001628
Wrathall, James and Penninah, House, (Grantsville, Utah MPS) 5 N. Center St., Grantsville, 05001629

VERMONT

Caledonia County

District 6 School House, (Educational Resources of Vermont MPS) 73 Cemetery Circle, Lyndon, 05001588

Windsor County

Gould's Mill Bridge, VT 66, Paddock Rd. over the Black River, Springfield, 05001589

VIRGINIA

Amherst County

Brick House, 854 Fletcher's Level Rd., Clifford, 05001620

Augusta County

Harper House, 3029 Stuarts Draft Hwy., Stuarts Draft, 05001623

Clarke County

Millwood Commercial Historic District, Parts of Millwood Rd. and Tannery Ln., Millwood, 05001624

Danville Independent City

Langhorne House, 117 Broad St., Danville (Independent City), 05001586

Fauquier County

Mount Hope, 6015 Georgetown Rd., New Baltimore, 05001625

Giles County

Walker's Creek Presbyterian Church (Boundary Increase), Walker's Creek Balley Rd., Pearisburg, 05001622

Goochland County

Second Union School, (Rosenwald Schools in Virginia MPS) 2787 Hadensville Fife Rd., Goochland, 05001583

VIRGINIA

Henry County

Bassett, John D., High School, VA 57, Bassett, 05001587

Highland County

Mansion House, VA 645, 161 Mansion House Rd., McDowell, 05001619

Loudoun County

Francis-Gulick Mill, Address Restricted, Leesburg, 05001582

Norfolk Independent City

Lambert's Point Knitting Mill (122–0934), 808 W. 44th St., Norfolk (Independent City), 05001585

Richmond Independent City

Gordon-Baughan-Warren House, 6303 Towana Rd., Richmond (Independent City), 05001621

Stafford County

Hartwood Manor, 335 Hartwood Rd., Harwood vicinity, 05001618

Suffolk Independent City

Cedar Hill Cemetery, S. of E. Constance Rd., Suffolk (Independent City), 05001584

Harrell, Joel E., Son, 110 Virginia Ham Dr., Suffolk (Independent City), 05001580

Wise County

Fulton, E.M., House, 103 W. Main St., Wise, 05001581

WISCONSIN

Fond Du Lac County

Zion Congregational Church, N4042 Amity Rd., Alto, 05001579

A request for removal has been made for the following resources:

ARKANSAS

Clark County

Cobb-Weber House, 307 N. 6th St. Arkadelphia, 02000956

Howard County

Neal, Noel Owen, House 184 Blue Bayou Rd. S. Nashville vicinity, 03000959

Pulaski County

Jones, Arthur J., House 814 Scott St. Little Rock, 76000456

[FR Doc. E6–132 Filed 1–10–06; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 3, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202–693–4129 (this is not a toll-free number) or e-mail: *king.darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employee Benefits Security Administration.

Type of Review: Extension of currently approved collection.

Title: Disclosures by Insurers to General Account Policyholders.

OMB Number: 1210–0114.

Frequency: Annually.

Type of Response: Third party disclosure.

Affected Public: Business or other for-profit; Individuals or households; and Not-for-profit institutions.

Number of Respondents: 104.

Number of Annual Responses: 112,500.

Estimated Time Per Response: 3.75 hours per policy for preparing the annual disclosure and 2 hours per policy for distribution.

Total Burden Hours: 478,125.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $22,000.00.

Description: Section 1460 of the Small Business Job Protection Act of 1996 (Pub. L. 104–188) adding a new section 401(c) to ERISA to establish requirements for ''Transition Policies'' issued before December 31, 1998, to employee benefit plans, under which plan assets are held in the insurer's general account. The regulation requires financial information to be provided to the plan policyholder when the policy is first issued, annually, and upon request.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. E6–147 Filed 1–10–06; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the

proposed collection: Request for Earnings Information (LS–426). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 13, 2006.

ADDRESSES: Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0418, fax (202) 693–1451, *E-mail bell.hazel@dol.gov.* Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) (33 U.S.C. 901 et seq.), and its extensions the Nonappropriated Fund Instrumentalities Act, the Outer Continental Shelf Lands Act and the Defense Base Act. These Acts provide compensation benefits to injured workers. The Secretary of Labor is authorized, under the Act, to make rules and regulations to administer the Act and its extensions. Pursuant to the LHWCA, injured employees shall receive compensation in an amount equal to 66⅔ per centum of their average weekly wage. Form LS–426, Request for Earnings Information is used by district offices to collect wage information from injured workers to assure payment of compensation benefits to injured workers at the proper rate. This information is needed for determination of compensation benefits in accordance with Section 10 of the LHWCA. This information collection is currently approved for use through July 31, 2006.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the approval of the extension of this information collection in order to carry out its responsibility to assure payment of compensation benefits to injured workers at the proper rate.

Type of Review: Extension.

Agency: Employment Standards Administration.

Titles: Request for Earnings Information.

OMB Number: 1215–0112.

Agency Numbers: LS–426.

Affected Public: Individuals or households.

Total Respondents: 1,600.

Total Annual Responses: 1,600.

Estimated Total Burden Hours: 400.

Estimated Time Per Response: 15 minutes.

Frequency: On Occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $672.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: January 5, 2006.

Sue Blumenthal,

Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. E6–148 Filed 1–10–06; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed new collection of the ''CES Supplemental Form on Temporary Help, Leased, and Other Contracted Work.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before March 13, 2006.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212, telephone number 202–691–7628. (This is not a toll free number.)

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Current Employment Statistics (CES) Survey is a Federal/State program of the Bureau of Labor Statistics. It produces monthly estimates of employment, hours, and earnings based on U.S. nonagricultural establishment payrolls. Information for these estimates is derived from 265,000 reports (representing 135,000 UI accounts and 350,000 individual worksites), as of December 2004. Each month, these firms report their employment, payroll, and hours on forms identified as BLS–790. All of these reports are collected under a probability based sample design.

The CES Supplemental Form on Temporary Help, Leased, and Other Contracted Work will focus on the use of temporary help, leased employees, and other contracted workers in all non-farm industries. Use of these types of employees are an important leading indicator of trends in the U.S. labor market and a better understanding of hiring patterns will help quantify gains and losses in payroll employment. Data will be collected for the reference period of April 12, 2006, and will include the

comparable CES all employees figure, temporary help agency workers, leased workers, independent contractors, and other workers not classified elsewhere. The BLS plans to re-contact 100 of the 16,000 respondents to verify the quality of the responses received.

Reporting for the CES survey is voluntary under federal law, but is mandatory under state law in five States. The supplemental survey will not be using the State mandatory reporting authority.

The BLS may conduct additional supplemental surveys in the future, depending on the availability of resources and the significance of the topic. The BLS is requesting approval for collection through December 31, 2006.

II. Current Action

Office of Management and Budget Clearance is being sought for the CES Supplemental Form on Temporary Help, Leased, and Other Contracted Work.

III. Desired Focus of Comments

The BLS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

Type of Review: New Collection.

Agency: Bureau of Labor Statistics.

Title: CES Supplemental Form on Temporary Help, Leased, and Other Contracted Work.

OMB Number: 1220–NEW.

Affected Public: Businesses or other for-profit; Small businesses or organizations.

Form	Number of respondents	Minutes per report	Frequency of response	Annual responses	Annual burden hours
Supplemental Form on Temporary Help, Leased, and Other Contracted Work	16,000	20	1	16,000	5,333
Response Analysis interviews	100	120	1	100	200
Total	16,100			16,100	5,533

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 3rd day of January 2006.

Kimberley Hill,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. E6–149 Filed 1–10–06; 8:45 am]

BILLING CODE 4510–24–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–28, issued to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (the licensee), for operation of the Vermont Yankee Nuclear Power Station (VYNPS) located in Windham County, Vermont.

The proposed amendment would change the VYNPS operating license to increase the maximum authorized power level from 1593 megawatts thermal (MWt) to 1912 MWt. This change represents an increase of approximately 20 percent above the current maximum authorized power level. The proposed extended power uprate (EPU) amendment would also change the VYNPS Technical Specifications (TSs) to provide for implementing uprated power operation.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), § 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The NRC staff's analysis of the issue of no significant hazards consideration is presented below:

First Standard

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As discussed in the licensee's application dated September 10, 2003, the VYNPS EPU analyses, which were performed at or above EPU conditions, included a review and evaluation of the structures, systems, and components (SSCs) that could be affected by the proposed change. The licensee reviewed plant modifications and revised operating parameters, including operator actions, to confirm acceptable performance of plant SSCs under EPU conditions. On this basis, the licensee concluded that there is no increase in the probability of accidents previously evaluated.

Further, as also discussed in the licensee's application, while not being submitted as a risk-informed licensing action, the proposed amendment was evaluated by the licensee from a risk perspective. Using the NRC guidelines established in Regulatory Guide (RG) 1.174, and the calculated results from

the VYNPS Level 1 and 2 probabilistic safety analyses, the best estimate for the core damage frequency (CDF) increase due to the proposed EPU is 3.3 E–7 per year (an increase of 4.2 percent over the pre-EPU CDF of 7.77 E–6 per year). The best estimate for the large early release frequency (LERF) increase due to the proposed EPU is 1.1 E–7 per year (an increase of 4.9 percent over the pre-EPU LERF of 2.23 E–6 per year). The NRC staff concludes, based on review of the licensee's risk evaluation and the acceptance guidelines in RG 1.174, that the proposed amendment would not involve a significant increase in the probability of an accident previously evaluated.

The NRC staff's evaluation of the proposed amendment included review of the SSCs that could be affected by the proposed change. This review included evaluation of plant modifications, revised operating parameters, changes to operator actions and procedures, the EPU test program, and changes to the plant TSs. Based on this review, the staff concludes that there is reasonable assurance that the SSCs important to safety will continue to meet their intended design basis functions under EPU conditions. Therefore, the staff concludes that there is no significant change in the ability of these SSCs to preclude or mitigate the consequences of accidents.

The NRC staff's evaluation also reviewed the impact of the proposed EPU on the radiological consequences of design-basis accidents for VYNPS. The staff's review concluded that dose criteria in 10 CFR 50.67, as well as the applicable acceptance criteria in Standard Review Plan Section 15.0.1, would continue to be met at EPU conditions.

The NRC staff concludes, based on review of the SSCs that could be affected by the proposed amendment and review of the radiological consequences, that the proposed amendment would not involve a significant increase in the consequences of an accident previously evaluated.

Based on the above, the NRC staff concludes that the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As stated above, the NRC staff's evaluation of the proposed amendment included review of the SSCs that could be affected by the proposed change. This review included evaluation of plant modifications, revised operating parameters, changes to operator actions and procedures, the EPU test program, and changes to the plant TSs. Based on this review, the staff concludes that the proposed amendment would not introduce any significantly new or different plant equipment, would not significantly impact the manner in which the plant is operated, and would not have any significant impact on the design function or operation of the SCCs involved. The staff's review did not identify any credible failure mechanisms, malfunctions, or accident initiators not already considered in the VYNPS design and licensing bases. Consequently, the staff concludes that the proposed change would not introduce any failure mode not previously analyzed.

Based on the above, the NRC staff concludes that the proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

Third Standard

Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

As discussed in the licensee's application, continuing improvements in analytical techniques based on several decades of boiling-water reactor safety technology, plant performance feedback, operating experience, and improved fuel and core designs, have resulted in a significant increase in the design and operating margin between the calculated safety analyses results and the current plant licensing limits. The NRC staff's review found that the proposed EPU will reduce some of the existing design and operational margins. However, safety margins are considered to not be significantly reduced if: (1) Applicable regulatory requirements, codes and standards or their alternatives approved for use by the NRC, are met, and (2) if safety analysis acceptance criteria in the licensing basis are met, or if proposed revisions to the licensing basis provide sufficient margin to account for analysis and data uncertainty.

Margin of safety is related to confidence in the ability of the fission product barriers (i.e., fuel cladding, reactor coolant pressure boundary (RCPB), and containment) to limit the level of radiation dose to the public. The NRC staff evaluated the impact of the proposed EPU on the fission product barriers as discussed below.

The NRC staff evaluated the impact of the proposed EPU to assure that acceptable fuel damage limits are not exceeded. This included consideration of the VYNPS fuel system design, nuclear system design, thermal and hydraulic design, accident and transient analyses, and fuel design limits. The evaluation included an assessment of the margin in the associated safety analyses supporting the proposed EPU. The staff's evaluation found that the licensee's analysis was acceptable based on use of approved analytical methods and that the licensee had included sufficient margin to account for analysis and data uncertainty. In addition, the licensee will continue to perform cycle-specific analysis to confirm that fuel design limits will not be exceeded during each cycle. The staff's evaluation concluded that the applicable VYNPS licensing basis requirements would continue to be met following implementation of the proposed EPU (e.g., draft General Design Criteria (GDC) 6, 7, and 8; and 10 CFR 50.46). Therefore, the NRC staff concludes that fuel cladding integrity would be maintained within acceptable limits under the proposed EPU conditions.

The NRC staff further evaluated the impact of the proposed EPU on the RCPB. The evaluation included an assessment of overpressure protection; structural integrity of the RCPB piping, components, and supports; and structural integrity of the reactor vessel. With respect to overpressure protection, the staff found that the licensee had used an NRC-approved evaluation method, had used the most limiting pressurization event, and had determined that the peak calculated pressure would remain below the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) allowable peak pressure. With respect to structural integrity of the RCPB piping, components, and supports, the staff found that the licensee had performed its evaluation using the process and methodology defined in NRC-approved topical reports. The staff's evaluation concluded that RCPB structural integrity would be maintained at EPU conditions. With respect to structural integrity of the reactor vessel, the staff found that the licensee had implemented an acceptable reactor vessel materials surveillance program in a previously approved amendment that was based on neutron fluence values acceptable for VYNPS at EPU conditions. In addition, the staff found that the existing pressure-temperature limit curves contained in the TSs would remain

bounding for EPU conditions. The staff also found that the methodology used by the licensee to evaluate the loads on the reactor vessel was consistent with an NRC-approved methodology and that the maximum stresses and fatigue usage factors for EPU conditions would be within ASME Code allowable limits. The staff's evaluation regarding the RCPB concluded that the applicable VYNPS licensing basis requirements would continue to be met following implementation of the proposed EPU (e.g., draft GDC 9, 33, 34, and 35; 10 CFR 50.60; and 10 CFR part 50, Appendices G and H). Therefore, the NRC staff concludes that RCPB structural integrity would be maintained under the proposed EPU conditions.

Finally, the NRC staff evaluated the impact of the proposed EPU on the containment. The staff found that the licensee's analysis used acceptable calculational methods and conservative assumptions and that the containment pressure and temperature under EPU conditions would remain below existing design limits. The staff also evaluated the licensee's proposed change to the licensing basis to credit containment accident pressure to meet the net positive suction head (NPSH) requirements for the emergency core cooling system pumps. The staff found that the licensee's analysis was performed using conservative assumptions and that the credited pressure remains below the containment accident pressure that would be available under EPU conditions. The staff's evaluation regarding the containment concluded that the applicable VYNPS licensing basis requirements would continue to be met following implementation of the proposed EPU (e.g., draft GDC 10, 41, 49, and 52; and 10 CFR part 50, Appendix K). Therefore, the NRC staff concludes that containment structural integrity would be maintained under the proposed EPU conditions.

In summary, the NRC staff has concluded that the structural integrity of the fission product barriers (i.e., fuel cladding, RCPB and containment) would be maintained under EPU conditions. As such, the proposed amendment would not degrade confidence in the ability of the barriers to limit the level of radiation dose to the public.

Based on the above, the NRC staff concludes that the proposed change would not involve a significant reduction in a margin of safety.

Conclusion

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making a final determination.

The Commission previously published a ''Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing'' for the proposed VYNPS EPU amendment in the **Federal Register** on July 1, 2004 (69 FR 39976). This Notice provided 60 days for the public to request a hearing. On August 30, 2004, the Vermont Department of Public Service and the New England Coalition filed requests for hearing in connection with the proposed amendment. By Order dated November 22, 2004, the Atomic Safety and Licensing Board (ASLB) granted those hearing requests and by Order dated December 16, 2004, the ASLB issued its decision to conduct a hearing using the procedures in 10 CFR part 2, subpart L, ''Informal Hearing Procedures for NRC Adjudications.'' No additional opportunity for hearing is provided in connection with this notice.

In accordance with the Commission's regulations in 10 CFR 50.91, if a final determination is made that the proposed amendment involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding submission of adverse comments or a request for hearing. In that event, any required hearing would be completed after issuance of the amendment; however, if a final determination is made that the proposed amendment involves a significant hazards consideration, the amendment would not be issued prior to completion of the hearing.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays.

For further details with respect to the proposed action, see the licensee's application dated September 10, 2003, as supplemented on October 1, and October 28 (2 letters), 2003, January 31 (2 letters), March 4, May 19, July 2, July 27, July 30, August 12, August 25, September 14, September 15, September 23, September 30 (2 letters), October 5, October 7 (2 letters), December 8, and December 9, 2004, and February 24, March 10, March 24, March 31, April 5, April 22, June 2, August 1, August 4, September 10, September 14, September 18, September 28, October 17, October 21, 2005 (2 letters), October 26, October 29, November 2, November 22, and December 2, 2005. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff at 1–800–397–4209, or 301–415–4737, or send an e-mail to *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 5th day of January 2006.

For the Nuclear Regulatory Commission.

Richard B. Ennis,

Senior Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E6–159 Filed 1–10–06; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Radiation Source Protection and Security Task Force; Request for Public Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) has established an interagency task force to evaluate and make recommendations on the protection and security of radiation sources. The Radiation Source Protection and Security Task Force (Task Force) is required by the Energy Policy Act of 2005. As part of the Task Force's considerations, it is seeking public input on the major issues before the Task Force. To aid in that process, the NRC is requesting comments on the issues discussed in this notice.

DATES: The comment period expires February 10, 2006. Comments received after this date will be considered if it is practical to do so, but the Task Force is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RSPS–TF) in the subject line of your comments. Comments submitted in writing or in electronic form will be made available to the public in their entirety. Personal information will not be removed from your comments.

Mail comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T6–D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

E-mail comments to: *NRCREP@nrc.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m., Federal workdays. (Telephone (301) 415–7163).

Fax comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission at (301) 415–5144.

Publicly available documents related to this activity may be examined and copied for a fee at the NRC's Public Document Room (PDR), Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–8126, e-mail, *mlh1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

New section 170H.f. of the Atomic Energy Act, added by section 651(d) by the Energy Policy Act of 2005 (Pub. L. 109–58), requires the establishment of an inter-agency task force on radiation source protection and security. The Task Force was established to evaluate and provide recommendations relating to the security of radiation sources in the United States from potential criminal or terrorist threats, including acts of sabotage, theft, or use of a radiation source in a radiological dispersal device. The Task Force is comprised of representatives of the NRC, Department of Homeland Security (DHS), Department of Defense (DOD), Department of Energy (DOE), Department of Transportation (DOT), Department of Justice (DOJ), Department of State (DOS), Director of National Intelligence (DNI), Central Intelligence Agency (CIA), Federal Emergency Management Agency (FEMA), Federal Bureau of Investigation (FBI), Environmental Protection Agency (EPA), Office of Science and Technology Policy (OSTP), and Health and Human Services/Food and Drug Administration (HHS/FDA). The Committee is chaired by NRC.

The Energy Policy Act of 2005 requires the Task Force to evaluate and make recommendations for possible regulatory and legislative changes on several specific topics related to the protection and security of sources. For the purposes of the Task Force, the Energy Policy Act of 2005 defines a radiation source as a Category 1 Source or a Category 2 Source as defined in the Code of Conduct [1] and any other material that the Commission, by regulation, defines as a radiation source for the purposes of section 170H. Spent nuclear fuel and special nuclear materials (plutonium and uranium isotopes) are excluded. The Task Force is required to submit its report to Congress and the President. The first report is to be submitted no later than August 8, 2006, with subsequent reports to be submitted not less than once every 4 years. The topics being considered by the Task Force in the first report are discussed in section III.

This document provides the public with the opportunity to comment on the topics to be considered by the Task Force.

II. Request for Written and Electronic Comments

The Task Force is soliciting comments on the topics presented in section III of this document. Comments may be submitted either in writing or electronically as indicated under the **ADDRESSES** heading. This paper provides some background on the major topics that the Task Force will be considering.

Based on the comments received in both written or electronic form, the Task Force will be in a better position to evaluate the issues and make appropriate recommendations for regulatory or legislative action.

III. Topics for Discussion

The following format is used in the presentation of the topics that follow. Each topic is assigned a number with a short title, and includes a topic description paragraph and for some topics, a listing of factors for consideration. The topics being addressed in this document are those topics which the Energy Policy Act of 2005 specifies that the Task Force must address in its report. Other topics may be considered in future reports. The public and industry are invited to (1) Address any inconsistencies that may be a cause for concern or are perceived to present problems in implementation of the program; (2) address any perceived gaps or overlaps in the programs; (3) provide suggestions for modifications to the current programs mentioned in each topic; and (4) propose regulatory or legislative changes for each topic as appropriate. The public feedback will be considered during the Task Force's review of each topic. Commenters may also provide topic suggestions for Task Force consideration in future reports.

Topic No. 1

The list of radiation sources requiring security based on potential attractiveness of the source to terrorists and the extent of the threat to public health and safety.

Discussion: The Task Force will evaluate which radiation sources are required to be secured based on potential attractiveness of the source to criminals and terrorists and the extent of the threat to public health and safety. The evaluation is to identify any inconsistencies in the radiation source lists used by various agencies and determine whether additional sources should be added to the lists. Some examples of the source lists used by various agencies follow. The NRC has issued Orders that impose additional security and control measures upon a certain subset of NRC and Agreement State licensees. The isotopes and thresholds used as the basis of the Orders was the IAEA Code of Conduct Category 1 and Category 2, except radium (Ra)-226, plus several additional isotopes not listed in the Code of Conduct [actinium (Ac)-227, polonium (Po)-210, plutonium (Pu)-236, Pu-239, Pu-240, thorium (Th)-228, and Th-229]. In addition, the NRC has issued Orders, and the Agreement States have issued legally-binding requirements, to a larger subset of their respective licensees, requiring implementation of additional security and control measures. The isotopes and thresholds used as the basis was the IAEA Code of Conduct Category 1 and Category 2, except Ra-226. The NRC has also issued Orders to licensees related to transportation of radioactive material in quantities of concern. The isotopes and thresholds used as the basis for the transportation Orders was the IAEA Code of Conduct

[1] "Code of Conduct on the Safety and Security of Radioactive Sources," approved by the Board of Governors of the International Atomic Energy Agency and dated September 8, 2003.

Category 1 threshold, except Ra-226. NRC has also issued a final rule on the import and export of radioactive material (70 FR 37985; July 1, 2005). The list of isotopes and thresholds used as the basis of the final rule was the Category 1 and Category 2 thresholds as defined by the Code of Conduct, except Ra-226. The NRC plans to issue a final rule to add Ra-226 to the import and export radioactive material listing. The NRC has also issued a proposed rule on National Source Tracking of Sealed Sources (70 FR 43646; July 28, 2005). The isotopes and thresholds for the tracking system are any source equal to or greater than the Category 2 threshold for the isotopes in the Code of Conduct, plus several additional isotopes (Ac-227, Po-210, Th-228, and Th-229). Commenters are invited to provide input on whether any inconsistencies in the radiation source lists used for different purposes are a cause for concern, what additional sources should be added to the list(s), and why they should be added to the list(s). Factors to be considered include: Radiation source activity levels; radioactive half-life; dispersability; chemical and material form; the availability of the source to physicians and patients for medical use; consistency with the IAEA Code of Conduct; consequence and risk of malevolent use, and any other factors determined to be appropriate. If other factors are suggested for consideration, the commenter should explain the basis for including the factor. Commenters are invited to provide input on which factors are more important and should be emphasized.

Topic 2

The national system for recovery of lost or stolen radiation sources.

Discussion: There are several activities that make up the system for the recovery of lost or stolen sources. One of the key aspects is to prevent radiation sources from being lost or stolen in the first place. NRC, Agreement States, and DOE have requirements for the safe and secure use of radioactive material. NRC regulations require licensees to secure licensed materials that are stored in controlled or unrestricted areas from unauthorized removal or access. NRC regulations also require licensees to control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. Agreement States have similar requirements.

Programs intended to foster better control of sources include the NRC's General License Tracking System (GLTS), the planned National Source Tracking System, and the NRC's lost source enforcement policy (December 18, 2000; 65 FR 79139). The enforcement policy involves a civil penalty that is 3 times the cost of disposal for a source. This policy is intended to discourage licensees from improperly disposing of a source by lessening the possible financial attractiveness of abandoning the source rather than disposing of it properly.

There is also a program for orphan and unwanted sources. Emergency source recoveries are handled under a NRC/DOE Memorandum of Understanding (65 FR 1184; January 7, 2000). Unwanted sources are handled under DOE's Off-Site Source Recovery Program (OSRP). The Conference on Radiation Control Program Directors has a national orphan radioactive material disposition program that tries to match unwanted sources that do not have disposal options (or are not readily available or affordable) with licensees that could use the source.

Another aspect of the national system for recovery of lost or stolen radiation sources is the requirement to report lost or stolen material to the appropriate regulatory agency. For the radioactive sources being considered by the Task Force, the regulations in 10 CFR 20.2201 require NRC licensees to immediately upon discovery, report lost, stolen, or missing material to the NRC Operations Center. Agreement States have similar requirements. NRC and the Agreement States have procedures for handling the reports of lost, stolen or missing material and for coordinating with local, state, and Federal agencies to seek prompt recovery of such material. There is also a Trilateral Initiative between the United States, Mexico, and Canada on the reporting of lost or stolen sources. In addition, the U.S. Government is cooperating with the IAEA and other nations in tracking and combating illicit trafficking of radioactive material. Commenters are invited to provide input on inconsistencies or perceived gaps or overlaps in the source recovery system. If commenters provide recommendations for improvement of the source recovery program, they should explain the basis for the recommended measure.

Topic 3

Storage of radiation sources that are not used in a safe and secure manner.

Discussion: NRC, Agreement States, and DOE have requirements for the safe and secure storage of radiation sources, whether in temporary or long-term storage. NRC regulations require licensees to secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. NRC's radiation protection standards are located in 10 CFR part 20. Requirements on use of radiation sources are located in 10 CFR parts 30, 32, 33, 34, 35, 36, 39, and 70 for the various types and quantities of material. Agreement States have similar requirements. DOE's radiation protection standards are located in 10 CFR Part 810. Commenters should address inconsistencies in storage requirements, whether changes to existing requirements for storage of sources are warranted, and explain the basis for any recommended changes.

Topic 4

The national source tracking system for radiation sources.

Discussion: The requirements for the National Source Tracking System (NSTS) were addressed by an Interagency Coordinating Committee on source tracking. The Committee developed the high-level requirements for the tracking system. NRC is using these high-level requirements to inform the development of the system and the development of a rule. The NRC published the proposed rule on National Source Tracking for public comment (70 FR 43646; July 28, 2005). The final rule is scheduled to be published no later than August 8, 2006. The final rule could likely require transaction reporting for Category 1 and Category 2 sources, plus Ac-227, Po-210, Th-228, and Th-229. These additional radionuclides were added because they are used in the DOE lab system, although they are rarely, if ever, used in these quantities in the civilian sector. The transactions to be reported include manufacture, transfer, receipt, disassembly, and disposal. The final rule also could require that a licensee's initial inventory of Category 1 and Category 2 sources be reported. In addition, import/export notifications will be recorded in the system, as well as reports of lost, stolen, or missing Category 1 and Category 2 sources. The system is intended to capture the domestic life cycle history of each tracked source and will begin operation in mid 2007. The system will contain information on sources possessed by NRC licensees, Agreement State licensees, and DOE facilities. Factors to be considered include whether additional sources should be added to the tracking system, whether different thresholds should be considered (particularly Category 3 quantities of the IAEA Code of Conduct radionuclides of concern), and whether additional transaction reporting should be required. Commenters are invited to

make suggestions for future modifications to the system and explain the basis for any recommended changes.

Topic 5

A national system to provide for the proper disposal of radiation sources.

Discussion: NRC, Agreement States, and DOE have requirements concerning decommissioning and proper disposal of radiation sources. Many licensees return radiation sources to the manufacturer at the end of the useful source life. If sources are disposed of, it must be at an authorized facility. Some of the radiation sources would be considered Greater than Class C (GTCC) waste if they were to be disposed. Disposal options are limited for GTCC waste. (GTCC waste means low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55.)

NRC regulations on radiological criteria for license termination are in 10 CFR part 20, subpart E and requirements for disposal of material are located in 10 CFR part 20, Subpart K. Agreement States have similar requirements. NRC and Agreement States also have requirements concerning decommissioning funding. NRC's decommissioning financial assurance requirements are located at 10 CFR 30.35. Part 30.35 establishes thresholds for sealed sources containing byproduct material below which financial assurance is not required. For the most commonly used radionuclides, these thresholds are above the threshold for a Category 1 or Category 2 source. However, the threshold is based on total authorized possession limits and not on individual sources. NRC's lost source enforcement policy (December 18, 2000; 65 FR 79139) provides a civil penalty of 3 times the disposal cost for improperly disposed sources. Commenters are invited to address available disposal options and the adequacy of decommissioning funding requirements. Commenters are also invited to address the need for user fees to provide for the proper disposal of radiation sources. The basis for any recommendations should be included as part of the comments.

Topic 6

Import and export controls on radiation sources to ensure that recipients of radiation sources are able and willing to adequately control radiation sources.

Discussion: NRC and DOE have programs controlling the import and export of radiation sources. The DOE program applies to DOE facilities and the NRC program applies to all other entities. Entities must have a NRC export license to export radiation sources to other countries or an NRC import license to import radiation sources from other countries. NRC's regulations governing import and export of radiation sources are located in 10 CFR part 110. The final rule on import/export of Category 1 and Category 2 levels of radioactive material was published on July 1, 2005 (70 FR 37985), and became effective on December 28, 2005. The rule requires a specific license for import or export of Category 1 and Category 2 radiation sources, except Ra-226. An amendment will soon be promulgated to add Ra-226 to the regulations as mandated by the Energy Policy Act of 2005. The principal criterion for approving exports is a finding that the export is not inimical to the common defense and security of the United States. This finding is relevant to both the nuclear proliferation significance of exports and the related security concerns about radioactive material falling into the hands of non-country organizations, including terrorist groups. In making its inimicality determination, the Commission will, in consultation with the Executive Branch, consider whether the importing country has the technical and administrative capability, and the resources and regulatory structure to manage radioactive material in a safe and secure manner. Commenters are invited to address any perceived gaps in the requirements for import and export controls and whether additional controls are necessary and why.

Topic 7

Procedures for improving the security and control for use and storage of radiation sources.

Discussion: NRC, Agreement States, and DOE have requirements for the safe and secure use of radiation sources. DOE requirements for radiation protection are located in 10 CFR Part 810. NRC regulations for the safe and secure use of radiation sources can be found in 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 39, and 70. The requirements include a requirement for conducting physical inventories. Agreement States have similar requirements. In addition, both NRC and Agreement States have imposed additional controls on licensees via Orders or other legally binding requirements. Some of the Orders contain sensitive information that is not available to the public. These additional security and control measures address access control; monitoring, detecting, assessing, and responding to intrusions; liaison with local law enforcement agencies; background investigations; protecting against unauthorized disclosure of sensitive unclassified information; license verification; shipments and transfers (domestic); and imports and exports. Both NRC and Agreement States have inspection programs to evaluate whether licensees are meeting the requirements and can take enforcement actions against licensees to ensure compliance. Commenters are invited to provide input on inconsistencies in the requirements, any perceived overlaps in the requirements, and additional measures needed to address perceived gaps in the requirements. If commenters provide input for improvements of the programs, they should explain the basis for the recommended measure.

Topic 8

Procedures for improving the security of transportation of radiation sources.

Discussion: NRC, DHS, and DOT have requirements and procedures related to transportation of radiation sources. Regulations governing transportation of radiation sources can be found in 10 CFR part 49 (DOT) and 10 CFR part 71 (NRC). Transportation security issues includes domestic shipments, import/export shipments, in-bond shipments, and transhipments. NRC has also issued Orders to licensees to enhance the security of transportation of radioactive material in quantities of concern (above Category 1 threshold in the IAEA Code of Conduct). These Orders contain sensitive information that is not available to the public. However, they generally address preplanning and coordination, advance notification of shipments, control and monitoring of underway shipments, trustworthiness and reliability, and information security. Transportation security for IAEA Category 2 quantities was included in the additional controls discussed in Topic 7 above. Commenters are invited to provide input on inconsistencies in the transportation requirements, any perceived overlaps in the requirements, and additional measures needed to address perceived gaps in the requirements. If commenters provide input for improvements of the programs, they should explain the basis for the recommended measure.

Topic 9

Background checks for individuals with access to radiation sources.

Discussion: NRC, DOE, and DOT have requirements for background checks for individuals that have access to radiation sources during use, storage, or

transportation. DOT requires a security threat assessment including fingerprinting and an intelligence and immigration check for the drivers of trucks hauling certain radioactive sources. The Energy Policy Act of 2005 amends section 149 of the Atomic Energy Act to require fingerprinting, for criminal history check purposes, for individuals or entities that are: (1) Licensed or certified to engage in an activity subject to regulation by the Commission; (2) have filed an application for a license or certificate to engage in an activity subject to regulation by the Commission; or (3) have notified the Commission in writing of an intent to file an application for licensing, certification, permitting, or approval of a product or activity subject to regulation by the Commission. The key employees of these entities would be required to be fingerprinted if they have, among other things: (1) Unescorted access to radioactive material or other property subject to regulation by the Commission that the NRC determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks; or (2) access to Safeguards Information.

Commenters are invited to provide input on inconsistencies in the requirements, any perceived overlaps in the requirements, and any additional measures needed to address perceived gaps in the background check requirements. If commenters provide input for improvements of the programs, they should explain the basis for the recommended measure.

Topic 10

Alternative technologies.

Discussion: EPA and NRC have conducted and/or sponsored research in the area of alternative technologies. Some of the projects are ongoing. As required by the Energy Policy Act of 2005, NRC has recently entered into an arrangement with the National Academy of Sciences to conduct an analysis of alternative technologies. The effort will not be concluded until 2007. Alternative technologies may be available that could perform some or all of the functions performed by devices or processes that employ radiation sources. Use of these alternative technologies could result in the reduction in the number of radiation sources or in the replacement of radiation sources with sources that would pose a lower risk to the public health and safety in the event of an accident or attack involving the radiation source. Commenters are invited to provide information on potential impacts of the use of alternative technologies and information on potential alternative technologies for consideration by the Task Force. Commenters are also invited to suggest regulatory approaches and possible incentives that could encourage the use of alternative technologies.

Dated at Rockville, Maryland, this 5th day of January, 2006.

For the Nuclear Regulatory Commission.

Margaret V. Federline,

Deputy Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E6–156 Filed 1–10–06; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 16, 2006:

An open meeting will be held on Tuesday, January 17, 2006 at 10 a.m. in Room L–002, the Auditorium.

The subject matter of the open meeting scheduled for Tuesday, January 17, 2006 will be:

The Commission will consider whether to propose amendments to the disclosure requirements for executive and director compensation, related party transactions, director independence and other corporate governance matters, and securities ownership of officers and directors. The Commission will also consider whether to propose amendments to require most of the disclosure in proxy and information statements to be provided in plain English.

For further information, please contact Anne Krauskopf or Carolyn Sherman, Division of Corporation Finance at (202) 551–3500 or, with regard to investment companies and business development companies, Kieran Brown, Division of Investment Management at (202) 551–6784.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: January 6, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–254 Filed 1–6–06; 4:05 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 9, 2006:

A Closed Meeting will be held on Thursday, January 12, 2006 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c), (3), (5), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a), (3), (5), (7), (8), 9(ii) and (10) permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Nazareth, as duty officer, voted to consider the items listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matter of the Closed Meeting scheduled for Thursday, January 12, 2006 will be:

Formal orders of investigations;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Regulatory matters involving financial institutions;

Adjudicatory matters; and

Request for information in an investigative file.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: January 6, 2006.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 06–262 Filed 1–9–06; 10:52 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–53051; File No. SR–MSRB–2005–17]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to Administrative Rules (Rules A–3(f) and A–6(c)) Relating to Board Member Compensation

January 4, 2006.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 16, 2005, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the MSRB. The MSRB has filed the proposal pursuant to section 19(b)(3)(A)(iii) of the Act,[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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 MSRB is filing with the Commission a proposed rule change consisting of amendments to Rules A–3(f) and A–6(c) relating to Board member compensation. The text of the proposed rule change is available on the MSRB's Web site (*http://www.msrb.org*), at the MSRB's principal office, and at the Commission's Public Reference Room.

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 MSRB 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 MSRB has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The MSRB has been reviewing its Administrative Rules (''A-Rules'') to make sure that they are consistent with Virginia law (where the MSRB is incorporated) and current good corporate governance practices. Rule A–3(f), on compensation and expenses, and Rule A–6(c), on committees of the Board, both pertain to Board member compensation practices. These two provisions are somewhat outdated and do not allow the Board appropriate administrative flexibility to implement improved compensation and reimbursement practices consistent with the Board's corporate governance practices. To accomplish this goal, the Board determined that Rule A–6(c) should be deleted and Rule A–3(f) should be modeled on a provision found in the NASD and Nasdaq By-Laws[5] such that the Board has a general grant of authority to provide for reasonable compensation and/or reimbursement to Board and committee members.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with section 15B(b)(2)(I) of the Act,[6] which provides that MSRB rules shall ''provide for the operation and administration of the Board, including the selection of a Chairman from among the members of the Board, the compensation of the members of the Board, and the appointment and compensation of such employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this section.''[7] The MSRB believes that the proposed rule change is consistent with these provisions in that it relates to the operation and administration of the Board and the compensation of members of the Board.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will result in any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it would apply solely to internal operational and administrative matters.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(3) thereunder[9] because it is concerned solely with the administration of the MSRB. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2005–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–9303.

All submissions should refer to File Number SR–MSRB–2005–17. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

[5] *See* NASD By-Law Sec. 9.1, on Compensation of Board, Council, and Committee Members (Amended by SR–NASD–97–71 eff. Jan 15, 1998.); and Nasdaq By-Law Sec. 6.1, on Compensation of Board, Council, and Committee Members (Amended by SR–NASD–97–71 eff. Jan 15, 1998.)

[6] 15 U.S.C. 78o–4(b)(2)(I).

[7] *Id.*

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(3).

[10] *See* section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C).

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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2005–17 and should be submitted on or before February 1, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Nancy M. Morris,

Secretary.

[FR Doc. E6–135 Filed 1–10–06; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2006–23530]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before March 13, 2006.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Gary Toth, Office of Data Acquisitions (NPO–110), Room 6213, 400 Seventh Street, SW., Washington, DC 20590. Mr. Toth's telephone number is (202) 366–5378. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: National Automotive Sampling System (NASS).

Type of Request: Extension of a currently approved collection.

OMB Control Number: 2127–0021.

Affected Public: Passenger Motor Vehicle Operators.

Abstract: The collection of crash data that support the establishment and enforcement of motor vehicle regulations that reduce the severity of injury and property damage caused by motor vehicle crashes is authorized under the National Traffic and Motor Vehicle Safety Act of 1966 (Pub. L. 89–563, Title 1, Sec. 106, 108, and 112). The National Automotive Sampling System (NASS) Crashworthiness Data System (CDS) of the National Highway Traffic Safety Administration investigates high severity crashes. Once a crash has been selected for investigation, researchers locate, visit, measure, and photograph the crash scene; locate, inspect, and photograph vehicles; conduct a telephone or personal interview with the involved individuals or surrogate; and obtain and record injury information received from various medical data sources. NASS CDS data are used to describe and analyze circumstances, mechanisms, and consequences of high severity motor vehicle crashes in the United States. The collection of interview data aids in this effort.

Estimated Annual Burden: 5,807 hours.

Number of Respondents: 13,500.

Issued on: January 4, 2006.

Joseph S. Carra,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. E6–137 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Mercedes-Benz

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Mercedes-Benz USA, LLC., (MBUSA) in accordance with § 543.9(c)(2) of 49 CFR Part 543, *Exemption from the Theft Prevention Standard,* for the S-Line Chassis vehicle line. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. MBUSA requested confidential treatment for

some of the information and attachments it submitted in support of its petition. In a letter dated August 29, 2005, the agency granted the petitioner's request for confidential treatment of most aspects of its petition.

DATES: The exemption granted by this notice is effective beginning with the 2007 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated August 8, 2005, MBUSA requested exemption from the parts-marking requirements of the theft prevention standard (49 CFR Part 541) for the MY 2007 S-Line Chassis vehicle line. The petition requested exemption from parts-marking pursuant to 49 CFR Part 543, Exemption from Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. In its petition, MBUSA provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new vehicle line. MBUSA will install its passive, antitheft device as standard equipment beginning with MY 2007. Features of the antitheft device will include an electronic key and ignition lock, an intelligent gearshift module, a passive immobilizer and a visible and audible alarm. MBUSA's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

MBUSA stated that the proposed device will utilize a transmitter key, an electronic ignition starter control unit and an engine control unit, which will collectively work to perform the immobilizer function. The immobilizer will prevent the engine from running unless a valid key is used. Immobilization is activated when the key is removed from the ignition switch. Once activated, a valid, coded-key must be inserted into the ignition switch to disable immobilization and permit starting of the vehicle.

In addressing the specific content requirements of § 543.6, MBUSA provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, and to validate the performance of the device under extreme conditions, MBUSA conducted various tests based on its own internal specifications. MBUSA provided information on the tests conducted and believes that the device is reliable and durable since the device complied with its specified requirements for each test. Specifically, the components of the immobilizer device were tested in various climatic, mechanical, electrical, and chemical environments and immunity to various electromagnetic radiation.

MBUSA also compared the proposed device to other devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. MBUSA stated that its proposed device is functionally equivalent to the systems used in previous vehicle lines which were deemed effective and granted exemptions from the parts-marking requirements of the theft prevention standard. Theft data have indicated a decline in theft rates for the S-Line Chassis vehicles that have been equipped with antitheft devices similar to that which MBUSA proposes to install on the new line. Specifically, MBUSA notes that the theft rate for the S-Line Chassis vehicle line was initially reduced by 39.5% from 4.65 stolen vehicles per thousand produced in CY 1999 to 2.86 stolen vehicles per thousand produced in CY 2000. MBUSA believes that the effectiveness of the immobilizer device is reflected in the theft rates that were further reduced to 2.73 stolen vehicles per thousand produced in CY 2001, 1.97 stolen vehicles per thousand vehicles produced in CY 2002, and 1.93 stolen vehicles per thousand vehicles produced in CY 2003.

On the basis of this comparison, MBUSA has concluded that the antitheft device proposed for its vehicle line is no less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements.

Based on the evidence submitted by MBUSA, the agency believes that the antitheft device for the S-Line Chassis vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541).

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR 543.6 (a)(4) and (5), the agency finds that MBUSA has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information MBUSA provided about its device, much of which is confidential.

For the foregoing reasons, the agency hereby grants in full MBUSA's petition for exemption for the vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts marking requirements of the Theft Prevention Standard. Therefore, although MBUSA has been granted confidential treatment for most aspects of its petition, the agency notes that the information that may be published in the **Federal Register** includes the make and model of vehicle, the model year for which the exemption is granted and a general description of the proposed antitheft device, with a mention of such elements as key activation, starter motor interrupt, and the general location of the sensors triggering the alarm.

If MBUSA decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if MBUSA wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 4, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E6–146 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Nissan

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Nissan North America, Inc., (Nissan) in accordance with § 543.9(c)(2) of 49 CFR Part 543, *Exemption from the Theft Prevention Standard,* for the Quest vehicle line. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. Nissan requested confidential treatment for the information and attachments it submitted in support of its petition. In a letter dated August 4, 2005, the agency granted the petitioner's request for confidential treatment of most aspects of its petition.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 2006.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated July 19, 2005, Nissan requested exemption from the parts-marking requirements of the theft prevention standard (49 CFR part 541) for the Nissan Quest vehicle line beginning with MY 2006. The petition requested exemption from parts-marking pursuant to 49 CFR part 543, Exemption from Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one line of its vehicle lines per year. In its petition, Nissan provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new vehicle line. Nissan will install its antitheft device as standard equipment beginning with MY 2006. Nissan's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of 543.6, Nissan provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Nissan conducted tests based on its own specified standards. Nissan also provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its specified requirements for each test.

Nissan also compared the device proposed for its vehicle line with other devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Nissan stated that its proposed device is functionally equivalent to the systems used in previous vehicle lines which were deemed effective and granted exemptions from the parts-marking requirements of the theft prevention standard. Additionally, theft data have indicated a decline in theft rates for vehicle lines that have been equipped with antitheft devices similar to that which Nissan proposes to install on the new line.

On the basis of this comparison, Nissan has concluded that the antitheft device proposed for its vehicle line is no less effective than those devices in the lines for which NHTSA has already granted full exemption from the parts-marking requirements.

Based on the evidence submitted by Nissan, the agency believes that the antitheft device for the Quest vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR 543.6 (a)(4) and (5), the agency finds that Nissan has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Nissan provided about its device, much of which is confidential. This confidential information included a description of reliability and functional tests conducted by Nissan for the antitheft device and its components.

For the foregoing reasons, the agency hereby grants in full Nissan's petition for exemption for the Quest vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts marking requirements of the Theft Prevention Standard. Therefore, although Nissan has been granted confidential treatment for most aspects of its petition, the agency notes that the information that may be published in the **Federal Register** includes the make and model of the vehicle, the model year for which the exemption is granted and a general description of the proposed antitheft device, with a mention of such elements as key activation, starter motor interrupt, and the general location of the sensors triggering the alarm.

If Nissan decides not to use the exemption for the Quest vehicle line, it must formally notify the agency, and, thereafter, the line must be fully marked

as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Nissan wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

We note that Nissan requested confidential treatment for the information and attachments it submitted in support of its petition. While the agency granted the petitioner's request for confidential treatment of most aspects of its petition, we have released the model year for which the exemption is granted. This information is necessary for the law enforcement efforts to combat motor vehicle theft. That is, law enforcement officials need to know whether a given motor vehicle line was subject or exempted from the parts-marking requirements for a given model year.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 4, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E6–145 Filed 1–10–06; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34803]

The Town of Corinth, NY—Acquisition and Operation Exemption—Canadian Pacific Railway

The Town of Corinth, NY (Town), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Delaware and Hudson Railway Company, Inc., doing business as Canadian Pacific Railway (CPR), certain assets of an approximately 16.45-mile rail line between Adirondack Branch milepost 39.44 at or near Saratoga Springs, NY, and Adirondack Branch milepost 55.89 at or near Corinth, NY. In addition, the Town will acquire from CPR approximately .69 miles of incidental trackage rights, extending from milepost 37.10 to milepost 38.20 in Saratoga Springs, NY.

At the time of filing of the verified notice, the Town and CPR were in the process of finalizing one or more agreements whereby the Town will acquire the right-of-way, track and other rail assets associated with the line, subject to CPR's reservation of an exclusive and permanent freight easement. The Town states that it will have neither the right nor the obligation to perform common carrier freight service over the line, but instead intends to provide intrastate scenic tour passenger operations.[1]

The Town certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

The transaction was expected to be consummated on or after December 31, 2005.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34803, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Rose-Michele Nardi, Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036–1609.

[1] For these reasons, the Town has simultaneously filed a motion to dismiss the notice of exemption in this proceeding. The Board will address the motion in a separate decision.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 4, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06–190 Filed 1–10–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34798]

City of Alameda—Acquisition Exemption—Alameda Beltline Railroad

The City of Alameda (the City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the line of railroad owned by the Alameda Beltline Railroad (ABL).

The earliest the transaction could have been consummated was December 16, 2005 (7 days after filing the notice), but, as noted below, the effectiveness of the exemption has been stayed pending further order of the Board.

The City certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

On December 15, 2005, ABL filed a petition to stay the effectiveness of the exemption sought by the City through the filing of its notice under section 1150.31. On December 15, 2005, the Board granted a housekeeping stay of the effective date of the exemption in this proceeding to allow time for the parties to provide additional information, and for the Board to consider the issues presented in the stay request. The exemption is stayed until further order of the Board, and each party has been given until January 17, 2006, to file additional pleadings.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34798, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on: (1) Charles A. Montange, 426 NW., 162nd Street, Seattle, WA 98177; and (2) Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: January 5, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E6–142 Filed 1–10–06; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request; Currency Transaction Report by Casinos

AGENCY: Financial Crimes Enforcement Network.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, we invite comment on a proposed extension, without change, of an existing information collection requirement contained in the form, ''Currency Transaction Report by Casinos, Financial Crimes Enforcement Network Form 103.'' This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before March 13, 2006.

ADDRESSES: Written comments should be submitted to: The Financial Crimes Enforcement Network, Department of the Treasury, Post Office Box 39, Vienna, Virginia 22183, Attention: Paperwork Reduction Act Comments—Currency Transaction Report by Casinos Form. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov,* again with a caption, in the body of the text, ''Attention: Paperwork Reduction Act Comments—Currency Transaction Report by Casinos Form.''

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the Financial Crimes Enforcement Network reading room in Washington, D.C. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354–6400.

FOR FURTHER INFORMATION CONTACT: Regulatory Policy and Programs Division at (800) 949–2732.

SUPPLEMENTARY INFORMATION: Title: Currency Transaction Report by Casinos.

OMB Number: 1506–0005.

Form Number: Financial Crimes Enforcement Network Form 103.

Abstract: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury inter alia to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR part 103. The authority of the Secretary of the Treasury to administer the Bank Secrecy Act has been delegated to the Director of the Financial Crimes Enforcement Network.

Section 5313(a) authorizes the Secretary of the Treasury to issue regulations that require a report when ''a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States [sic] coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or under circumstances the Secretary prescribes.'' Regulations implementing section 5313(a) are found at 31 CFR 103.22. In general, the regulations require the reporting of transactions in currency in excess of $10,000 a day. Casinos, as defined in 31 U.S.C. 5312(a)(2)(X) and 31 CFR 103.11(n)(7)(i), are financial institutions subject to the currency transaction reporting requirement. Card clubs, as defined in 31 CFR 103.11(n)(8)(i), are casinos subject to currency transaction reporting. (See 63 FR 1919, January 13, 1998.) The Currency Transaction Report by Casinos, Financial Crimes Enforcement Network Form 103, is the form casinos and card clubs (other than those in Nevada) use to comply with the currency transaction reporting requirements.

The attached Currency Transaction Report by Casinos is presented only for purposes of soliciting public comment on the form.

Type of Review: Extension, without change, of an approved information collection.

Affected Public: Business or other for-profit institutions.

Frequency: As required.

Estimated Burden: Reporting average of 20 minutes per response.[2] Form recordkeeping average of 10 minutes per response, for a total of 30 minutes.

Estimated Number of Respondents: 600.

Estimated Total Annual Responses: 418,866.

Estimated Total Annual Burden Hours: 209,433.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid Office of Management and Budget control number. Records required to be retained under the Bank Secrecy Act must be retained for five years.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected: (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: January 5, 2006.

William J. Fox,

Director, Financial Crimes Enforcement Network.

Attachment: Currency Transaction Report by Casinos, Financial Crimes Enforcement Network Form 103.

BILLING CODE 4810–02–P

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. 107–56.

[2] This burden relates to the completion of the Currency Transaction Report by Casinos form only. The recordkeeping burden of 31 CFR 103.22 is reflected in the final rule requiring casinos and card clubs to file Currency Transaction Reports.

FINCEN Form **103**
(Rev. March 2003)
Department of the Treasury
FINCEN

Currency Transaction Report by Casinos

▶ **Previous editions will not be accepted after September 30, 2003.**
▶ **Please type or print.**
(Complete all applicable parts--See Instructions)

OMB No. 1506-0005

1 If this is an **amended report** check here: ☐ and attach a copy of the original CTRC to this form.

Part I Person(s) Involved in Transaction(s)

Section A--Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)

2 ☐ Multiple persons

3 Individual's last name or Organization's name | 4 First name | 5 M.I.

6 Permanent address (number, street, and apt. or suite no.) | 7 SSN or EIN

8 City | 9 State | 10 ZIP code | 11 Country code (if not U.S.) | 12 Date of birth MM / DD / YYYY

13 Method used to verify identity: a ☐ Examined identification credential/document b ☐ Known Customer - information on file c ☐ Organization

14 Describe identification credential: a ☐ Driver's license/State ID b ☐ Passport c ☐ Alien registration d ☐ Other
e Issued by: f Number:

15 Customer's Account Number

Section B--Individual(s) Conducting Transaction(s) - If other than above (Agent)

16 ☐ Multiple agents

17 Individual's last name | 18 First name | 19 M.I.

20 Address (number, street, and apt. or suite no.) | 21 SSN

22 City | 23 State | 24 ZIP code | 25 Country code (if not U.S.) | 26 Date of birth MM / DD / YYYY

27 Method used to verify identity: a ☐ Examined identification credential/document b ☐ Known Customer - information on file

28 Describe identification credential: a ☐ Driver's license/State ID b ☐ Passport c ☐ Alien registration d ☐ Other
e Issued by: f Number:

Part II Amount and Type of Transaction(s). Complete all items that apply.

29. ☐ Multiple transactions

30 CASH IN: (in U.S. dollar equivalent)

a Purchase(s) of casino chips, tokens, and other gaming instruments	$ .00
b Deposit(s) (front money or safekeeping)	.00
c Payment(s) on credit (including markers)	.00
d Currency wager(s) (including money plays)	.00
e Currency received from wire transfer(s) out	.00
f Purchase(s) of casino check(s)	.00
g Currency exchange(s)	.00
h Other (specify):	.00
i Enter total of CASH IN transaction(s)	$ .00

31 CASH OUT: (in U.S. dollar equivalent)

a Redemption(s) of casino chips, tokens, and other gaming instruments	$ .00
b Withdrawal(s) of deposit (front money of safekeeping)	.00
c Advance(s) on credit (including markers)	.00
d Payment(s) on wager(s), including slot jackpot(s)	.00
e Currency paid from wire transfer(s) in	.00
f Negotiable instrument(s) cashed (including checks)	.00
g Currency exchange(s)	.00
h Travel and complimentary expenses and gaming incentives	.00
i Payment for tournament, contest or other promotions	.00
j Other (specify):	.00
k Enter total of CASH OUT transaction(s)	$ .00

32 Date of transaction (see instructions) MM / DD / YYYY

33 Foreign currency used: (Country)

Part III Casino Reporting Transactions

34 Casino's trade name | 35 Casino's legal name | 36 Employer identification number (EIN)

37 Address where transaction occurred (See instructions)

38 City | 39 State | 40 ZIP code

Sign Here ▶

41 Title of approving official | 42 Signature of approving official | 43 Date of signature MM / DD / YYYY

44 Type or print preparer's name | 45 Type or print name of person to contact | 46 Contact telephone number ( ) -

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For Paperwork Reduction Act Notice, see page 4. Cat. No. 37041B FinCEN Form 103 (Rev. 3-03)

FinCEN Form 103 (Rev. 3-03) Page 2

Multiple Persons or Multiple Agents

(Complete applicable parts below if box 2 or box 16 on page 1 is checked.)

Part I **Person(s) Involved in Transaction(s)**

Section A--Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)

3 Individual's last name or Organization's name	4 First name	5 M.I.
6 Permanent address (number, street, and apt. or suite no.)		7 SSN or EIN
8 City / 9 State	10 ZIP code / 11 Country (if not U.S.)	12 Date of birth MM / DD / YYYY

13 Method used to verify identity: a ☐ Examined identification credential/document b ☐ Known Customer - information on file c ☐ Organization

14 Describe identification credential: a ☐ Driver's license/State ID b ☐ Passport c ☐ Alien registration d ☐ Other

e Issued by: f Number:

15 Customer's Account Number

Section B--Individual(s) Conducting Transaction(s) - If other than above (Agent)

17 Individual's last name	18 First name	19 M.I.
20 Address (number, street, and apt. or suite no.)		21 SSN
22 City / 23 State	24 ZIP code / 25 Country (if not U.S.)	26 Date of birth MM / DD / YYYY

27 Method used to verify identity: a ☐ Examined identification credential/document b ☐ Known Customer - information on file

28 Describe identification credential: a ☐ Driver's license/State ID b ☐ Passport c ☐ Alien registration d ☐ Other

e Issued by: f Number:

DRAFT

General Instructions

Form 103. Use this revision of Form 103 for filing on reportable transactions. However, the March 2003 version of Form 103, Currency Transaction Report by Casinos (also referred to as a CTRC), can still be used until September 30, 2006.

Suspicious Transactions. If a transaction is greater than $10,000 in currency as well as suspicious, casinos must file a Form 103 and must report suspicious transactions and activities on FinCEN Form 102, Suspicious Activity Report by Casinos (SARC). Also, casinos are required to use the SARC form to report suspicious activities involving or aggregating at least $5,000 in funds. **Do not** use Form 103 to (a) report suspicious transactions involving $10,000 or less in currency or (b) indicate that a transaction of more than $10,000 is suspicious.

In situations involving suspicious transactions requiring immediate attention, such as when a reportable transaction is ongoing, the casino or card club shall immediately notify, by telephone, appropriate law enforcement and regulatory authorities in addition to filing a timely suspicious activity report.

Who must file. Any organization duly licensed or authorized to do business as a casino, gambling casino, or card club in the United States (except casinos located in Nevada) and having gross annual gaming revenues in excess of $1 million must file Form 103. This includes the principal headquarters and every domestic branch or place of business of the casino or card club. The requirement includes state-licensed casinos (both land-based and riverboat), tribal casinos, and state-licensed and tribal card clubs. Since card clubs are subject to the same reporting rules as casinos, the term "casino" as used in these instructions refers to both a casino and a card club.

Note: *Nevada casinos must file Form 103N, Currency Transaction Report by Casinos - Nevada (CTRC-N), to report transactions as required under Nevada Regulation 6A.*

What to file. A casino must file Form 103 for each transaction involving either currency received (Cash In) or currency disbursed (Cash Out) of more than $10,000 in a gaming day. A gaming day is the normal business day of the casino by which it keeps its books and records for business, accounting, and tax purposes. Multiple transactions must be treated as a single transaction if the casino has knowledge that: (a) they are made by or on behalf of the same person, and (b) they result in either Cash In or Cash Out by the casino totaling more than $10,000 during any one gaming day. Reportable transactions may occur at a casino cage, gaming table, and/or slot machine. The casino should report both Cash In and Cash Out transactions by or on behalf of the same customer on a single Form 103. **Do not** use Form 103 to report receipts of currency in excess of $10,000 by non-gaming businesses of a casino (e.g., a hotel); instead, use **Form 8300,** Report of Cash Payments Over $10,000 Received in a Trade or Business.

Exceptions. A casino does not have to report transactions with domestic banks. Also, a casino does not have to report transactions with currency dealers or exchangers, or check cashers, as defined in 31 C.F.R. § 103.11(uu), and which are operating under a contractual agreement to provide a financial service to a casino and who are conducting currency transactions with a casino which are limited to those in 31 C.F.R. §§ 103.22(b)(2)(i)(H), 103.22(b)(2)(ii)(G), and103.22(b)(2)(ii)(H).

Identification requirements. All individuals (except employees of armored car services) conducting a reportable transaction(s) for themselves or for another person must be identified by means of an official document(s).

Acceptable forms of identification include a driver's license, military or military dependent identification card, passport, non-resident alien registration card, state issued identification card, cedular card (foreign), or a combination of other unexpired documents which contain an individual's name and address and preferably a photograph and are normally acceptable by financial institutions as a means of identification when cashing checks for persons other than established customers.

For casino customers granted accounts for credit, deposit, or check cashing, or on whom a CTRC containing verified identity has been filed, acceptable identification information obtained previously and maintained in the casino's internal records may be used as long as the following conditions are met. The customer's identity is re-verified periodically, any out-of-date identifying information is updated in the internal records, and the date of each re-verification is noted on the internal record. For example, if documents verifying an individual's identity were examined and recorded on a signature card when a deposit or credit account was opened, the casino may rely on that information as long as it is re-verified periodically.

When and where to file: This form should be e-filed through the Bank Secrecy Act E-filing System. Go to http://bsaefiling.fincen.treas.gov/index.jsp to register. This form is also available for download on the Financial Crimes Enforcement Network's Web site at www.fincen.gov, or may be ordered by calling the IRS Forms Distribution Center at (800) 829-3676.

File each Form 103 by the 15th calendar day after the day of the transaction with the:

IRS Detroit Computing Center
ATTN: CTRC
P.O. Box 32621
Detroit, MI 48232

A casino must retain a copy of each Form 103 filed for 5 years from the date of filing.

Penalties. Civil and/or criminal penalties may be assessed for failure to file a CTRC or supply information, or for filing a false or fraudulent CTRC. See 31 U.S.C. 5321, 5322, and 5324.

Definitions. For purposes of Form 103, the terms below have the following meanings:

Agent. Any individual who conducts a currency transaction on behalf of another individual or organization.

Currency. The coin and paper money of the United States or of any other country that is circulated and customarily used and accepted as money.

Customer. Any person involved in a currency transaction whether or not that person participates in the casino's gaming activities.

Person. An individual, corporation, partnership, trust orestate, joint stock company, association, syndicate, joint venture, or any other unincorporated organization or group.

Organization. Person other than an individual.

Transaction In Currency (Currency Transaction). The **physical** transfer of currency from one person to another.

Negotiable Instruments. All checks and drafts (including business, personal, bank, cashier's, and third-party), traveler's checks, money orders, and promissory notes, whether or not they are in bearer form.

Specific Instructions

Note: *Additional information that cannot fit on the front and back of Form 103 must be submitted on plain paper attached to Form 103. Type or print the individual's or organization's name and identifying number, date of transaction, and casino's name and employer identification number (i.e., Items 3, 4, 5, 7, 32, 34, 35, and 36) as well as identify the specific item number on all additional sheets. This will ensure that if a sheet becomes separated, it will be associated with the appropriate Form 103.*

Item 1. Amends prior report.—Check Item 1 if this Form 103 amends a previously filed report. Staple a copy of the original report behind the amended one. Complete Part III in its entirety, but complete only those other entries that are being amended.

Part I. Person(s) Involved in Transaction(s)

Note: *Section A **must** be completed in all cases. If an individual conducts a transaction on his/her own behalf, complete only section A; leave Section B BLANK. If a transaction is conducted by an individual **on behalf of** another person(s), complete Section A for each person on whose behalf the transaction is conducted; complete Section B for the individual conducting the transaction.*

Section A. Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)

Item 2. Multiple persons.—Check Item 2 if this transaction is being conducted on behalf of more than one person. For example, if John and Jane Doe cash a check made out to them jointly at the casino, more than one individual has conducted the transaction. Enter information in Section A for one of the individuals; provide information for the other individual on page 2, Section A. Attach additional sheets as necessary.

Items 3, 4, and 5. Individual/Organization name.—If the person on whose behalf the transaction(s) is conducted is an individual,put his/her last name in Item 3, first name in Item 4 and middle initial in Item 5. If there is no middle initial, leave Item 5 BLANK. If the transaction is conducted on behalf of an organization, enter the name in Item 3 and leave Items 4 and 5 BLANK, but identify the individual conducting the transaction in Section B. If an organization has a separate "doing business as (DBA)" name, enter in Item 3 the organization's legal name (e.g., Smith Enterprises, Inc.) followed by the name of the business (e.g., DBA Smith Casino Tours). In this case, use Items 4 and 5 if more space is needed.

Items 6, 8, 9, 10, and 11. Address.—Enter the permanent street address, city, two-letter state abbreviation used by the U.S. Postal Service, and ZIP code of the person identified in Item 3. Also, enter in Item 6 the apartment or suite number and road or route number. Do not enter a P.O. box number unless the person has no street address. If the person is from a foreign country, enter any province name as well as the appropriate two-letter country code (For country code list go to www.fincen.gov/reg_bsaforms.html or call 1-800-949-2732 option 5). If country is U. S., leave Item 11 BLANK.

Item 7. Social security number (SSN) or Employer identification number (EIN).—Enter the SSN (if an individual) or EIN (if other than an individual) of the person identified in Items 3 through 5. If that individual is a nonresident alien individual who does not have an SSN, enter "NONE" in this space.

Item 12. Date of birth.—Enter the customer's date of birth (DOB) if it is known to the casino through an existing internal record or reflected on an appropriate identification document or credential presented to the casino to verify the customer's identity (see **Identification Requirements** above). Internal casino records can include those for casino customers granted accounts for credit, deposit, or check cashing, or on whom a CTRC containing verified identity has been filed. If such records do not indicate the DOB, a casino should ask the customer for the DOB. If the DOB is not available from any of these sources, the casino should enter NOT AVAILABLE in the space. Eight numerals must be inserted for each date. Enter the date in the format "mm/dd/yyyy", where "mm" is the month, "dd" is the day, and "yyyy" is the year. Zero (0) should precede any single-digit number. For example, if the individual's birth date is June 1, 1948, enter "06/01/1948" in Item 12.

Item 13. Method used to verify identity.—If an individual conducts the transaction(s) on his/her own behalf, his/her name and address **must** be verified by examination of an official credential/document or internal record containing identification information on a known customer (see **Identification Requirements** above). Check box **a** if you examined an official identification credential/document. Check box **b** if you examined an acceptable internal casino record (i.e., credit, deposit, or check cashing account record, or a CTRC worksheet) containing previously verified identification information on a "known customer." Check box **c** if the transaction is conducted on behalf of an organization. If box **a** or **b** is checked, you **must** complete Item 14. If box **c** is checked, do not complete Item 14.

Item 14. Describe identification credential.— If a driver's license, passport, or alien registration card was used to verify the individual's identity, check as appropriate box **a, b,** or **c.** If you check box **d,** you must specifically identify the type of document used (e.g., enter "military ID" for a military or military/dependent identification card). A statement such as "known customer" in box **d** is **not** sufficient for completion of Form 103. Enter in Item 14e the two-letter state postal code, two-letter country code, or the name of the issuer for that document, and enter in Item 14f the number shown on that official document.

Item 15. Customer account number.—Enter the account number which corresponds to the transaction being reported and which the casino has assigned to the person whose name is entered in Item 3. If the person has more than one account number affected by the transaction, enter the account number that corresponds to the majority of currency being reported. If the transaction does not involve an account number, enter "NOT APPLICABLE" in the space.

Section B. Individual(s) Conducting Transaction(s) – If Other Than Above (Agent)

Complete Section B if an individual conducts a transaction on behalf of another person(s) listed in Section A. If an individual conducts a transaction on his/her own behalf, leave Section B BLANK.

Item 16. Multiple agents.—If, during a gaming day, more than one individual conducts transactions on behalf of an individual or organization listed in Section A, check this box and complete Section B. List one of the individuals on the front of the form and the other individual(s) on page 2, Section B. Attach additional sheets as necessary.

Items 17, 18, and 19. Name of individual.— Enter the individual's last name in Item 17, first name in Item 18, and middle initial in Item 19. If there is no middle initial, leave Item 19 BLANK. For example, if John Doe, an employee of the Error Free Rock Band, cashes an $11,000 check for the band, Error Free Rock Band is identified in Section A, and John Doe is identified in Section B.

Items 20, 22, 23, 24, and 25. Address.— Enter the permanent street address, including ZIP code, of the individual conducting the transaction. If the individual is from a foreign country, enter any province name and the appropriate two-letter country code (See instructions for item 11).

Item 21. Social security number (SSN).—Enter the SSN of the individual identified in Items 17 through 19. If that individual is a nonresident alien who does not have an SSN, enter "NONE" in the space.

Item 26. Date of birth.—Enter the individual's date of birth. For proper format, see the instructions under **Item 12** above.

Item 27. Method used to verify identity.—Any individual listed in Items 17 through 19 must present an official document to verify his/her name and address. See the instructions under **Item 13** above for more information. After completing Item 27, you must also complete Item 28.

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Item 28. Describe identification credential.—Describe the identification credential used to verify the individual's name and address. See the instructions under **Item 14** above for more information.

Part II. Amount and Type of Transaction(s)

Part II identifies the type of transaction(s) reported and the amount(s) involved. You must complete all items that apply.

Item 29. Multiple transactions.—Check this box if multiple currency transactions, none of which individually exceeds $10,000, comprise this report.

Items 30 and 31. Cash in and cash out.— Enter in the appropriate spaces provided in Items 30 and/or 31, the specific currency amount for each "type of transaction" for a reportable Cash In or Cash Out. If the casino engages in a Cash In or a Cash Out transaction that is not listed in Items 30a through 30g or Items 31a through 31i, specify the type of transaction and the amount of currency in Item 30h or 31j, respectively. Enter the total amount of the reportable Cash In transaction(s) in Item 30j. Enter the total amount of the reportable Cash Out transaction(s) in Item 31k.

If less than a full dollar amount is involved increase the figure to the next higher dollar. For example, if the currency total is $20,500.25, show it as $20,501.00.

If there is a currency exchange, list it separately with both the Cash In and Cash Out totals. If foreign currency is exchanged, use the U.S. dollar equivalent on the day of the transaction.

Payment(s) on credit (Item 30c), includes all forms of cash payments made by a customer on a credit account or line of credit, or in redemption of markers or counter checks. Currency received from wire transfer(s) out (Item 30e), applies to cash received from a customer when the casino sends a wire transfer on behalf of a customer.

Currency paid from wire transfer(s) in (Item 31e), applies to cash paid to a customer when the casino receives a wire transfer on behalf of a customer. Travel and complimentary expenses and gaming incentives (Item 31h), includes reimbursements for a customer's travel and entertainment expenses and cash complementaries ("comps").

Determining Whether Transactions Meet The Reporting Threshold

Only cash transactions that, alone or when aggregated, exceed $10,000 should be reported on Form 103. A casino must report multiple currency transactions when it has knowledge that such transactions have occurred. This includes knowledge gathered through examination of books, records, logs, information retained on magnetic disk, tape or other machine-readable media, or in any manual system, and similar documents and information that the casino maintains pursuant to any law or regulation or within the ordinary course of its business.

Cash In and Cash Out transactions for the same customer are to be aggregated separately and must not be offset against one another. If there are both Cash In and Cash Out transactions which each exceed $10,000, enter the amounts in Items 30 and 31 and report on a single Form 103.

Example 1. Person A purchases $11,000 in chips with currency (one Cash In entry); and later receives currency from a $6,000 redemption of chips and a $2,000 safekeeping withdrawal (two Cash Out entries). Complete Form 103 as follows:

Cash In of "$11,000" is entered in Item 30a (purchase of chips) and Cash In Total of "$11,000" is entered in Item 30i. No entry is made for Cash Out. The two Cash Out transactions equal only $8,000, which does not meet the BSA reporting threshold.

Example 2. Person B deposits $5,000 in currency to his front money account and pays $10,000 in currency to pay off an outstanding credit balance (two Cash In entries); receives $7,000 in currency from a wire transfer (one Cash Out entry); and presents $2,000 in small denomination U.S. currency to be exchanged for an equal amount in U.S. $100 bills. Complete Form 103 as follows:

Cash In of "$5,000" is entered in Item 30b (deposit), "$10,000" is entered in Item 30c (payment on credit), "$2,000" is entered in Item 30g (currency exchange), and Cash In Total of "$17,000" is entered in Item 30i. In determining whether the transactions are reportable, the currency exchange is aggregated with both the Cash In and the Cash Out amounts. The result is a reportable $17,000 Cash In transaction. No entry is made for Cash Out. The total Cash Out amount only equals $9,000, which does not meet the BSA reporting threshold.

Example 3. Person C deposits $7,000 in currency to his front money account and pays $9,000 in currency to pay off an outstanding credit balance (two Cash In entries); receives $2,500 in currency from a withdrawal from a safekeeping account, $2,500 in currency from a wire transfer and cashes a personal check of $7,500 (three Cash Out entries); and presents Canadian dollars which are exchanged for $1,500 in U.S. dollar equivalent. Complete Form 103 as follows:

Cash In of "$7,000" is entered in Item 30b (deposit), "$9,000" is entered in Item 30c (payment on credit), "$1,500" is entered in Item 30g (currency exchange), and a Cash In total of "$17,500" is entered in Item 30j. Cash Out of "$2,500" is entered in Item 31b (withdrawal of deposit), "$2,500" is entered in Item 31e (wire transfer), "$7,500" is entered in Item 31f (negotiable instrument cashed), "$1,500" is entered in Item 31g (currency exchange) and a Cash Out Total of "$14,000" is entered in Item 31k. In this example, both the Cash In and Cash Out totals exceed $10,000, and each must be reflected on Form 103.

Example 4. Person D purchases $10,000 in chips with currency and places a $10,000 cash bet (two Cash In entries); and later receives currency for an $18,000 redemption of chips and $20,000 from a payment on a cash bet (two Cash Out entries). Complete Form 103 as follows:

Cash In of "$10,000" is entered in Items 30a and 30d and a Cash In total of "$20,000" is entered in Item 30j. Cash Out of "$18,000" is entered in Item 31a (redemption of chips), "$20,000" is entered in Item 31d (payment on wagers) and a Cash Out Total of "$38,000" is entered in Item 31k. In this example, both the Cash In and Cash Out totals exceed $10,000, and each must be reflected on Form 103.

Item 32. Date of transaction.—Enter the gaming day on which the transaction occurred (see **What To File** above). For proper format, see the instructions for **Item 12** above.

Item 33. Foreign currency.—If foreign currency is involved, identify the country of issuance by entering the appropriate two-letter country code. If multiple foreign currencies are involved, identify the country for which the largest amount in U.S. dollars is exchanged.

Part III. Casino Reporting Transaction(s)

Item 34. Casino's trade name.—Enter the name by which the casino does business and is commonly known. Do not enter a corporate, partnership, or other entity name, unless such name is the one by which the casino is commonly known.

Item 35. Casino's legal name.—Enter the legal name as shown on required tax filings, only if different from the trade name shown in Item 34. This name will be defined as the name indicated on a charter or other document creating the entity, and which is identified with the casino's established EIN.

Item 36. Employer identification number (EIN).—Enter the casino's EIN.

Items 37, 38, 39, and 40. Address.—Enter the street address, city, state, and ZIP code of the casino (or branch) where the transaction occurred. **Do not** use a P.O. box number.

Items 41 and 42. Title and signature of approving official.—The official who is authorized to review and approve Form 103 must indicate his/her title and sign the form.

Item 43. Date the form is signed.—The approving official must enter the date the Form 103 is signed. For proper format, see the instructions for **Item 12** above.

Item 44. Preparer's name.—Type or print the full name of the individual preparing Form 103. The preparer and the approving official may be different individuals.

Items 45 and 46. Contact person/telephone number.—Type or print the name and commercial telephone number of a responsible individual to contact concerning any questions about this Form 103.

Paperwork Reduction Act Notice.—The requested information is useful in criminal, tax, and regulatory investigations and proceedings. Financial institutions are required to provide the information under 31 U.S.C. 5313 and 31 CFR Part 103, commonly referred to as the Bank Secrecy Act (BSA).

The BSA is administered by the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN). You are not required to provide the requested information unless a form displays a valid OMB control number. The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 19 minutes. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and to the Financial Crimes Enforcement Network, Attn.: Paperwork Reduction Act, P.O. Box 39, Vienna VA 22183-0039.

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[FR Doc. 06–246 Filed 1–10–06; 8:45 am]

BILLING CODE 4810–02–C

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 5, 2006.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before February 10, 2006, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0913.

Type of Review: Extension.

Title: Below-Market Loans FI–165–84 (NPRM).

Description: Section 7872 recharacterizes a below market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have either imputed income or claim imputed deduction under section 7872.

Respondents: Business or other for-profit and Individuals or households.

Estimated Total Burden Hours: 481,722 hours.

OMB Number: 1545–1018.

Type of Review: Extension.

Title: FI–27–89 (Temporary and Final) Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters; FI–61–91 (Final) Allocation of Allocable Investment Expense; Original Issue Discount Reporting Requirements.

Description: The regulations prescribe the manner in which an entity elects to be taxed as a real estate mortgage investment conduit (REMIC) and the filing requirements for REMICs and certain brokers.

Respondents: Business or other for-profit.

Estimated Total Burden Hours: 978 hours.

OMB Number: 1545–1685.

Type of Review: Extension.

Title: REG–103735–00—REG 155303–03 (Final) Tax Shelter Disclosure Statements.

Description: These regulations provide guidance on the filing requirement under section 6011 for certain corporate taxpayers engaged in transactions producing tax savings in excess certain dollar thresholds.

Respondents: Business or other for-profit and Individuals or households.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1545–1964.

Type of Review: Extension.

Title: Interview and Intake Sheet.

Form: IRS form 13614.

Description: The SPEC function developed the Form 13614 that contains a standardized list of required intake questions to guide volunteers in asking taxpayers basic questions about themselves. The intake sheet is an effective tool for ensuring critical taxpayer information is obtained and applied during the interview process.

Respondents: Business or other for-profit, Individuals or households and Not-for-profit institutions.

Estimated Total Burden Hours: 211,210 hours.

Clearance Officer: Glenn P. Kirkland, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 622–3428.

OMB Reviewer: Alexander T. Hunt, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395–7316.

Michael A. Robinson,

Treasury PRA Clearance Officer.

[FR Doc. E6–152 Filed 1–10–06; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0609]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 10, 2006.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–6950 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0609.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0609'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Survey of Veteran Enrollees' Health and Reliance Upon VA, VA Form 10–21034g and Focus Groups.

OMB Control Number: 2900–0609.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected on VA Form 10–21034g will be used to survey enrollees' health status, income, and their reliance on VA's health care services. VA will use the information collected as the basis for new emphasis on population-based budget formulation, policy scenario testing, and strategic planning. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 3, 2005, at pages 57648–57649.

Affected Public: Individuals or Households and Federal Government.

Estimated Annual Burden: 10,900 hours.

Estimated Average Burden Per Respondent: 15.5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 42,200.

Dated: December 28, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–129 Filed 1–10–06; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0260]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATE: Comments must be submitted on or before February 10, 2006.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 565–8374, FAX (202) 565–6950 or e-mail to: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0260.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0260'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title:

a. Request for and Authorization to Release Medical Records or Health Information, VA Form 10–5345.

b. Individual's Request for a Copy of Their Own Health Information, VA Form 10–5345a.

OMB Control Number: 2900–0260.

Type of Review: Revision of a currently approved collection.

Abstract:

a. VA Form 10–5345 is used to obtain a written consent from patients before information concerning his or her treatment for alcoholism or alcohol abuse, drug abuse, sickle cell anemia, or infection with the human immunodeficiency virus (HIV) can be disclosed to private insurance companies, physicians and other third parties.

b. Patients complete VA Form 10–5345 to request a copy of their medical records from the Department of Veterans Affairs.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 25, 2005 at page 49975.

Affected Public: Business or other for profit, Individuals or households, not for profit institutions.

Estimated Total Annual Burden:

a. VA Form 10–5345—16,667 hours.

b. VA Form 10–5345a—16,667 hours.

Estimated Average Burden Per Respondent:

a. VA Form 10–5345—2 minutes.

b. VA Form 10–5345a—2 minutes.

Frequency of Response: One time.

Estimated Number of Respondents:

a. VA Form 10–5345—500,000.

b. VA Form 10–5345a—500,000.

Dated: December 22, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–130 Filed 1–10–06; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0353]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the number of correspondence courses completed by a student and serviced by the correspondence school.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 13, 2006.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0353'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of Lessons Completed, (Chapters 30, 32, and 35, Title 38, U.S.C.; Chapter 31, 110, 1606 and 1607, Title 10, U.S.C.; and section 903, Pub. L. 96–342), VA Forms 22–6553b and 22–6553b–1.

OMB Control Number: 2900–0353.

Type of Review: Extension of a currently approved collection.

Abstract: Students enrolled in a correspondence school complete VA Forms 22–6553b and 22–6553b–1 to report the number of correspondence course lessons completed and forward the forms to the correspondence school for certification. School official certifies the number of lessons serviced and submits the forms to VA for processing. Benefits are payable based on the data provided on the form. Benefits are not payable when students interrupt, discontinue, or complete the training. VA uses the data collected to determine the amount of benefit is payable.

Affected Public: Individuals or Households and Business or Other for-Profit.

Estimated Annual Burden: 1,200 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,200.

Number of Responses Annually: 2400.

Dated: December 28, 2005.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E6–131 Filed 1–10–06; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Office of Research and Development

Government Owned Invention Available for Licensing

AGENCY: Office of Research and Development, VA.

ACTION: Notice of Government owned invention available for licensing.

SUMMARY: The invention listed below is owned by the U.S. Government as represented by the Department of Veterans Affairs, and is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 and/or Cooperative Research and Development Agreements (CRADA) Collaboration under 15 U.S.C. 3710a to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on the invention may be obtained by writing to: Amy E. Centanni, Department of Veterans Affairs, Director, Technology Transfer Program, Office of Research and Development, 810 Vermont Avenue, NW., Washington, DC 20420; fax: 202–254–0473; e-mail at *amy.centanni@mail.va.gov.* Any request for information should include the Number and Title for the relevant invention as indicated below. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The invention available for licensing is:

U.S. Patent No. 6,770,622 ''N-Terminally Truncated Galectin-3 for use in Treating Cancer.''

Dated: December 27, 2005.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

[FR Doc. 06–214 Filed 1–10–06; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 71, No. 7

Wednesday, January 11, 2006

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, 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

[EPA–HQ–OAR–2002–0091, FRL–8018–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Ambient Air Quality Surveillance, EPA ICR Number 0940–18, OMB Control Number 2060–0084

Correction

In notice document E5–8269 beginning on page 333 in the issue of Wednesday, January 4, 2006, make the following correction:

On page 333, in the first column, under the **DATES** heading, in the second line, ''February 3, 2006'' should read ''March 6, 2006''.

[FR Doc. Z5–8269 Filed 1–10–06; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
January 11, 2006

Part II

Social Security Administration

Privacy Act of 1974, as Amended; New and Revised Privacy Act Systems of Records and Deletion of Obsolete Systems of Records; Notice

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; New and Revised Privacy Act Systems of Records and Deletion of Obsolete Systems of Records

AGENCY: Social Security Administration (SSA).

ACTION: New and altered systems of records, new routine uses, deletion of obsolete systems of records, revisions, and general housekeeping changes to system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4) and (e)(11), we are issuing public notice of our intent to:

(a) Establish new and altered systems of records,

(b) Establish new routine use disclosures,

(c) Delete obsolete systems of records, and

(d) Make general housekeeping and editorial changes to SSA systems of records.

We invite public comment on these proposals.

DATES: We filed a report of the proposed new and altered systems of records and new routine uses with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on December 23, 2005. The proposed new and altered systems of records and routine uses will become effective on February 1, 2006, unless we receive comments warranting them not to become effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Social Security Administration, 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Willie J. Polk, Lead Social Insurance Specialist, Strategic Issues Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, 3–A–2 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (410) 965–1753; e-mail: *willie.j.polk@ssa.gov.*

SUPPLEMENTARY INFORMATION:

I. Proposed New Systems of Records

A. Systems of Records Adopted From the Department of Health and Human Services (HHS)

Under provisions of the Social Security Independence and Program Improvements Act of 1994 (Pub. L. 103–296), the Social Security Administration (SSA) became a separate Agency independent of HHS in 1995. Prior to becoming independent of HHS, SSA operated under a number of Privacy Act systems of records that applied HHS-wide to all HHS components, including SSA. Pursuant to section 106(b) of the legislation, we have continued to operate under those systems of records to date. However, because we have acquired the functions that were covered by some of the HHS systems of records, we have adopted these systems of records as our own. We have made conforming changes to the systems of records to identify them as new SSA systems of records. These notices of systems of records are:

1. Safety Management Information System (SSA Accident Injury and Illness Reporting System), 60–0228 (formerly 09–90–0005, Safety Management Information System (HHS) Accident Injury and Illness Reporting System)
2. SSA Parking Management Record System, 60–0230 (formerly 09–90–0023, Departmental Parking Control Policy and Records System)
3. Financial Transactions of SSA Accounting and Finance Offices, 60–0231 (formerly 09–90–0024, Financial Transactions of HHS Accounting and Finance Offices)
4. Central Registry of Individuals Doing Business with SSA (Vendor File), 60–0232 (formerly 09–90–0025, Central Registry of Individuals Doing Business with HHS (Vendor File))
5. Employee Assistance Program (EAP) Records, 60–0234 (formerly 09–90–0010)
6. Employee Development Program Records, 60–0236 (formerly 09–90–0012, Executive Development Records)
7. Employees' Medical Records, 60–0237 (formerly 09–90–0013, Federal Employee's Occupational Health Program Records)
8. Pay, Leave and Attendance Records, 60–0238 (formerly 09–90–0017, Pay, Leave and Attendance Records)
9. Personnel Records in Operating Offices, 60–0239 (formerly 09–90–0018 Personnel Records in Operating Offices)
10. Employee Suggestion Program Records, 60–0241 (formerly 09–90–0036)
11. Administrative Grievances Filed Under Part 771 of 5 CFR, 60–0244 (formerly 09–90–0014, Grievances filed under part 771 of 5 CFR)
12. Negotiated Grievance Procedures, 60–0245 (formerly 09–90–0015, Grievance Records Filed Under Procedures Established by Labor-Management Negotiations)
13. EEO Counselor and Investigator Personnel Records, 60–0250 (formerly 09–90–0022, Volunteer EEO Support Personnel Records)
14. Claims Under the Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act, 60–0259, (formerly 09–90–0062, Administrative Claims)
15. Attorney Applicant Files, 60–0262, (formerly 09–90–0066, OGC Attorney Applicant Files)
16. Litigation Docket and Tracking System, 60–0274 (formerly 09–90–9999, Automated Litigation Tracking System)
17. Civil Rights Complaints Filed by Members of the Public, 60–0275, (formerly 09–90–0051, Complaint Files and Logs)

B. New SSA Privacy Act System of Records

We are combining two separate systems of records, the Administrative Law Judge Docket, 60–0008 and the Hearing Office Master Docket of Claimant Cases, 60–0184, into a single system of records, the Hearing Office Tracking System (HOTS) of Claimant Cases, 60–0010. We will use HOTS for the same purposes for which we used Administrative Law Judge Docket, 60–0008, and Hearing Office Master Docket of Claimant Cases, 60–0184. We are deleting the notices of the two systems of records (see section II.1. below.)

II. Proposed Alterations to Existing SSA Privacy Act Systems of Records

We are making alterations to the following systems of records as discussed below.

1. *Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058.* We are expanding the ''Categories of records in the system'' to indicate that codes pertaining to SSNs assigned under certain conditions are maintained.

2. *Earnings Recording and Self-Employment Income System, 60–0059.* We are making the following changes:

- Expanding the ''Categories of records in the system'' to include information about individuals who apply for a certificate of coverage exempting them from coverage and taxes under the social security system of a foreign country, as provided in a Social Security agreement between the United States and that foreign country.
- Expanding the ''Purpose(s)'' section of the notice of this system of records to reflect that in connection with the issuance of certificates of coverage, information in this system of records is used: (1) To determine whether an individual who requests a certificate of coverage, establishing a foreign coverage exemption under a Social Security agreement, has been issued one or more certificates in the past; and (2) to respond to inquiries concerning a worker's Social Security coverage status

from an appropriate agency in a country which has a Social Security agreement with the United States.

• Adding two new routine use disclosures (see discussion in section III.A., items 1. and A.2. below).

3. *Automated Document Control and Retrieval System, 60–0002.* We are changing the ''System name'' from Automated Document Control and Retrieval System to Optical System for Correspondence Analysis and Response.

III. Proposed New and Revised Routine Use Disclosures

A. Discussion of Proposed Routine Uses

We are proposing to establish new routine use disclosures of information that will be maintained in the systems of records discussed below.

1. To the Department of Housing and Urban Development (HUD) in accordance with 26 U.S.C. 6103(l)(7), upon written request, tax return information (e.g., information with respect to wages, net earnings from self-employment, and payments of retirement income which have been disclosed to the Social Security Administration), for use by HUD in an initial or periodic review of the income of an applicant or participant in any HUD housing assistance program.

This proposed routine use disclosure is applicable to the Earnings Recording and Self-Employment Income System, 60–0059. Section 6103(*l*)(7) of the Internal Revenue Code requires the Commissioner of Social Security, upon written request, to disclose tax return information to HUD for the purposes stated above. These disclosures will allow HUD to confirm the accuracy of tenant-reported income when determining applicant and participant eligibility for, and level of, housing assistance benefits.

2. To any source that has, or is expected to have, information that SSA needs in order to establish or verify a person's eligibility for a certificate of coverage under a Social Security agreement authorized by section 233 of the Social Security Act.

This proposed routine use disclosure is applicable to the Earnings Recording and Self-Employment Income System, 60–0059. When determining an individual's eligibility for a certificate of coverage under a Social Security agreement authorized by section 233 of the Social Security Act, SSA must be able to contact appropriate sources, as necessary, for information relating to the issuance of certificates of coverage.

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

This proposed routine use disclosure is applicable to the Financial Transactions of SSA Accounting and Finance Offices, 60–0231, and the Central Registry of Individuals Doing Business with SSA (Vendor File), 60–0232. SSA occasionally contracts out certain of its functions when this would contribute to effective and efficient operations. SSA must be able to give a contractor whatever information the Agency can legally provide in order for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract.

4. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

• To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

• To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

This proposed routine use disclosure is applicable to the Assignment and Correspondence Tracking (ACT) System, 60–0001. We will disclose information under the routine use to law enforcement agencies and private security contractors when the information is needed to investigate, prevent, or respond to activities that jeopardize the security and safety of SSA customers, employees or workplaces or that otherwise disrupt the operation of SSA facilities. Information would also be disclosed to assist in the prosecution of persons charged with violating Federal or local law in connection with such activities.

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

This proposed routine use disclosure is applicable to the Assignment and Correspondence Tracking (ACT) System, 60–0001. We will disclose information under this routine use only in situations in which an individual may contact the Office of the President, seeking that Office's assistance in a matter relating to the Assignment and Correspondence Tracking (ACT) System. Information will be disclosed when the Office of the President makes an inquiry and indicates that it is acting on behalf of the individual whose record is requested.

6. To the Department of Treasury to:

• Find out whether or not the individual has a delinquent tax account for the purpose of determining the individual's creditworthiness for the loan in question under the Internal Revenue Code (26 U.S.C. 6103(l)(3)(A)–(C)), and

• Assist SSA in recovering the collection of delinquent administrative debts through Administrative Wage Garnishment (AWG) (31 U.S.C. 3720D) via the Treasury Cross Servicing program as authorized by the Debt Collection Improvement Act of 1996.

This proposed routine use is a revision of existing routine use numbered 11 that is applicable to the system of records entitled Financial Transactions of SSA Accounting and Finance Offices, 60–0231. The revised routine use will allow the disclosure of information to the Department of Treasury to assist SSA in collecting delinquent administrative debts from the wages of debtors in the private sector.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

This proposed routine use in compliance with section 704(e)(1)(B) of the Social Security Independence and Program Improvements Act of 1994, which mandates certain disclosures to HHS components. This routine use is applicable to the following systems of records:

• Optical System for Correspondence Analysis and Response, 60–0002

• Storage of Hearing Records: Tape Cassettes and Audiograph Discs, 60–0006

• Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Experts, and Other Health Care Professional and/or Non-Health Care Professional Experts (Medicare), 60–0012

• Records of Usage of Medical Experts, Vocational Experts, and Other

Health Care Professional and/or Non-Health Care Professional Experts (Medicare), 60–0013

- National Disability Determination Services (NDDS) File, 60–0044
- Disability Determination Service Consultants File, 60–0046
- Completed Determination Record—Continuing Disability Determinations, 60–0050
- Master Files of Social Security Number (SSN) Holders and SSN Applications, 60–0058
- Earnings Recording and Self-Employment Income System, 60–0059
- Congressional Inquiry File, 60–0077
- Public Inquiry Correspondence File, 60–0078
- Master Beneficiary Record, 60–0090
- Supplemental Security Income Record and Special Veterans Benefits, 60–0103
- Non-Contributory Military Service Reimbursement System, 60–0118
- Disability Insurance and Supplemental Security Income Demonstration Projects and Experiments System, 60–0218
- Representative Disqualification/Suspension Information System, 60–0219
- Vocational Rehabilitation Reimbursement Case Processing System, 60–0221
- Master Representative Payee File, 60–0222
- Personnel Records in Operating Offices, 60–0239
- Plans for Achieving Self-Support (PASS) Management Information System, 60–0255 (formerly 05–009)
- Social Security Administration's Customer PIN/Password (PPW) Master File System, 60–0290

B. Compatibility of Proposed Routine Uses

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulations (20 CFR part 401) permit us to disclose information under a published routine use for a purpose which is compatible with the purpose for which we collected the information. Section 401.150(c) of SSA's regulations permits us to disclose information under a routine use where necessary to assist in carrying out SSA programs or other government programs that have the same purposes as SSA programs. Section 401.120 of SSA's regulations provides that we will disclose information when a law specifically requires the disclosure. The proposed routine uses are appropriate and meet the relevant statutory and regulatory criteria.

IV. Housekeeping Revisions to Systems of Records

1. *Commissioner's Correspondence File, 60–0001.* We are changing the ''System name'' from Commissioner's Correspondence File to Assignment and Correspondence Tracking System (ACT) and revising the language in the ''Categories of individuals covered by the system'' to read ''Any individual or entity'' rather than ''person or group.''

2. *Extramural Surveys (Statistics) System, 60–0199 and the Disability Insurance and Supplemental Security Income Demonstration Projects and Experiments System, 60–0218.* We are changing the ''System manager(s)'' from the Office of Policy, Office of Research, Evaluation and Statistics to the Deputy Commissioner for Disability and Income Security Programs, Office of Program Development and Research.

3. *Listing and Alphabetical Name File (Folder) of Vocational Experts and Medical Advisors, 60–0012.* We are changing the ''System name'' from Listing and Alphabetical Name File (Folder) of Vocational Experts and Medical Advisors to Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Experts, and Other Health Care Professional and/or Non-Health Care Professional Experts (Medicare).

4. *Records of Usage of Medical Advisors and Vocational Experts, 60–0013.* We are changing the ''System name'' from Records of Usage of Medical Advisors and Vocational Experts to Records of Usage of Medical Experts, Vocational Experts, and Other Health Care Professional and/or Non-Health Care Professional Experts (Medicare).

5. *Representative Disqualification/Suspension Information System, 60–0219.* We are changing the ''System manager(s)'' from the Office of Disability and Income Security Programs, Office of Hearings and Appeals to the Office of the General Counsel.

6. *Disability Determination Service Processing File, 60–0044.* We are making the following changes:

- Changing the ''System name'' from Disability Determination Service Processing File to National Disability Determination Services (NDDS) File;
- Revising the ''System location'' to show SSA, Office of Systems as the appropriate address of the system location;
- Deleting the reference and citation to ''BL (Black Lung) benefits'' from the ''Categories of individuals covered by the system,'' ''Authority for maintenance of the system,'' and ''Purpose(s)'' sections of the notice of the system of records;
- Revising the ''Categories of records in the system'' to clarify that in addition to the names and titles of persons making or reviewing the determination on a claim, we also maintain the SSNs of the DDS personnel;
- Clarifying the language in the ''Purpose(s)'' section to read as follows: The records are used primarily for processing Social Security Title II disability insurance (DI) and Title XVI Supplemental Security Income (SSI) disability for detecting and correcting deficiencies and problems involved in case processing, to track case movement through the DDS, to respond to inquiries on case status, and to provide recurring and one-time management information; and
- Updating the ''Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system'' section to reflect current storage, retention, and disposal practices.

V. General Editorial Changes

In addition to the changes discussed in sections II, III, and IV, we have made editorial revisions throughout the notices appearing in this publication to make them accurate and up-to-date.

VI. Deletion of Obsolete Systems of Records

Effective with this publication, we are deleting notices for the following systems of records for the reasons stated.

1. *Administrative Law Judge Docket of Claimant Cases, 60–0008 (last published in its entirety at 47 FR 45596, October 13, 1982); and Hearing Office Master Docket of Claimant Cases, 60–0184.* We have combined these two systems of records into a single system of records entitled Hearing Office Tracking System of Claimant Cases, 60–0010 (see section I.B. above).

2. *Personnel Research and Merit Promotion Test Records, 60–0017 (last published in its entirety at 47 FR 45601, October 13, 1982).* This system of records is a duplication of the Office of Personnel Management system of records, OPM/GOVT–6, Personnel Research and Test Validation Records. We, therefore, are deleting the notice from publication.

3. *Employee Production and Accuracy Records, 60–0031 (last published in its entirety at 47 FR 45602, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

4. *Employee Indebtedness Counseling System, 60–0032 (last published in its entirety at 47 FR 45603, October 13,*

1982). This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

5. *General Criminal Investigations Files, 60–0037 (last published in its entirety at 47 FR 45605, October 13, 1982).* The functions for which this system of records was established are now covered by systems of records maintained by the SSA, Office of the Inspector General. Therefore, we are deleting the notice from publication.

6. *Claims Development Record, 60–0066 (last published in its entirety at 47 FR 45621, October 13, 1982).* The functions for which this system of records was established are now covered under other SSA claims related systems of records; e.g., the Claims Folders System, 60–0089; the Master Beneficiary Record, 60–0090; and Supplemental Security Income Record and Special Veterans Benefits, 60–0103. Therefore, we are deleting the notice from publication.

7. *Health Insurance Overpayment Ledger Cards, 60–0095 (last published in its entirety at 47 FR 45631, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

8. *The National Fraud Case Data Base, 60–0097 (last published in its entirety at 47 FR 45632, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

9. *Double Check Negotiation (DCN) File (SSI), 60–0111 (last published in its entirety at 47 FR 45637, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

10. *Matches of Internal Revenue Service (IRS) and Social Security Administration (SSA) Data (Joint SSA/Treasury Department, Office of Tax Analysis, Statistics Development Project), 60–0149 (last published in its entirety at 47 FR 45642, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

11. *Extramural Research Administrative File, 60–0198, (last published in its entirety at 47 FR 45647, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

12. *Supplemental Security Income Quality Initial Claims Review Process System, 60–0212, (last published in its entirety at 47 FR 45654, October 13, 1982).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

13. *Telephone Call Receipt System, 60–0223, (last published in its entirety at 57 FR 29879, July 7, 1992).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

14. *Vocational Rehabilitation; State Vocational Rehabilitation Agency Information (VR SVRA) File, 60–0253 (formerly 05–007) (last published in its entirety at 63 FR 7034, February 11, 1998).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

15. *Vocational Rehabilitation; SSA Disability Beneficiaries/Recipients Eligible for Re-Referral to an Alternate Vocational Rehabilitation Service Provider (VR Re-Referral) File, 60–0254 (formerly 05–008) (last published in its entirety at 63 FR 7034, February 11, 1998).* This system of records is obsolete. We, therefore, will dispose of the records in the system of records and are deleting the notice from publication.

VII. Effect of the Proposed New and Altered Systems of Records and Proposed Routine Use Disclosures on the Rights of Individuals

We will maintain information in the new and altered systems of records only as necessary to carry out our official functions under the Social Security Act and other applicable Federal statutes. Our maintenance and use of the information are in accordance with the provisions of the Privacy Act (5 U.S.C. 552a) and SSA's disclosure regulations (20 CFR part 401). We employ safeguards to protect all personal information in our possession as well as the confidentiality of the information. We will disclose information under the routine uses discussed above only as necessary to accomplish the stated purpose(s). Thus, we do not anticipate that the new and altered systems of records and the new routine use disclosures will have an unwarranted adverse effect on the rights of the individuals to whom they pertain.

Dated: December 23, 2005.

Jo Anne B. Barnhart,

Commissioner.

INDEX OF SSA PRIVACY ACT SYSTEMS OF RECORDS APPEARING IN THIS PUBLICATION

60–0001	Assignment and Correspondence Tracking System (ACT).
60–0002	Optical System for Correspondence Analysis and Response.
60–0003	Attorney Fee File.
60–0006	Storage of Hearing Records: Tape Cassettes and Audiograph Discs.
60–0010	Hearing Office Tracking System of Claimant Cases.
60–0012	Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Experts, and Other Health Care/Non-Health Care Professionals Experts (Medicare).
60–0013	Records of Usage of Medical Experts, Vocational Experts, and Other Health Care/Non-Health Care Professionals Experts (Medicare).
60–0044	National Disability Determination Services.
60–0046	Disability Determination Service Consultant's File.
60–0050	Completed Determination Record—Continuing Disability Determinations.
60–0058	Master Files of Social Security Number Holders, and SSN Applications.
60–0059	Earnings Recording and Self-Employment Income System.
60–0077	Congressional Inquiry File.
60–0078	Public Inquiry Correspondence File.
60–0090	Master Beneficiary Record.
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60–0199	Extramural Surveys (Statistics).
60–0218	Disability Insurance and Supplemental Security Income Demonstration Projects and Experiments System.
60–0219	Representative Disqualification/Suspension Information System.
60–0221	Vocational Rehabilitation Reimbursement Case Processing System.
60–0222	Master Representative Payee File.

INDEX OF SSA PRIVACY ACT SYSTEMS OF RECORDS APPEARING IN THIS PUBLICATION—Continued

60–0228	Safety Management Information System.
60–0230	Social Security Administration Parking Management Record System.
60–0231	Financial Transactions of SSA Accounting and Finance Offices.
60–0232	Central Registry of Individuals Doing Business with SSA (Vendor File).
60–0234	Employee Assistance Program (EAP) Records.
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60–0250	EEO Counselor and Investigator Personnel Records.
60–0255	Plans for Achieving Self-Support (PASS) Management Information System, SSA/OPB.
60–0259	Claims Under the Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.
60–0262	Attorney Applicant File.
60–0274	Litigation Docket and Tracking System.
60–0275	Civil Rights Complaints Filed by Members of the Public.
60–0290	Social Security Administration's Customer PIN/Password (PPW) Master File System.

SYSTEM NUMBER: 60–0001

SYSTEM NAME:

Assignment and Correspondence Tracking (ACT) System, Social Security Administration, Office of the Commissioner.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of the Commissioner, 6401 Security Boulevard, Baltimore, MD 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual or entity that makes a request or writes to the Commissioner of Social Security and receives a direct response from the Commissioner.

CATEGORIES OF IN THE SYSTEM:

The Commissioner's incoming personal requests and correspondence and responses to such correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205 of the Social Security Act (42 U.S.C. 405).

PURPOSE(S):

This system is established for tracking incoming correspondence and reference when replying to subsequent inquiries.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

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

3. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

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

STORAGE:

Records in this system are stored in paper form and in magnetic media (*e.g.*, magnetic tape and disc).

RETRIEVABILITY:

Records in this system are indexed and retrieved by the name of the correspondent.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. This includes maintaining the records in a secured enclosure attended by security guards. Anyone entering or leaving the enclosure must have a special badge issued only to authorized personnel. Access to specific records in this system is limited to members of the

Office of the Commissioner. Also, employees are periodically briefed on Privacy Act requirements and Social Security Administration (SSA) rules, including the criminal sanctions for unauthorized disclosure of, or access to, personal records. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

General correspondence is archived after 3 years. Paper files are destroyed by shredding when deemed appropriate. Computer files are archived after 3 years.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Office of Executive Operations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Incoming correspondence and responses to the correspondence.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0002

SYSTEM NAME:

Optical System for Correspondence Analysis and Response, Social Security Administration, Deputy Commissioner for Communications, Office of Public Inquires.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Public Affairs, Office of Public Inquiries, 6401 Security Boulevard, Baltimore, MD 21235.

Social Security Administration, Office of Central Operations, Metro West Building, 300 North Greene Street, Baltimore, MD 21201.

Social Security Administration, Office of Disability Operations, Security West Building, 1500 Woodlawn Drive, Baltimore, MD 21241.

Social Security Administration, Office of Disability Operations, Metro West Building, 300 North Greene Street, Baltimore, MD 21201.

Social Security Administration, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals: (1) Who forward a request for information to the Social Security Administration (SSA) (or component thereof); (2) whose requests to members of Congress, the President, etc., are forwarded to SSA for response; (3) who forward a request to the Freedom of Information (FOI) Officer at SSA; and (4) Social Security beneficiaries (or persons inquiring on their behalf) who are reporting failure to receive a check or checks which they believe are due or are inquiring about other matters which have been determined to be of a critical or sensitive nature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the records may include the following: name of claimant (if appropriate); name of individual involved (and Social Security number (SSN), if given); name of third party inquirer (if present); type of correspondence; date of correspondence; date received in SSA component; organizational component having initial responsibility for the inquiry; Congressperson name or name code (if a congressional inquiry); any subsequent locations that handle the inquiry before a final action is taken; address-to-code (official to whom inquiry is directed); signature code (official whose name will appear on the reply); computer-generated control number (six or seven alpha-numerics used to update or retrieve a record); subject matter codes (up to three that summarize the contents of the inquiry); and response information (types and dates of SSA's responses).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 1631 and Titles XI and XVIII of the Social Security Act (42 U.S.C. 405(a) and 1383) and section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

Information about the inquiries is maintained in this system solely to aid in the control of correspondence through the various processing steps. The information may include a scanned copy of the inquiry. This system is used to control processing of correspondence within the SSA Central Office complex and the Office of Hearings and Appeals (OHA) headquarters in Falls Church, Virginia and to provide management

information regarding the correspondence process.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of the Treasury to determine if a social security payment was issued or a check returned for cash.

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

The records are maintained in electronic and paper form.

RETRIEVABILITY:

The data in this system are retrieved by name, SSN or control number.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. This includes maintaining the records in a secured enclosure. Access to specific records is limited to employees who have a need for them in the performance of their official duties. Paper records are maintained in locked files or in buildings that are secured after normal business hours.

Also, all employees periodically are briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are maintained on-line in the system from the time of control until 13 months after the final response is released. Electronic records are maintained offline for an additional five years before being erased. Paper records are disposed of by shredding when deemed no longer needed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Public Inquiries, Office of Public Affairs, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Records in this system are derived from inquiries directed to SSA (or component thereof) from members of the public; individuals or someone acting on their behalf; the individual's claims record (maintained in the Claim Folder System, 60–0089); and contacts within and outside SSA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0003

SYSTEM NAME:

Attorney Fee File, Social Security Administration, Office of Hearings and Appeals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Attorney fee information is maintained in Social Security Administration (SSA), Office of Hearings and Appeals hearing offices, regional offices and OHA headquarters, as appropriate (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for address information).

When the Administrative Law Judge (ALJ) recommends approval of a requested fee amount which exceeds $5,000 or when there is a requested administrative review of fees initially authorized by the ALJ, the files are maintained by the Regional Chief (RC) ALJ in the appropriate regional office (see *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for address information).

Attorney fee files relating to requested administrative review of fees initially authorized by the RC ALJs, as well as those where the Attorney Fee staff has sole jurisdiction, are maintained at:

Social Security Administration, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—Title II (Retirement and Survivors Insurance (RSI) and Disability Insurance (DI)); Title VIII (Special Veterans Benefits); Title XI (claimants subject to Professional Standards Review); Title XVI Supplemental Security Income; and Title XVIII (HI). Effective October 1, 2005, the Social Security Administration (SSA) only has jurisdiction to determine eligibility for Title XVIII benefits, not the benefit amount.

CATEGORIES OF RECORDS IN THE SYSTEM:

Attorney Fee/Petition; Fee Agreement; Authorization Order; related correspondence and case tracking information; and when appropriate, request for administrative review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1), and 1872 of the Social Security Act, as amended, and section 413(b) of the Black Lung Benefits Act.

PURPOSE(S):

Attorney fee files are used in processing attorney fee petitions, fee agreements, and requests for administrative review, and to respond to correspondence and other inquiries related to representation of claimants.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To applicants, claimants, beneficiaries (other than the subject individual), authorized representatives, experts, and other participants at a hearing to the extent necessary to pursue a claim or other matter on appeal.

4. To a claimant's representative to the extent necessary to dispose of a fee petition or fee agreement; except for pre-decisional deliberative documents, such as analyses and recommendations prepared for the decision-maker.

5. To the Department of the Treasury, Internal Revenue Service, as necessary, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1986, as amended.

6. Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

7. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

8. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

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

STORAGE:

Records are stored either in paper form (*e.g.*, individual case folders and file control cards) or electronically on disc (the Attorney Fee case tracking system). The records stored in paper and electronic files are duplicates. This is a system in transition.

RETRIEVABILITY:

Records are retrieved by name and Social Security number (SSN).

SAFEGUARDS:

System security is maintained in accordance with the Systems Security Handbook. Access to the Attorney Fee File and electronic case tracking records is limited to those persons whose official duties require such access. Control cards are stored in filing containers. The folders are kept on filing shelves. The paper records are kept in a secured storage area. All employees are instructed in SSA confidentiality rules as part of their initial orientation training. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Attorney fee file folders are destroyed after 2 years. Control cards are shredded after 5 years. Any electronic case tracking records are deleted 5 years after final action was taken.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the systems manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification, such as a voter registration card, credit card, etc. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters also should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is derived from the claimant, his or her representative, appropriate members of the public, SSA and other Federal, State, and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0006

SYSTEM NAME:

Storage of Hearing Records: Tape Cassettes, Social Security Administration, Office of Hearings and Appeals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, Virginia 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—Title II (Retirement and Survivors Insurance (RSI) and Disability Insurance (DI)); Title VIII (Special Veterans Benefits); Title XI (claimants subject to Professional Standards Review); Title XVI Supplemental Security Income; and Title XVIII (HI). Effective October 1, 2005, the Social Security Administration (SSA) only has jurisdiction to determine eligibility for Title XVIII benefits, not the benefit amount.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recordings of actual hearings before Administrative Law Judges (ALJ).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631, and 1872 of the Social Security Act (42 U.S.C. 405, 1383, and 1395ii).

PURPOSE(S):

The tape cassette or other electronic media, such as the compact disc (CD), is the basic record of the hearing conducted in an individual case by the ALJ. It is the source from which the documentary transcript is prepared. Social Security Administration (SSA) employees use the information as a reference to respond to subsequent correspondence and/or further appeal of the claim and to process an attorney fee petition when appropriate.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

4. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

5. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records in this system may be stored either on cassette tapes, CDs, or other electronic format.

RETRIEVABILITY:

Records in this system are indexed by claimant name, Social Security number (SSN), and date of hearing.

SAFEGUARDS:

System security is maintained in accordance with the Systems Security Handbook. Access to, and use of, both the cassettes and electronic digital records are limited to those persons whose official duties require such access. All employees are instructed in SSA confidentiality rules as part of their initial orientation training. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Tape cassettes and CDs are transferred to the Washington Nation Records Center (WNRC) immediately after separation from the claim file. The cassettes and CDs are destroyed (erased) after 10 years in the WNRC. Electronic records are deleted when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Hearings and Appeals, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

An individual who requests access to his or her medical record must also name a representative in writing. The representative may be a physician, other health professional, or other responsible individual who would be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he/she makes the request, designate a physician or other health professional (other than a family member) who will be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the parent or guardian. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The records are derived from claimants, representatives, witnesses, ALJs and staff persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0010

SYSTEM NAME:

Hearing Office Tracking System of Claimant Cases, Social Security Administration, Office of Hearings and Appeals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All Hearing Offices: contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for Social Security Administration (SSA), Office of Hearings and Appeals hearing office address information. Program Service Centers (PSC): contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_a.htm* for PSC address information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants—Title II (Retirement and Survivors Insurance (RSI) and Disability Insurance (DI)); Title VIII (Special Veterans Benefits); Title XI (claimants subject to Professional Standards Review); Title XVI Supplemental Security Income; and Title XVIII (HI). Effective October 1, 2005, SSA only has jurisdiction to determine eligibility for Title XVIII benefits, not the benefit amount.

CATEGORIES OF IN THE SYSTEM:

Social Security number (SSN), claimant name, type of claim, hearing request receipt date, last action date, location of case within hearings process (Assigned to name/date: pre-hearing, scheduling, hearing, post-hearing, disposition date, routing and transfer).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1) and 1872 of the Social Security Act.

PURPOSE:

The purpose of this system is to track hearing office workload from the receipt of a request for hearing until the final hearing level disposition (decision or dismissal).

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

Disclosure may be made for routine uses as indicated below:

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

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

4. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

5. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

The records are maintained electronically or in paper format.

RETRIEVABILITY:

Records are retrieved by SSN.

SAFEGUARDS:

Access to, and use of, the records is limited to those employees whose official duties require access and use. System security for automated records has been established in accordance with the Systems Security Handbook. All employees are instructed in SSA confidentiality rules as part of their initial orientation training. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

As each case is completed, the electronic record is transferred to an archive. It is retained in the archive file for two years and then erased. Paper records are disposed of by shredding when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Hearings and Appeals, Social Security Administration, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by writing to the appropriate hearing office (contact the system manager at the above address or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for hearing office address information).

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her

name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations 20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Records in the system are derived from hearing office personnel and from information on incoming cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0012

SYSTEM NAME:

Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Experts, and Other Health Care Professional and/or Non-Health Care Professional Experts (Medicare), Social Security Administration, Office of Hearings and Appeals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Medical, vocational, and other health care professional and/or non-health care professional experts for Medicare are prepared and updated by the appropriate Social Security Administration (SSA) Office of Hearings and Appeals (OHA) regional office for each hearing office in their jurisdiction (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for hearing office address information). The listing is maintained and used by each hearing office to facilitate the selection of expert witnesses.

Social Security Administration, Office of Hearings and Appeals, Division of Field Practices and Procedures, 5107 Leesburg Pike, Falls Church, VA 22041.

Records also are maintained at each hearing office (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for hearing office address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical, vocational, and other health care professional and/or non-health care professional experts for Medicare employed under a Blanket Purchase Agreement (BPA) with OHA to provide expert witness services to OHA.

CATEGORIES OF IN THE SYSTEM:

A list of all medical, vocational, and other health care professional and/or non-health care professional experts for Medicare under BPA, who are within the area serviced by the hearing office, and their usage. In addition, a folder is kept for each expert which may contain name, Social Security number (SSN), a copy of the BPA, qualifications, travel orders, invoices, and correspondence and other written records such as reports of contact by telephone or letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1) (42 U.S.C. 405 and 1383), Titles XI and XVIII of the Social Security Act, and Section 413(b) of the Federal Coal Mine Health and Safety Act (the Coal Act), as amended.

PURPOSE(S):

The purposes of this system are as follows: The listing alphabetically by name of medical, vocational, and other health care professional and/or non-health care professional experts for Medicare is used to select the expert on a rotational basis for use in a hearing case. Records maintained in expert witness files are used for carrying out administrative management responsibilities. These may be used in connection with budgetary planning, assessing services and usage, renewal of contracts, and preparing statistical or summary reports.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such

records by DOJ, a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are stored in electronic and/or paper format.

RETRIEVABILITY:

Records are retrieved alphabetically by name and by hearing office.

SAFEGUARDS:

System security for electronic records has been established in accordance with the Systems Security Handbook. Access to, and use of, the records is limited to those persons whose official duties require such access. Paper folders are maintained in locked filing cabinets. Access to, and use, is limited to those persons whose official duties require such access. All employees are instructed in SSA confidentiality rules as part of their initial training. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Paper and electronic records are retained for at least 2 years after expiration of contract at which time they are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record pertaining to him/her by writing to the applicable hearing office (contact the system manager at the above address or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for hearing office address information).

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

These records are derived from information supplied by the individual or information provided by SSA officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0013

SYSTEM NAME:

Records of Usage of Medical Experts, Vocational Experts, and Other Health Care Professional and/or Non-Health Care Professional Experts (Medicare), Social Security Administration, Office of Hearings and Appeals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records of medical, vocational, and other health care professional and/or

non-health care professional experts for Medicare are prepared and maintained in the appropriate hearing office. Usage records are also maintained at the appropriate Social Security Administration (SSA), Office of Hearings and Appeals (OHA) regional office (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_f.htm* for regional office address information).

Social Security Administration, Office of Hearings and Appeals, Division of Field Practices and Procedures, 5107 Leesburg Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medical, vocational, and other health care professional and/or non-health care professional experts for Medicare employed under the Blanket Purchase Agreement (BPA) with OHA to provide expert witness services to OHA.

CATEGORIES IN THE SYSTEM:

Records contain information about the usage of medical, vocational, and other health care professional and/or non-health care professional experts for Medicare, such as the occasions on which each expert supplied services to OHA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205, 1631(d)(1) of the Social Security Act (42 U.S.C. 405 and 1383), Titles XI and XVIII of the Social Security Act, and Section 413(b) of the Federal Coal Mine Health and Safety Act, as amended.

PURPOSE(S):

The purpose of this system is to provide information to enable OHA to measure the usage of expert witnesses and to make its determinations on contract and BPA renewals. The system provides information for statistical and summary reports.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained in paper form (*e.g.*, folders and loose-leaf binders) and/or in electronic form.

RETRIEVABILITY:

Records are retrieved alphabetically by name or by BPA number.

SAFEGUARDS:

System security for automated records has been established in accordance with the Systems Security Handbook. Access to paper and electronic records is limited to those persons whose official duties require such access. Paper folders are kept in file cabinets in secured areas. All employees are instructed in SSA confidentiality rules as part of their initial training. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records of usage are maintained for two years. Paper records are disposed of by shredding and automated records are disposed of by erasure when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Hearings and Appeals, 5107 Leesburg Pike, Falls Church, VA 22041.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being

requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The records are obtained from the medical and vocational experts and from the administrative law judges and support staffs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0044

SYSTEM NAME:

National Disability Determination Services (NDDS) File, Social Security Administration, Office of Disability Determinations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Each State Disability Determination Services (DDS) office and the Federal Disability Determination Service (FDDS) (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_b.htm* for the name and address of each State DDS and the FDDS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants for Social Security Disability Insurance (DI) and Black Lung (BL) benefits, and Supplemental Security Income (SSI) payments alleging a disability for which the DDS processes claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security number (SSN) of wage earner, claimant's name and address, date of birth, diagnosis, beginning and ending dates of disability, basis for determination, work history information, educational level, reexamination date (if applicable), date of application, names and titles of persons making or reviewing the determination and certain administrative data. Also included could be data relative to the location of the file and the status of the claim, copies of medical reports, and data relating to the evaluation and measurement of the effectiveness of claims policies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 30 U.S.C. 923(b), and sections 221 and 1633 of the Social Security Act (42 U.S.C. 421 and 1383b).

PURPOSE(S):

The records are used primarily for processing Social Security Title II disability (DI), Title XVI SSI disability, and BL claims, for detection and correction of deficiencies and problems involved in this processing, and for case control purposes.

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

Disclosure may be for routine uses as indicated below:

1. To State vocational rehabilitation agencies or the appropriate State agency (or agencies providing services to disabled children) for the consideration of rehabilitation services per sections 222 and 1615 of the Social Security Act.

2. To State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the DDS.

3. To the Department of Veterans Affairs (DVA) for information requested for purposes of determining eligibility for or amount of veterans benefits, or verifying other information with respect thereto in accordance with 38 U.S.C. 5106.

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

5. To a party named in an order, process, or interrogatory, in accordance with section 459 of the Social Security Act if a designee of the Agency is served with any such order, process, or interrogatory with respect to an individual's child support or alimony payment obligations.

6. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

7. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

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

9. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of

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

10. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained in paper form, on magnetic tape or disc packs. The method of storage may vary from State to State and within the FDDS.

RETRIEVABILITY:

The records are filed by a combination of name and SSN depending on the DDS's preference.

SAFEGUARDS:

Automated records are maintained in accordance with the Systems Security Handbook. The records are accessible only to DDS personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

May vary from State to State and within the FDDS according to the preference, but generally each office destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Disability Determinations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by providing his/her name and SSN to the DDS Administrator, Disability Determination Services, c/o State in which he or she resides and/or information is likely to be maintained. Contact the system manager at the address below or access (*http://www.socialsecurity.gov/foia/bluebook/app_b.htm.* (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and avoid delay.)

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with Social Security Administration (SSA) Regulations (20 CFR 401.40(c)).

An individual who requests access to his or her medical record must also name a representative in writing. The representative may be a physician, other health professional, or other responsible individual who would be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he/she makes the request, designate a physician or other health professional (other than a family member) who will be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the parent or guardian. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The information to support factors of entitlement and/or continuing eligibility originates from claimants or those acting on their behalf, physicians, hospitals, and other appropriate sources. Also, information is received from control data that monitors the location and status of the claim.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0046

SYSTEM NAME:

Disability Determination Services Consultant File, Social Security Administration, Office of Disability Determinations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Offices of State Disability Determination Services (DDS) may

currently maintain this type of file. Contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_b.htm* for the name and address of each State DDS and the Federal Disability Determination Services (FDDS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Physicians who have expressed a willingness to conduct consultative examinations for the DDS and, in some instances, other physicians with whom the DDS has contact. The latter are usually treating physicians. This file also includes, but is not limited to, psychologists, social workers, nurses, audiologists and vocational consultants who express a willingness to conduct some type of consultative service for the DDS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relative to a consultant's specialty, past experience as to the promptness with which reports are submitted, general thoroughness of reports, fees received, etc., and perhaps comments on the consultant's own preferences (such as appointment hours, etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 30 U.S.C. 923(b), and sections 221 and 1633 of the Social Security Act (42 U.S.C. 421 and 1383b).

PURPOSE(S):

DDS personnel use this information in the selection of a consultant when additional medical or vocational evidence is needed for claims under Titles II and XVI of the Social Security Act.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Each DDS maintains its own records and the method of storage may vary from State to State and within the FDDS. Generally, the information is on a file card maintained in a standard card file cabinet. However, some States may use an automated format.

RETRIEVABILITY:

Records are retrieved by consultant's surname.

SAFEGUARDS:

Only authorized SSA and DDS personnel have access to these records. Personal information other than the name of the consultant is subject to the disclosure restrictions of 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, and 42 U.S.C. 1306. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

DDS policy as to retention and disposal varies from State to State and within the FDDS, but generally, the file is destroyed upon death, retirement or relocation of the consultant.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Disability Determinations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by providing name and address to the DDS Administrator, c/o the State in which he or she resides and/or information is likely to be maintained (contact the system manager at the address above or access *http://www.socialsecurity.gov/foia/bluebook/app_b.htm* for address information).

An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify

his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with the Social Security Administration (SSA) and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, Social Security number, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters also should reasonably specify the record contents being sought. These access procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters also should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information is obtained mostly from the consultant. Observations of DDS personnel about the consultant, such as the individual's general promptness in filing reports, may occasionally be found in a consultant's file.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0050

SYSTEM NAME:

Completed Determination Record—Continuing Disability Determinations, Social Security Administration, Office of Disability Determinations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, MD 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains a record on allowed disability claimants on which a continuing disability issue has occurred and a decision of continuance or cessation has been approved. This file also covers Title II and Title XVI disability beneficiaries who have been selected to receive a Ticket-to-Work as part of the Ticket-to-Work and Self-Sufficiency Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security number (SSN) of the individual and other data such as date of birth, district office and State agency code, date disability began, type of claim, reason for reopening, continuance or cessation code, date of termination (if applicable), date of completion, etc. In addition, data related to the Ticket-to-Work program, such as Ticket eligibility, receipt, assignment and use, alleged and verified earnings and suspension of continuing disability determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 221 and 1148 of the Social Security Act (42 U.S.C. 421 and 1320b–19).

PURPOSE(S):

This system is used by the Social Security Administration (SSA) to (1) record the result of continuing disability investigations, and (2) record information related to the administration of the Ticket-to-Work and Self-Sufficiency Program.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service IRS, or IRS regulations.

1. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

2. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To the Secretary of Health and Human Services or to any State, the

Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

8. To contractors for the purpose of assisting SSA in the efficient administration of the Ticket-to-Work and Self-Sufficiency Program. (These contractors would be limited to the Program Manager, which is directly assisting the Social Security Administration (SSA) in administering the Ticket program, and to Employment Networks, which are providing services to SSA beneficiaries under the Ticket program.)

9. To a Federal, State, or congressional support agency (*e.g.*, Congressional Budget Office and the Congressional Research Staff in the Library of Congress) for research, evaluation, or statistical studies. Such disclosures include, but are not limited to, release of information in assessing the extent to which one can predict eligibility for Supplemental Security Income (SSI) payments or Social Security disability insurance benefits; examining the distribution of Social Security benefits by economic and demographic groups and how these differences might be affected by possible changes in policy; analyzing the interaction of economic and non-economic variables affecting entry and exit events and duration in the Title II Old Age, Survivors, and Disability Insurance and the Title XVI SSI disability programs; and, analyzing retirement decisions focusing on the role of Social Security benefit amounts, automatic benefit recomputation, the delayed retirement credit, and the retirement test, if the Social Security Administration (SSA):

(a) Determines that the routine use does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the proposed use is to be made:

(i) Cannot reasonably be accomplished unless the record is provided in a form that identifies individuals;

(ii) Is of sufficient importance to warrant the effect on, or risk to, the privacy of the individual which such limited additional exposure of the record might bring;

(iii) Has reasonable probability that the objective of the use would be accomplished;

(iv) Is of importance to the Social Security program or the Social Security beneficiaries or is for an epidemiological research project that relates to the Social Security program or beneficiaries;

(c) Requires the recipient of information to:

(i) Establish appropriate administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record and agree to on-site inspection by SSA's personnel, its agents, or by independent agents of the recipient agency of those safeguards;

(ii) Remove or destroy the information that enables the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient receives written authorization from SSA that it is justified, based on research objectives, for retaining such information;

(iii) Make no further use of the records except:

(1) Under emergency circumstances affecting the health and safety of any individual, following written authorization from SSA;

(2) For disclosure to an identified person, approved by SSA, for the purpose of auditing the research project;

(iv) Keep the data as a system of statistical records. A statistical record is one which is maintained only for statistical and research purposes and which is not used to make any determination about an individual;

(d) Secures a written statement by the recipient of the information 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:

Records are maintained in magnetic media (*e.g.*, magnetic tapes).

RETRIEVABILITY:

The records are retrieved by the SSN.

SAFEGUARDS:

Only authorized personnel having a need for this information in the performance of their official duties have access to this data under stringent security measures involving guards, building passes and photographs, etc. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Office of Disability Determinations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by contacting the system manager at the address shown above and furnishing his or her name, SSN, approximate date and place claim was filed, type of claim (DI, BL, or SSI), and return address. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and avoid delay.)

An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal

offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

An individual who requests access to his or her medical record must also name a representative in writing. The representative may be a physician, other health professional, or other responsible individual who would be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the individual. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he/she makes the request, designate a physician or other health professional (other than a family member) who will be willing to explain the contents of the medical record(s) before giving the entire medical record(s) to the parent or guardian. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters also should reasonably specify the record contents being sought. These access procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

These records summarize information contained in the claims folder which was obtained from the individual or someone acting on the individual's behalf and from this individual's physician or a physician performing a consultative examination or from hospitals and other treatment sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0058

SYSTEM NAME:

Master Files of Social Security Number (SSN) Holders and SSN Applications, Social Security Administration, Office of Systems.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Office of Central Operations, Metro West Building, 300 N. Greene Street, Baltimore, Maryland 21201.

Records may also be maintained at contractor sites (contact the system manager at the address below to obtain contractor addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each individual who has applied for and been assigned a Social Security number (SSN). Also, each individual who applied for an SSN, but was not assigned one due to the following:

- His/her application was supported by documents which are suspected to be fraudulent and are being verified with the issuing agency, or have been determined to be fraudulent, or
- Fraud is not suspected, but further verification of information on his/her application or additional supporting documents are needed, or
- None of the above applies, but processing of the application has not yet been completed.

CATEGORIES OF IN THE SYSTEM:

This system contains:

- All of the information received on applications for SSNs (e.g., name, date and place of birth, sex, both parents' names, and race/ethnic data) (in the case of an application for an SSN for an individual who has not attained the age of 18, the SSNs of the parents are maintained), and any changes in the information on the applications that are submitted by the SSN holders;
- Information from applications supported by evidence suspected or determined to be fraudulent, along with the mailing addresses of the individuals who filed such applications and descriptions of the documentation they submitted;
- Cross-references where multiple numbers have been issued to the same individual;
- Form code that identifies the form SS–5 (Application for a Social Security Number) as the application for the initial issuance of an SSN, or for changing the identifying information (e.g., a code indicating original issuance of the SSN, or that the application was enumeration at birth);
- Citizenship code that identifies the number holder status as a U.S. citizen or the work authorization of a noncitizen;
- Special indicator code that identifies type or questionable data or special circumstance concerning an application for an SSN (*e.g.*, false identity; illegal alien; scrambled earnings; SSN assigned based on harassment, abuse or life endangerment); and
- An indication that a benefit claim has been made under a particular SSN(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 205(c)(2) of the Social Security Act (42 U.S.C. 405(a) and 405(c)(2)).

PURPOSE(S):

Information in this system is used by the Social Security Administration (SSA) to assign SSNs. The information also is used for a number of administrative purposes, such as:

- By SSA components for various Old Age, Survivors and Disability Insurance, Supplemental Security Income, and Medicare/Medicaid claims purposes including usage of the SSN itself as a case control number and a secondary beneficiary cross-reference control number for enforcement purposes and use of the SSN record data for verification of claimant identity factors and for other claims purposes related to establishing benefit entitlement;
- By SSA as a basic control for retained earnings information;
- By SSA as a basic control and data source to prevent issuance of multiple SSNs;
- As the means to identify reported names or SSNs on earnings reports;
- For resolution of earnings discrepancy cases;
- For statistical studies;
- By the Office of the Inspector General, Office of Audit, for auditing benefit payments under Social Security programs;
- By the Department of Health and Human Services (DHHS), Office of Child Support Enforcement for locating parents who owe child support;
- By the National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Safety and Health Act of 1974;
- By the DHHS Office of Refugee Resettlement for administering Cuban refugee assistance payments;
- By the DHHS Centers for Medicare and Medicaid Services (CMS) for administering Titles XVIII and XIX claims.
- By the Secretary of the Treasury for use in administering those sections of

the Internal Revenue Code of 1986 which grant tax benefits based on support or residence of children. (Applies specifically to SSNs of parents provided on applications for SSNs for individuals who have not attained the age of 18); and

• By SSA to prevent the processing of an SSN card application for an individual whose application is identified as having been supported by evidence that either:

—Is suspect and being verified, or

—Has been determined to be fraudulent.

With this system in place, clerical investigation and intervention is required. Social Security offices are alerted when an applicant attempting to obtain an SSN card visits other offices in an attempt to find one which might unwittingly accept fraudulent documentation.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by statute, the Internal Revenue Service IRS, or IRS regulations.

1. To employers in order to complete their records for reporting wages to SSA pursuant to the Federal Insurance Contributions Act and section 218 of the Social Security Act.

2. To Federal, State and local entities for the purpose of administering income-maintenance and health-maintenance programs, where such use of the Social Security number is authorized by Federal statute.

3. To the Department of Justice, Federal Bureau of Investigation and United States Attorneys Offices, and to the Department of the Treasury, United States Secret Service, for investigating and prosecuting violations of the Social Security Act.

4. To the Department of Homeland Security, United States Citizenship and Immigration Services, for identifying and locating aliens in the United States pursuant to requests received under section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records when the Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

6. To the Railroad Retirement Board for:

(a) Administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment; and

(b) Administering the Railroad Unemployment Insurance Act.

7. To the Department of Energy for its epidemiological research study of the long-term effects of low-level radiation exposure, as permitted by Social Security Administration Regulations 20 CFR 401.150(c).

8. To the Department of the Treasury for:

(a) Tax administration as defined in section 6103 of the Internal Revenue Code (IRC) (26 U.S.C. 6103);

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks; and

(c) Administering those sections of the IRC which grants tax benefits based on support or residence of children. (As required by section 1090(b) of the Taxpayer Relief Act of 1997, Pub. L. 105–34, this routine use applies specifically to the Social Security numbers (SSN) of parents shown on an application for an SSN for an individual who has not attained the age of 18.

9. To a congressional office in response to an inquiry from the office made at the request of the subject of a record.

10. To the Department of State for administering the Social Security Act in foreign countries through facilities and services of that agency.

11. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act on Taiwan through facilities and services of that agency.

12. To the Department of Veterans Affairs, Regional Office, Manila, Philippines, for administering the Social Security Act in the Philippines and other parts of the Asia-Pacific region through facilities and services of that agency.

13. To the Department of Labor for:

(a) Administering provisions of the Black Lung Benefits Act; and

(b) Conducting studies of the effectiveness of training programs to combat poverty.

14. To Department of Veterans Affairs (DVA) for the following purposes:

(a) For the purpose of validating Social Security numbers of compensation recipients/pensioners in order to provide the release of accurate pension/compensation data by DVA to the Social Security Administration for Social Security program purposes; and

(b) Upon request, for purposes of determining eligibility for or amount of DVA benefits, or verifying other information with respect thereto.

15. To Federal agencies which use the Social Security number (SSN) as a numerical identifier in their record-keeping systems, for the purpose of validating SSNs.

16. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

17. To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

18. To the Social Security agency of a foreign country to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

19. To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or non-cash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

20. To third party contacts (*e.g.*, State bureaus of vital statistics and the Department of Homeland Security that issue documents to individuals) when the party to be contacted has, or is expected to have, information which will verify documents when the Social Security Administration is unable to determine if such documents are authentic.

21. To the Department of Justice, Criminal Division, Office of Special Investigations, upon receipt of a request for information pertaining to the identity and location of aliens for the

purpose of detecting, investigating, and, when appropriate, taking legal action against suspected Nazi war criminals in the United States.

22. To the Selective Service System for the purpose of enforcing draft registration pursuant to the provisions of the Military Selective Service Act (50 U.S.C. App. 462, as amended by section 916 of Pub. L. 97–86).

23. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

24. To organizations or agencies such as prison systems that are required by law to furnish Social Security Administration with validated Social Security number information.

25. To the General Services Administration and the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

26. To Department of Veterans Affairs (DVA) or third parties under contract to that agency Social Security numbers and dates of birth may be disclosed for the purpose of conducting DVA medical research and epidemiological studies.

27. To the Office of Personnel Management (OPM) upon receipt of a request from that agency in accordance with 5 U.S.C. 8347(m)(3), Social Security number information when OPM needs the information to administer its pension program for retired Federal Civil Service employees.

28. To the Department of Education, upon request, verification of Social Security numbers which are provided by students to postsecondary educational institutions, as required by Title IV of the Higher Education Act of 1965 (20 U.S.C. 1091).

29. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

30. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

31. To recipients of erroneous Death Master File (DMF) information, corrections to information that resulted in erroneous inclusion of individuals in the DMF.

32. To State vital records and statistics agencies, the Social Security numbers of newborn children for administering public health and income maintenance programs, including conducting statistical studies and evaluation projects.

33. To State motor vehicle agencies (MVA), verification of personal identification data (i.e., name, Social Security number, and date of birth) concerning individuals who apply for, or are issued, drivers' licenses or other identification documents. In performing such ''verification,'' the Social Security Administration (SSA) may indicate whether the identifying data furnished by a State MVA concerning an individual match, or do not match, data maintained in this system of records, and SSA may identify the particular data elements that do not match. SSA will not disclose information from this system of records which does not match the information furnished by the State MVA.

34. To entities conducting epidemiological or similar research projects, upon request, information as to whether an individual is alive or deceased pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), provided that:

(a) The Social Security Administration (SSA) determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding re-release or re-disclosure of the information.

35. To employers in connection with a pilot program, conducted with the Department of Homeland Security under 8 U.S.C. 1324a(d)(4) to test methods of verifying that individuals are authorized to work in the United States, the Social Security Administration will inform an employer participating in such pilot program that the identifying data (Social Security number, name and date of birth) furnished by an employer concerning a particular employee match, or do not match, the data maintained in this system of records, and when there is such a match, that information in this system of records indicates that the employee is, or is not, a citizen of the United States.

36. To a State bureau of vital statistics (BVS) that is authorized by States to issue electronic death reports when the State BVS requests the Social Security Administration to verify the Social Security number (SSN) of an individual on whom an electronic death report will be filed after SSN verification.

37. To the Department of Defense (DOD) validated Social Security number information and citizenship status information for the purpose of assisting DOD in identifying those members of the Armed Forces and military enrollees who are aliens or noncitizen nationals that may qualify for expedited naturalization or citizenship processing. These disclosures will be made pursuant to requests made under section 329 of the Immigration and Nationality Act, 8 U.S.C. 1440, as executed by Executive Order 13269.

38. To a Federal, State, or congressional support agency (e.g., Congressional Budget Office and the Congressional Research Staff in the Library of Congress) for research, evaluation, or statistical studies. Such disclosures include, but are not limited to, release of information in assessing the extent to which one can predict eligibility for Supplemental Security Income (SSI) payments or Social Security disability insurance benefits; examining the distribution of Social Security benefits by economic and demographic groups and how these differences might be affected by possible changes in policy; analyzing the interaction of economic and non-economic variables affecting entry and exit events and duration in the Title II Old Age, Survivors, and Disability Insurance and the Title XVI SSI disability programs; and, analyzing retirement decisions focusing on the role of Social Security benefit amounts, automatic benefit recomputation, the delayed retirement credit, and the retirement test, if the Social Security Administration (SSA):

(a) Determines that the routine use does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the proposed use is to be made:

(i) Cannot reasonably be accomplished unless the record is provided in a form that identifies individuals;

(ii) Is of sufficient importance to warrant the effect on, or risk to, the privacy of the individual which such limited additional exposure of the record might bring;

(iii) Has reasonable probability that the objective of the use would be accomplished;

(iv) Is of importance to the Social Security program or the Social Security beneficiaries or is for an epidemiological research project that relates to the Social Security program or beneficiaries;

(c) Requires the recipient of information to:

(i) Establish appropriate administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record and agree to on-site inspection by SSA's personnel, its agents, or by independent agents of the recipient agency of those safeguards;

(ii) Remove or destroy the information that enables the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient receives written authorization from SSA that it is justified, based on research objectives, for retaining such information;

(iii) Make no further use of the records except:

(1) Under emergency circumstances affecting the health and safety of any individual, following written authorization from SSA;

(2) For disclosure to an identified person approved by SSA for the purpose of auditing the research project;

(iv) Keep the data as a system of statistical records. A statistical record is one which is maintained only for statistical and research purposes and which is not used to make any determination about an individual;

(d) Secures a written statement by the recipient of the information attesting to the recipient's understanding of, and willingness to abide by, these provisions.

39. To State and Territory Motor Vehicle Administration officials (or agents or contractors on their behalf) and State and Territory chief election officials to verify the accuracy of information provided by the State agency with respect to applications for voter registration, for whom the last four digits of the Social Security number are provided instead of a driver's license number.

40. To State and Territory Motor Vehicle Administration officials (or agents or contractors on their behalf) and State and Territory chief election officials, under the provisions of section 205(r)(8) of the Social Security Act (42 U.S.C. 408(r)(8)), to verify the accuracy of information provided by the State agency with respect to applications for voter registration for those individuals who do not have a driver's license number:

(a) For whom the last four digits of the Social Security number (SSN) are provided, or

(b) For whom the full SSN is provided in accordance with section 7 of the Privacy Act (5 U.S.C. 552a note), as described in section 303(a)(5)(D) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(5)(D).

41. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records in this system are maintained in paper form (e.g., Forms SS–5 (Application for an SSN card), and system generated forms); magnetic media (e.g., magnetic tape and disc with on-line access); in microfilm and microfiche form and on electronic files (e.g., NUMIDENT and Alpha-Index).

RETRIEVABILITY:

Records of SSN holders are indexed by both SSN and name. Records of applications that have been denied because the applicant submitted fraudulent evidence, or that are being verified because the evidence is suspected to be fraudulent, are indexed either by the applicant's name plus month and year of birth, or by the applicant's name plus the eleven-digit reference number of the disallowed application.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. This includes maintaining the magnetic tapes and discs within a secured enclosure attended by security guards. Anyone entering or leaving this enclosure must have a special badge issued only to authorized personnel.

For computerized records electronically transmitted between Central Office and Field Office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal-oriented transaction matrix, and an audit trail. All microfilm, microfiche, and paper files are accessible only by authorized personnel who have a need for the records in the performance of their official duties.

Expansion and improvement of SSA telecommunications systems has resulted in the acquisition of terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminal users. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Most paper forms are retained only until they have been filmed and verified for accuracy. They then are destroyed by shredding. Electronic, as well as updated microfilm and microfiche records, are retained indefinitely. All tape, discs, microfilm and microfiche files are updated periodically. Out-of-date magnetic tapes and discs are erased. Out-of-date microfiches are disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Division of Enumeration Verification and Death Alerts, Office of Earnings, Enumeration and Administrative Systems, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to

establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from SSN applicants (or individuals acting on their behalf) and generated internally by SSA. The SSN itself is assigned to the individual as a result of internal processes of this system.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0059

SYSTEM NAME:

Earnings Recording and Self-Employment Income System, Social Security Administration, Office of Systems.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Office of Earnings, Enumerations and Administrative Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Office of Central Operations, Metro West Building, 300 North Greene Street, Baltimore, Maryland 21201.

Records also may be located at contractor sites and in Social Security Administration (SSA) program service centers (PSC) (contact the system manager at the address below for contractor and PSC addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains information about individuals who have been issued a Social Security number (SSN) and who may or may not have earnings under Social Security; or any person requesting, reporting, changing and/or inquiring about earnings information; or any person affected by the Coal Industry Retiree Health Benefit Act of 1992; or any person having a vested interest in a private pension fund.

CATEGORIES OF IN THE SYSTEM:

This system contains records of every SSN holder, his/her name, date of birth, sex, and race/ethnic data and a summary of his/her yearly earnings and quarters of coverage; special employment codes (i.e., self-employment, military, agriculture, and railroad); benefit status information; employer identification (i.e., employer identification numbers and pension plan numbers); minister waiver forms (i.e., forms filed by the clergy for the election or waiver of coverage under the Social Security Act); correspondence received from individuals pertaining to the above-mentioned items; the replies to such correspondence; information about miners and their families needed to administer the Coal Industry Retiree Health Benefit Act of 1992 and pension plan information (i.e., nature, form, and amount of vested benefits); and information about the period during which an employee or self-employed person is exempt from coverage and taxes under the social security system of a foreign country as a result of a Social Security agreement between the United States and that foreign country.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 205(c)(2) and 233 of the Social Security Act (42 U.S.C. 405 and 433), the Federal Records Act of 1950 (64 Stat. 583), and the Employee Retirement Income Security Act of 1974 (Pub. L. 93–406), and the Coal Industry Retiree Health Benefit Act of 1992 (Pub. L. 102–486, 106 Stat. 2776).

PURPOSE(S):

This system is used for the following purposes:

- As a primary working record file of all SSN holders;
- As a quarterly record detail file to provide full data in wage investigation cases;
- To provide information for determining amount of benefits;
- To record all incorrect or incomplete earnings items;
- To reinstate incorrectly or incompletely reported earnings items;
- To record the latest employer of a wage earner;
- For statistical studies;
- For identification of possible overpayments of benefits;
- For identification of individuals entitled to additional benefits;
- To provide information to employers/former employers for correcting or reconstructing earnings records and for Social Security tax purposes;
- To provide workers and self-employed individuals with earnings statements or quarters of coverage statements;
- To provide information to SSA's Office of the Inspector General for auditing benefit payments under Social Security programs;
- To provide information to the National Institute for Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974;
- To assist SSA in responding to general inquiries about Social Security, including earnings or adjustments to earnings, and in preparing responses to subsequent inquiries;

• To store minister waivers, thus preventing erroneous payment of Social Security benefits;

• To make assignments of responsibility for paying premiums and to perform other functions under the Coal Industry Retiree Health Benefit Act of 1992;

• To issue certificates of coverage forms for United States citizens and residents who qualify for a foreign coverage exemption under the terms of a Social Security agreement between the United States and another country;

• To determine whether an individual who requests a certificate of coverage, establishing a foreign coverage exemption under a Social Security agreement, has been issued one or more certificates in the past; and

• To respond to inquiries concerning a worker's Social Security coverage status from an appropriate agency in a country which has a Social Security agreement with the United States.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service IRS, or IRS regulations.

1. To employers or former employers, including State Social Security administrators, for correcting and reconstructing State employee earnings records and for Social Security purposes.

2. To the Department of the Treasury for:

(a) Investigating the alleged forgery, or unlawful negotiation of Social Security checks; and

(b) Tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. To the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. To the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

5. To a contractor for the purpose of collating, evaluating, analyzing, aggregating or otherwise refining records when the Social Security Administration contracts with a private firm. (The contractor shall be required to maintain Privacy Act safeguards with respect to such records.)

6. To the Department of Energy for their study of low-level radiation exposure.

7. To a congressional office in response to an inquiry from the congressional office made at the request of the subject of a record.

8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.

9. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act on Taiwan through facilities and services of that agency.

10. To the Department of Veterans Affairs, Regional Office, Manila, Philippines, for administering the Social Security Act in the Philippines and other parts of the Asia-Pacific region through services and facilities of that agency.

11. To State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

12. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

13. To a party named in an order, process, or interrogatory, in accordance with section 459 of the Social Security Act if a designee of the Agency is served with any such order, process, or interrogatory with respect to an individual's child support or alimony payment obligations.

14. To the Social Security Agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

15. To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating Social Security numbers used in administering cash or non-cash income maintenance programs or health maintenance programs (including programs under the Social Security Act).

16. To officers and employees of Federal, State or local agencies upon written request in accordance with the Internal Revenue Code (IRC) U.S.C. 6103(l)(7)), tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to the Social Security Administration, and business and employment addresses) for purposes of, and to the extent necessary in, determining an individual's eligibility for, or the correct amount of, benefits under certain programs listed in the IRC. These programs are:

(a) Temporary Assistance to Needy Families provided under a State plan approved under part A of Title IV of the Social Security Act;

(b) Medical assistance provided under a State plan approved under Title XIX of the Social Security Act;

(c) Supplemental Security Income benefits provided under Title XVI of the Social Security Act, and federally administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66);

(d) Any benefits provided under a State plan approved under Title I, X, XIV, or XVI of the Social Security Act (as those Titles apply to Puerto Rico, Guam and the Virgin Islands);

(e) Unemployment compensation provided under a State law described in section 3304 of the IRC;

(f) Assistance provided under the Food Stamp Act of 1977; and

(g) State-administered supplementary payments of the type described in section 1616(a) of the Social Security Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66).

17. To appropriate officers and employees of a State or local child support enforcement agency, upon written request in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(8)), tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income which have been disclosed to the Social Security Administration, and business and

employment addresses) for purposes of, and to the extent necessary in:

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals under a program established under Title IV–D of the Social Security Act (42 U.S.C. 651ff).

18. To the Office of Personnel Management (OPM) the fact that a veteran is, or is not, eligible for retirement insurance benefits under the Social Security program for OPM's use in determining a veteran's eligibility for a civil service retirement annuity and the amount of such annuity.

19. To the Department of Homeland Security (United States Citizenship and Immigration Services in accordance with 8 U.S.C. 1360(b), employee and employer name and address information for the purpose of informing that agency of the identities and locations of aliens who appear to be illegally employed.

20. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

21. To the Office of Personnel Management information derived from this system for the purpose of computing civil service annuity offsets of civil service annuitants with military service or the survivors of such individuals pursuant to provisions of section 307 of Pub. L. 97–253.

22. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

23. To the Office of Personnel Management, upon written request, tax return information for the purpose of administering the Civil Service and Federal Employees Retirement Systems in accordance with Chapter 83 and 84 of Title 5, U.S.C.

24. To Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under Titles II and/or XVI of the Social Security Act may be referred. Data released to RSA will not include any personally identifying information (such as names or Social Security numbers).

25. To Department of Veterans Affairs in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(7)), upon written request, tax return information for purposes of, and to the extent necessary for determining eligibility for, or the amount of, benefits under the following programs:

(a) Any needs-based pension provided under chapter 15 of Title 38, U.S.C. or under any other law administered by the Secretary of Veterans Affairs;

(b) Parents' dependency and indemnity compensation provided under section 1315 of Title 38, U.S.C.;

(c) Health-care services furnished under sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B) of Title 38, U.S.C.;

(d) Compensation paid under chapter 11 of Title 38, U.S.C., at the 100 percent rate based solely on unemployables and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

The tax return information which may be disclosed under this paragraph includes wages, net earnings from self-employment, payments of retirement income which have been disclosed to the Social Security Administration, and business and employment addresses, except that information on payments of retirement income will not be disclosed for use with respect to programs described in subparagraph (d).

26. To trustees of the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(e)(1) of the Internal Revenue Code as added by the Coal Industry Retiree. Health Benefit Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (codified at 26 U.S.C. 9701–9721 (1992)), the identity of each coal industry assigned operator determined to be responsible for annual premiums, and the names and Social Security numbers of eligible beneficiaries with respect to whom the operator is identified.

27. To the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(e)(2) of the Internal Revenue Code as added by the Coal Industry Retiree Health Benefit Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (codified at 26 U.S.C. 9701–9721 (1992)), the names and Social Security numbers of eligible beneficiaries who have been assigned to a coal industry assigned operator responsible for that individual's annual premiums payable and a brief summary of the facts related to the basis for such assignments.

28. To the coal industry assigned operator determined to be responsible for an individual's annual premiums payable to the United Mine Workers of America Combined Benefit Fund pursuant to section 9706(f)(1) of the Internal Revenue Code as added by the Coal Industry Retiree Health Benefit Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (codified at 26 U.S.C. 9701–9721 (1992)), detailed information from an individual's work history and other detailed information as to the basis for the assignment of that individual.

29. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

30. To entities conducting epidemiological or similar research projects, upon request, information as to whether an individual is alive or deceased pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), provided that:

(a) The Social Security Administration (SSA) determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding re-release or re-disclosure of the information.

31. To Federal, State, and local agencies for determining alien applicants' eligibility for programs or benefit programs covered by sections 402, 412, 421 and/or 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193, SSA will disclose information regarding quarters of coverage (non-tax return information) earned by:

- The alien applicant;
- His/her parents while the alien was under age 18; and/or
- His/her spouse during the marriage (if the alien remains married to such spouse or the marriage ended with the death of the spouse).

32. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so

disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

33. To the Department of Housing and Urban Development (HUD) in accordance with the Internal Revenue Code (26 U.S.C. 6103(l)(7)), upon written request, tax return information (e.g., information with respect to wages, net earnings from self-employment, and payments of retirement income which have been disclosed to the Social Security Administration,) for use by HUD in an initial or periodic review of the income of an applicant or participant in any HUD housing assistance program.

34. To any source that has, or is expected to have, information that the Social Security Administration needs in order to establish or verify a person's eligibility for a certificate of coverage under a Social Security agreement authorized by section 233 of the Social Security Act.

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

STORAGE:

Records in this system are maintained as paper forms, correspondence in manila folders on open shelving, paper lists, punch-cards, microfilm, magnetic tapes, and discs with online access files.

RETRIEVABILITY:

Records in this system are indexed by SSN, name, and employer identification number.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. This includes maintaining the magnetic tapes and discs within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have a special badge issued only to authorized personnel.

For computerized records electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal-oriented transaction matrix, and an audit trail. All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties.

Expansion and improvement of SSA's telecommunications systems has resulted in the acquisition of terminals equipped with physical key locks. The terminals also are fitted with adapters to permit the future installation of data encryption devices and devices to permit the identification of terminal users. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

All paper forms and cards are retained until they are filmed or are entered on tape and their accuracy is verified. Then they are destroyed by shredding. All tapes, discs, and microfilm files are updated periodically. The out-of-date magnetic tapes and discs are erased. The out-of-date microfilm is shredded.

SSA retains correspondence for 1 year when it concerns documents returned to an individual, denials of confidential information, release of confidential information to an authorized third party and undeliverable material, for 4 years when it concerns information and evidence pertaining to coverage, wage, and self-employment determinations or when the statute of limitations is involved, and permanently when it affects future claims development especially coverage, wage, and self-employment determinations. Correspondence is destroyed, when appropriate, by shredding.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Division of Earnings Correction and Use, Office of Earnings, Enumeration and Administration Systems, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

SSN applicants, employers and self-employed individuals; DOJ, the Department of Homeland Security (United States Citizenship and Immigration Services); the Department of Treasury; the United Mine Workers of America Combined Benefit Fund; an existing system of records maintained by SSA, Master Beneficiary Record, 60–0090; correspondence, replies to correspondence, and earnings

modifications resulting from SSA internal processes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0077

SYSTEM NAME:

Congressional Inquiry File, Social Security Administration, Regional Offices.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Offices of the Regional Commissioners, Social Security Administration (SSA) (see the system manager section below or access *http://www.socialsecurity.gov/foia/bluebook/app_c.htm* for address information).

2. Social Security field offices (consult local telephone directories for addresses and telephone numbers).

3. Teleservice centers (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_e.htm* for the addresses of SSA's teleservice centers).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of congressional representatives and the individuals about whom they inquire.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence to and from congressional representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act (42 U.S.C. 405).

PURPOSE(S):

This system is used to control and respond to correspondence from congressional representatives.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of the Treasury, Internal Revenue Service, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

3. To Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records generally are maintained in paper form in manila type folders. However, records also may be maintained in magnetic media (e.g., on disc, microcomputer).

RETRIEVABILITY:

Records are retrieved alphabetically by the Congressperson's or individual's name.

SAFEGUARDS:

These records usually are available to personnel who have a need for them in the performance of their official duties. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

These records are generally retained for 6 months to 3 years.

SYSTEM MANAGER(S) AND ADDRESS(ES):

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Assistant Regional Commissioner, Field Operations, Office of the Regional Commissioner, Room 1100, John F. Kennedy Federal Building, Boston, MA 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Executive Support Staff, Office of the Regional Commissioner, Room 40–100, 24 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Assistant Regional Commissioner for Processing Center Operations, Office of the Regional Commissioner, P.O. Box 8788, Mail Stop 22, Philadelphia, PA 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Director, Office of Congressional, Governmental and External Affairs, Office of the Regional Commissioner, 101 Marietta Tower, Suite 1902, P.O. Box 1684, Atlanta, GA 30301.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

Regional Public Affairs Office, Office of the Regional Commissioner, 105 W. Adams St., 10th Floor, Chicago, IL 60603.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Executive Officer, Office of the Regional Commissioner, Room 1420, 1200 Main Tower Building, Dallas, TX 75202.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Assistant Regional Commissioner, Programs Operations and Systems, Office of the Regional Commissioner, Room 436, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Assistant Regional Commissioner, Management and Budget, Office of the Regional Commissioner, Federal Office Building, 1961 Stout Street, Denver, CO 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Regional Public Affairs Officer, Office of the Regional Commissioner, 75 Hawthorne St., San Francisco, CA 94105.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Assistant Regional Commissioner, Field Operations, Office of the Regional Commissioner, M/S RX–52, 2201 Sixth Avenue, Seattle, WA 98121.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from congressional representatives.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0078

SYSTEM NAME:

Public Inquiry Correspondence File, Social Security Administration, Regional Offices.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

1. Offices of the Regional Commissioners, Social Security Administration (SSA) (see system manager section below for address information).

2. Social Security field offices (consult local telephone directories for addresses and telephone numbers).

3. Teleservice centers (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_e.htm* for the addresses of SSA's teleservice centers).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public who make inquiries to SSA, generally regarding benefit information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of inquires from the public and replies from SSA, generally regarding benefit information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act (42 U.S.C. 405).

PURPOSE(S):

Information is maintained in this file in case an inquirer requests information or files a formal application for benefits. Consequently, the information can be used as a filing date for benefit purposes.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To the Department of the Treasury, Internal Revenue Service, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

3. To Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) SSA, any component thereof; or

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

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

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

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupts the operation of SSA facilities.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records generally are maintained in paper form in folders in standard file cabinets. However, records also may be maintained in magnetic media (e.g., disc, microcomputer).

RETRIEVABILITY:

By name of inquirer or name of person about whom information is requested.

SAFEGUARDS:

Information in this system is restricted to Agency personnel who need them in the performance of their official duties. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records are retained for up to 3 years and then disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS(ES):

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT)

Assistant Regional Commissioner, Field Operations, Office of the Regional Commissioner, Room 1900, John F. Kennedy Federal Building, Boston, MA 02203–1900.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS)

Regional Public Affairs Office, Office of the Regional Commissioner, Social Security Administration, Room 40–100, 26 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA)

Assistant Regional Commissioner, Programs, Office of the Regional Commissioner, P.O. Box 8788, Mail Stop 22, Philadelphia, PA 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE)

Regional Commissioner's Inquiry Unit, Office of the Regional Commissioner, Social Security Administration, 61 Forsyth Street, NW., Atlanta, GA 30303.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN)

Assistant Regional Commissioner, Programs Operations and Systems, Office of the Regional Commissioner, 105 W. Adams Street, 10th Floor, Chicago, IL 60603.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS)

Office of the Regional Commissioner, Social Security Administration, Room 1440, 1200 Main Tower, Dallas, TX 75202.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA)

Assistant Regional Commissioner, Programs Operations and Systems, Office of the Regional Commissioner, Room 436, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING)

Assistant Regional Commissioner, Management and Budget, Office of the Regional Commissioner, Federal Office Building, 1961 Stout Street, Denver, CO 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Regional Communications Director, Office of the Regional Commissioner, P.O. Box 4201, Richmond, CA 94804.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON)

Assistant Regional Commissioner, Field Operations, Office of the Regional Commissioner, M/S RX–52, 2201 Sixth Avenue, Seattle, WA 98121.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record pertaining to him/her by contacting the most convenient SSA field office (FO) or by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. FO addresses and telephone numbers can be found in local telephone directories under ''Social Security Administration,'' or by accessing *http://www.ssa.gov/regions/regional.html*. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual

will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information is furnished by the inquirer and generated by SSA in response to inquiries.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0090

SYSTEM NAME:

Master Beneficiary Record, Social Security Administration, Deputy Commissioner for Systems, Office of Retirement and Survivors Insurance Systems (ORSIS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security beneficiaries who are, or were, entitled to receive Retirement and Survivors Insurance (RSI), or Disability Insurance (DI) benefits, including individuals who have received a RSI or DI payment since November 1978, even if their payment is not part of an ongoing award of benefits; individuals (non-claimants) on whose earnings records former spouses apply for RSI or DI benefits; persons who are only enrolled in the Hospital or Supplementary Medical Insurance (SMI) programs; and claimants whose benefits have been denied or disallowed.

The system also contains short references to records for persons entitled to Supplemental Security Income payments, black lung benefits or railroad retirement board benefits.

CATEGORIES OF IN THE SYSTEM:

The Master Beneficiary Record (MBR) contains information about each claimant who has applied for RSI or DI benefits, or to be enrolled in the Hospital or SMI programs; a record of the amount of Federal tax withheld on benefits paid to nonresident aliens; and the aggregate amount of benefit payments, repayments and reductions with respect to an individual in a calendar year. A record is maintained under each individual's Social Security number (SSN). However, if the individual has filed on another person's SSN, only a short ''pointer'' record is maintained. Personal and general data about the claim is maintained under the SSN of that claim. Data about the claimant can be accessed using the claimant's SSN or the SSN on which benefits have been awarded or claimed (claim account number (CAN)).

There are three types of data in each CAN:

Account data: This includes the primary insurance amount, insured status of the SSN holder (if no monthly benefits are payable), data relating to the computation (use of military service credits, railroad retirement credits, or coverage credits earned under the Social Security system of a foreign country when the claim is based on a totalization agreement), and, if only survivor's benefits have been paid, identifying data about the SSN holder (full name, date of birth, date of death and verification of date of death).

Payment data: This includes the payee's name and address, data about a financial institution (if benefits are sent directly to the institution for deposit), the monthly payment amount, the amount and date of a one-time payment of past due benefits, and, where appropriate, a scheduled future payment.

Beneficiary data: This includes personal information (name, date of birth, sex, date of filing, relationship to the SSN holder, other SSNs, benefit amount and payment status), and, if applicable, information about a representative payee, data about disability entitlement, worker's compensation offset data, estimates and report of earnings, or student entitlement information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202–205, 223, 226, 228, 1818, 1836, and 1840 of the Social Security Act (42 U.S.C. 402–405, 423, 426, 428, 1395i–2, 1395o, and 1395s).

PURPOSES(S):

Data in this system are used by a broad range of Social Security Administration (SSA) employees for responding to inquiries, generating follow-ups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and generating records for the Department of the Treasury to pay the correct benefit amount.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To applicants or claimants, prospective applicants or claimants (other than the data subject), their authorized representatives or representative payees to the extent necessary to pursue Social Security claims, and to representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting the Social Security Administration in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

2. To third party contacts (e.g., employers and private pension plan) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

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

3. To third party contacts that may have information relevant to the Social Security Administration's establishment or verification of information provided by representative payees or payee applicants.

4. To a Social Security beneficiary/claimant when a claim is filed by another individual on the same record which is adverse to the beneficiary, but only information concerning the facts relevant to the interests of each party in a claim; e.g.:

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the roll.

5. To the Department of the Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including Social Security number verification services);

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks;

(c) Determining the Federal tax liability on Social Security benefits pursuant to 26 U.S.C. 6050F, as amended by Pub. L. 98–21. The information disclosed will consist of the following:

(i) The aggregate amount of Social Security benefits paid with respect to any individual during any calendar year;

(ii) The aggregate amount of Social Security benefits repaid by such individual during such calendar year;

(iii) The aggregate reductions under section 224 of the Social Security Act in benefits which would otherwise have been paid to such individual during the calendar year on account of amounts received under a worker's compensation act; and

(iv) The name and address of such individual;

(d) Depositing the tax withheld on benefits paid to nonresident aliens in the Treasury (Social Security Trust Funds) pursuant to 26 U.S.C. 871, as amended by Pub. L. 98–21.

6. To the United States Postal Service for investigating the alleged theft or forgery of Social Security checks.

7. To the Department of Justice for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security; and

(c) Investigating issues of fraud by Agency officers or employees, or violation of civil rights.

8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.

9. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act on Taiwan through facilities and services of that agency.

10. To the Department of Veterans Affairs, Regional Office, Manila, Philippines, for administering the Act in the Philippines and other parts of the Asia-Pacific region through the services and facilities of that agency.

11. To the Social Security Agency of a foreign country, to carry out the purpose of an international Social Security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

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

13. To the Department of Education for determining eligibility of applicants for basic educational opportunity grants.

14. To the Bureau of the Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.

15. To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

16. To the Office of Personnel Management for the study of the relationship of civil service annuities to minimum Social Security benefits, and the effects on the Social Security trust fund.

17. To State Social Security Administrators for administering agreements pursuant to section 218 of the Social Security Act.

18. To the Department of Energy for its epidemiological research study of the long-term effects of low-level radiation exposure, as permitted by SSA Regulations 20 CFR 401.150(c).

19. To contractors under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly relating to this system of records.

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

21. To the Department of Labor for conducting statistical studies of the relationship of private pensions and Social Security benefits to prior earnings.

22. To a party named in an order, process, or interrogatory, in accordance with section 459 of the Social Security Act, if a designee of the Agency is served with any such order, process, or interrogatory with respect to an individual's child support or alimony payment obligations.

23. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) Railroad Retirement Board for administering provisions of the Railroad Retirement Act relating to railroad employment; for administering the Railroad Unemployment Insurance Act and for administering provisions of the Social Security Act relating to railroad employment;

(b) Department of Veterans Affairs for administering 38 U.S.C. 1312, and upon request, for determining eligibility for,

or amount of, veterans benefits or verifying other information with respect thereto pursuant to 38 U.S.C. 5106;

(c) State welfare departments for administering sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned Social Security numbers for Temporary Assistance for Needy Families (TANF) program purposes and for determining a recipient's eligibility under the TANF program; and

(d) State agencies for administering the Medicaid program.

24. To the Department of Justice, Criminal Division, Office of Special Investigations, upon receipt of a request for information pertaining to the identity and location of aliens for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

25. To third party contacts such as private collection agencies and credit reporting agencies under contract with the Social Security Administration (SSA) and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

26. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under the routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

27. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

28. To the Federal Reserve Bank of New York for the purpose of making direct deposit/electronic funds transfer of Social Security benefits to foreign-resident beneficiaries.

29. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) Social Security Administration (SSA), or any component thereof, or

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

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

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

30. To the Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under Titles II and or XVI of the Social Security Act may be referred. Data released to RSA will not include any personally identifying information (such as names or Social Security numbers).

31. To the Department of Education addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et seq.* (the Robert T. Stafford Federal Student Loan Program) as authorized by section 489A of the Higher Education Act of 1965.

32. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

33. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupts the operation of SSA facilities.

34. To recipients of erroneous Death Master File (DMF) information, corrections to information that resulted in erroneous inclusion of individuals in the DMF.

35. To entities conducting epidemiological or similar research projects, upon request, information as to whether an individual is alive or deceased pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), provided that:

(a) The Social Security Administration (SSA) determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding re-release or re-disclosure of the information.

36. To a Federal, State, or congressional support agency (e.g., Congressional Budget Office and the Congressional Research Staff in the Library of Congress) for research, evaluation, or statistical studies. Such disclosures include, but are not limited to, release of information in assessing the extent to which one can predict eligibility for Supplemental Security Income (SSI) payments or Social Security disability insurance benefits; examining the distribution of Social Security benefits by economic and demographic groups and how these differences might be affected by possible changes in policy; analyzing the interaction of economic and non-economic variables affecting entry and exit events and duration in the Title II Old Age, Survivors, and Disability Insurance and the Title XVI SSI disability programs; and, analyzing retirement decisions focusing on the role of Social Security benefit amounts, automatic benefit recomputation, the delayed retirement credit, and the retirement test, if the Social Security Administration (SSA):

(a) Determines that the routine use does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the proposed use is to be made:

(i) Cannot reasonably be accomplished unless the record is provided in a form that identifies individuals;

(ii) Is of sufficient importance to warrant the effect on, or risk to, the privacy of the individual which such limited additional exposure of the record might bring;

(iii) Has reasonable probability that the objective of the use would be accomplished;

(iv) Is of importance to the Social Security program or the Social Security beneficiaries or is for an epidemiological research project that relates to the Social Security program or beneficiaries;

(c) Requires the recipient of information to:

(i) Establish appropriate administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record and agree to on-site inspection by SSA's personnel, its agents, or by independent agents of the recipient agency of those safeguards;

(ii) Remove or destroy the information that enables the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient receives written authorization from SSA that it is justified, based on research objectives, for retaining such information;

(iii) Make no further use of the records except:

(1) Under emergency circumstances affecting the health and safety of any individual, following written authorization from SSA;

(2) For disclosure to an identified person approved by SSA for the purpose of auditing the research project;

(iv) Keep the data as a system of statistical records. A statistical record is one which is maintained only for statistical and research purposes and which is not used to make any determination about an individual;

(d) Secures a written statement by the recipient of the information attesting to the recipient's understanding of, and willingness to abide by, these provisions.

37. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made 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 as amended (31 U.S.C. 3701, *et seq.*) or the Social Security Domestic Employment Reform Act of 1994, Public Law 103–387, 42 U.S.C. 404(f). 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 part of their credit records.

Disclosure of records is limited to the individual's name, address, SSN, 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. The disclosure will be made only after the procedural requirements of 31 U.S.C. 3711(e) has been followed.

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

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape and magnetic disk) and in microform and paper form.

RETRIEVABILITY:

Records in this system are indexed and retrieved by SSN.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the Systems Security Handbook. All magnetic tapes and disks are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microform and paper files are accessible only by authorized personnel and are locked after working hours.

For computerized records, electronically transmitted between SSA's central office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Primary data storage is on magnetic disk. A new version of the disk file is generated each month based on changes to the beneficiary's record (adjustment in benefit amount, termination, or new entitlements). The prior version is written to tape and retained for 90 days in SSA's main data processing facility and is then sent to a secured storage facility for indefinite retention.

Selected records also are retained on magnetic disk for on-line query purposes. The query files are updated monthly and retained indefinitely. Microform records are disposed of by shredding or the application of heat after periodic replacement of a complete file.

Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder. (See the notice for the Claims Folders System, 60–0089 for retention periods and method of disposal for these records).

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Retirement and Survivors Insurance Systems, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person

claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data for the MBR come primarily from the Claims Folders System, 60–0089 and/or are furnished by the claimant/beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given to SSA by the beneficiary; and from States regarding Hospital Insurance third party premium payment/buy-in cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0103

SYSTEM NAME:

Supplemental Security Income Record and Special Veterans Benefits, Social Security Administration, Office of Systems, Office of Disability and Supplemental Security Income Systems (ODSSIS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Telecommunications and Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235.

Records also may be located in the Social Security Administration (SSA) regional offices (contact the system manager at the address below or access *http://www.socialsecurity.gov/foia/bluebook/app_c.htm* for address information) and field offices (individuals should consult their local telephone directories for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains a record for each individual who has applied for Supplemental Security Income (SSI) payments, including individuals who have requested an advance payment; SSI recipients who have been overpaid; and ineligible persons associated with an SSI recipient. This file also covers those individuals who have applied for and who are entitled to the Special Veterans Benefits (SVB) under Title VIII of the Social Security Act. (This file does not cover applicants who do not have a Social Security number (SSN).)

CATEGORIES OF IN THE SYSTEM:

This file contains data regarding SSI eligibility; citizenship; residence; Medicaid eligibility; eligibility for other benefits; alcoholism or drug addiction data, if applicable (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 290dd–3 and ee–3); income data; resources; payment amounts, including the date and amount of advance payments; overpayment amounts, including identifying characteristics of each overpayment (e.g., name, SSN, address of the individual(s) involved, recovery efforts made and the date of each action and planned future actions); and date and amount of advance payments; living arrangements; case folder location data; appellate decisions, if applicable; SSN used to identify a particular individual, if applicable; information about representative payees, if applicable; and a history of changes to any of the persons who have applied for SSI payments. For eligible individuals, the file contains basic identifying information such as the applicant's name, Social Security number (SSN), and date of birth (DOB), income and resources (if any) and, in conversion cases, the State welfare number.

This file also contains information about applicants for SVB. The information maintained in this system of records is collected from the applicants for Title VIII SVB, and other systems of records maintained by SSA. The information maintained includes a data element indicating this is a Title VIII SVB claim. It will also include: identifying information such as the applicant's name, SSN and DOB; telephone number (if any); foreign and domestic addresses; the applicant's sex; income data, payment amounts (including overpayment amounts); and other information provided by the applicant relative to his or her entitlement for SVB.

If the beneficiary has a representative payee, this system of records includes data about the representative payee such as the payee's SSN; employer identification number, if applicable; and mailing address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1611, 1612, 1613, 1614, 1615, 1616, 1631, 1633, 1634 of Title XVI and Title VIII of the Social Security Act (42 U.S.C. 1382, 1382a, 1382b, 1382c, 1382d, 1382e, 1383, 1383b, 1383c.

PURPOSE(S):

SSI records begin in Social Security field offices where an individual or couple files an application for SSI payments. SVB records begin in Social Security field offices and the Veterans Affairs Regional Office where an individual files an application for SVB payments. The SSI and SVB applications contain data which may be used to prove the identity of the applicant, to determine his/her eligibility for SSI or SVB payments and, in cases where eligibility is determined, to compute the amount of the payment. Information from the application, in addition to data used internally to control and process SSI and SVB cases, is used to create the Supplemental Security Income Record (SSR). The SSR also is used as a means of providing a historical record of all activity on a particular individual's or couple's record.

In addition, statistical data are derived from the SSR for actuarial and management information purposes.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''returns or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Department of the Treasury to prepare SSI, Energy Assistance, and SVB checks to be sent to claimants or beneficiaries.

2. To the States to establish the minimum income level for computation of State supplements.

3. To the following Federal and State agencies to prepare information for verification of benefit eligibility under

section 1631(e) of the Social Security Act: Bureau of Indian Affairs; Office of Personnel Management; Department of Agriculture; Department of Labor; U.S. Citizenship and Immigration Services; Internal Revenue Service; Railroad Retirement Board; State Pension Funds; State Welfare Offices; State Worker's Compensation; Department of Defense; United States Coast Guard; and Department of Veterans Affairs.

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

5. To the appropriate State agencies (or other agencies providing services to disabled children) to identify Title XVI eligibles under the age of 16 for the consideration of rehabilitation services in accordance with section 1615 of the Act, 42 U.S.C. 1382d.

6. To contractors under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly relating to this system of records.

7. To State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration.

8. To State agencies to effect and report the fact of Medicaid eligibility of Title XVI recipients in the jurisdiction of those States which have elected Federal determinations of Medicaid eligibility of Title XVI eligibles and to assist the States in administering the Medicaid program.

9. To State agencies to identify Title XVI eligibles in the jurisdiction of those States which have not elected Federal determinations of Medicaid eligibility in order to assist those States in establishing and maintaining Medicaid rolls and in administering the Medicaid program.

10. To State agencies to enable those agencies which have elected Federal administration of their supplementation programs to monitor changes in applicant/recipient income, special needs, and circumstances.

11. To State agencies to enable those agencies which have elected to administer their own supplementation programs to identify SSI eligibles in order to determine the amount of their monthly supplementary payments.

12. To State agencies to enable them to assist in the effective and efficient administration of the Supplemental Security Income program.

13. To State agencies to enable those which have an agreement with the Social Security Administration to carry out their functions with respect to Interim Assistance Reimbursement pursuant to section 1631(g) of the Social Security Act.

14. To State agencies to enable them to locate potentially eligible individuals and to make eligibility determinations for extensions of social services under the provisions of Title XX of the Social Security Act.

15. To State agencies to assist them in determining initial and continuing eligibility in their income maintenance programs and for investigation and prosecution of conduct subject to criminal sanctions under these programs.

16. To the United States Postal Service for investigating the alleged theft, forgery or unlawful negotiation of Supplemental Security Income and Special Veterans Benefit checks.

17. To the Department of the Treasury for investigating the alleged theft, forgery or unlawful negotiation of Supplemental Security Income and Special Veterans Benefit checks.

18. To the Department of Education for determining the eligibility of applicants for Basic Educational Opportunity Grants.

19. To Federal, State or local agencies (or agents on their behalf) for administering cash or non-cash income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) The Department of Veterans Affairs (DVA) upon request for determining eligibility for, or amount of, DVA benefits or verifying other information with respect thereto in accordance with 38 U.S.C. 5106;

(b) The Railroad Retirement Board for administering the Railroad Unemployment Insurance Act;

(c) State agencies to determine eligibility for Medicaid;

(d) State agencies to locate potentially eligible individuals and to make determinations of eligibility for the food stamp program;

(e) State agencies to administer energy assistance to low income groups under programs for which the States are responsible; and

(f) Department of State (DOS) and its agents to assist SSA in administering the Social Security Act in foreign countries; the American Institute on Taiwan, a private corporation under contract to DOS, to assist in administering the Social Security Act in Taiwan; and the DVA, Regional Office, Manila, Philippines, and its agents, to assist in administering the Social Security Act in the Philippine and other parts of the Asia-Pacific region.

20. To the Internal Revenue Service, Department of the Treasury, as necessary, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

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

22. To the Department of Justice, Criminal Division, Office of Special Investigations, upon receipt of a request for information pertaining to the identity and location of aliens for the purpose of detecting, investigating and, where necessary, taking legal action against suspected Nazi war criminals in the United States.

23. To third party contacts such as private collection agencies and credit reporting agencies under contract with the Social Security Administration (SSA) and State motor vehicle agencies for the purpose of their assisting SSA in recovering overpayments.

24. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

25. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

26. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) Social Security Administration (SSA), or any component thereof, or

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

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

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such

tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

27. To representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting the Social Security Administration in administering its representative payment responsibilities under the Act and assisting the representative payees in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.

28. To third party contacts (e.g., employers and private pension plans) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He/she is incapable or of questionable mental capability;

(ii) He/she cannot read or write;

(iii) He/she cannot afford the cost of obtaining the information;

(iv) He/she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(i) His/her eligibility for benefits under the Social Security program;

(ii) The amount of his/her benefit payment; or

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

29. To the Rehabilitation Services Administration (RSA) for use in its program studies of, and development of enhancements for, State vocational rehabilitation programs. These are programs to which applicants or beneficiaries under Titles II and or XVI of the Social Security Act may be referred. Data released to RSA will not include any personally identifying information (such as names or Social Security numbers).

30. To the Department of Education, addresses of beneficiaries who are obligated on loans held by the Secretary of Education or a loan made in accordance with 20 U.S.C. 1071, *et. seq.* (the Robert T. Stafford Student Loan Program), as authorized by section 489A of the Higher Education Act of 1965.

31. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

32. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, if information is necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace and the operation of SSA facilities; or

(b) To assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of SSA facilities.

33. To recipient of erroneous Death Master File (DMF), corrections to information that resulted in erroneous inclusion of individuals DMF.

34. To entities conducting epidemiological or similar research projects, upon request, information as to whether an individual is alive or deceased pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), provided that:

(a) The Social Security Administration (SSA) determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest; and

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding re-release or re-disclosure of the information.

35. To a Federal, State, or congressional support agency (e.g., Congressional Budget Office and the Congressional Research Staff in the Library of Congress) for research, evaluation, or statistical studies. Such disclosures include, but are not limited to, release of information in assessing the extent to which one can predict eligibility for Supplemental Security Income (SSI) payments or Social Security disability insurance benefits; examining the distribution of Social Security benefits by economic and demographic groups and how these differences might be affected by possible changes in policy; analyzing the interaction of economic and non-economic variables affecting entry and exit events and duration in the Title II Old Age, Survivors, and Disability Insurance and the Title XVI SSI disability programs; and analyzing retirement decisions focusing on the role of Social Security benefit amounts, automatic benefit recomputation, the delayed retirement credit, and the retirement test, if the Social Security Administration (SSA):

(a) Determines that the routine use does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the proposed use is to be made:

(i) Cannot reasonably be accomplished unless the record is provided in a form that identifies individuals;

(ii) Is of sufficient importance to warrant the effect on, or risk to, the privacy of the individual which such limited additional exposure of the record might bring;

(iii) Has reasonable probability that the objective of the use would be accomplished;

(iv) Is of importance to the Social Security program or the Social Security beneficiaries or is for an epidemiological research project that relates to the Social Security program or beneficiaries;

(c) Requires the recipient of information to:

(i) Establish appropriate administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record and agree to on-site inspection by SSA's personnel, its agents, or by independent agents of the recipient agency of those safeguards;

(ii) Remove or destroy the information that enables the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient receives written authorization from SSA that it is justified, based on research objectives, for retaining such information;

(iii) Make no further use of the records except:

(1) Under emergency circumstances affecting the health and safety of any individual, following written authorization from SSA;

(2) For disclosure to an identified person approved by SSA for the purpose of auditing the research project;

(iv) Keep the data as a system of statistical records. A statistical record is one which is maintained only for statistical and research purposes and which is not used to make any determination about an individual;

(d) Secures a written statement by the recipient of the information attesting to the recipient's understanding of, and willingness to abide by, these provisions.

36. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made 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, *et seq.*), as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e) or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). The purpose of this disclosure is to aid in the collection of outstanding debts owed 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. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity; the amount, status, and history of the debt and the agency or program under which the debt arose.

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

STORAGE:

Records are maintained in magnetic media (e.g., magnetic tape) and in microform and microfiche form.

RETRIEVABILITY:

Records are indexed and retrieved by SSN.

SAFEGUARDS:

Systems security for automated records has been established in accordance with the Systems Security Handbook. This includes maintaining all magnetic tapes and magnetic disks within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic records are subject to the penalties of the Privacy Act. The microfiche are stored in locked cabinets, and are accessible to employees only on a need-to-know basis. All SSR State Data Exchange records are protected in accordance with agreements between SSA and the respective States regarding confidentiality, use, and re-disclosure. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master SSR tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished to specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Disability and Supplemental Security Income Systems (ODSSIS), Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to or visiting any Social Security field office (FO) and providing his or her name and SSN. (FO addresses and telephone numbers can be found in local telephone directories under Social Security Administration, or by accessing *www.ssa.gov/regions/regional.html*.) Applicants for SVB who reside in the Philippines should contact Department of Veterans Affairs (DVA), Regional Office, Manila, Philippines. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and prevent delay.)

An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. An individual who requests notification of, or access to, a medical record shall, at the time he or she makes the request, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. A parent or guardian who requests notification of, or access to, a minor's medical record shall, at the time he or she makes the request, designate a physician or other health professional (other than a family

member) who will be willing to review the record and inform the parent or guardian of its contents at the physician's or health professional's discretion. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data contained in the SSR are obtained for the most part from the applicant for SSI and SVB payments and are derived from the Claims Folders System, 60–0089 and the Modernized Supplemental Security Income Claims System. The States and other Federal agencies such as the DVA also provide data affecting the SSR.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0118

SYSTEM NAME:

Non-Contributory Military Service Reimbursement System, Social Security Administration, Office of the Actuary.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, MD 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A sample of beneficiaries who have noncontributory military service wage credits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system consists of the beneficiary's name and claim account number (CAN) (Social Security number (SSN) plus alphabetic symbol), information concerning covered earnings, benefits and payment status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 217, 229, and 231 of the Social Security Act (42 U.S.C. 417, 429 and 431).

PURPOSE(S):

Data in this system are used to determine amounts to be transferred between the Old-Age, Survivors and Disability Insurance Trust Funds and the general fund of the Treasury, as required by section 217(g) of the Social Security Act.

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

Disclosure may be made for routine uses as indicated below:

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

2. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

3. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

4. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

5. To the Office of the Actuary, Centers for Medicare and Medicaid Services (CMS), a list of Claim Account Numbers (CAN) for which it has been determined that the corresponding workers would have been uninsured in the absence of military service wage credits. CMS, using CMS data pertaining to these CANs, determines the amount to be transferred between the Hospital Insurance Trust Fund and the general fund of the Treasury under section 217(g) of the Social Security Act.

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

STORAGE:

Data are stored on magnetic tape and/or disc.

RETRIEVABILITY:

Data in the system are retrieved by the CAN (SSN plus alphabetic symbol).

SAFEGUARDS:

System security has been established in accordance with the Systems Security Handbook. This includes retaining all magnetic tape files in secure storage areas accessible only to authorized persons who have a need for the files to perform their assigned duties and informing all employees having access to records of the criminal sanctions for unauthorized disclosure of information about individuals. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

This system is updated annually. The records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Deputy Chief Actuary, Short-Range Estimates, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual

will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data in this system are derived from information in other SSA systems of records (e.g., the Earnings Recording and Self-Employment Income System, 60–0059, Claims Folders System, 60–0089 and the Master Beneficiary Record, 60–0090).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0199

SYSTEM NAME:

Extramural Surveys (Statistics), Social Security Administration, Deputy Commissioner for Disability and Income Security Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Research, Evaluation and Statistics, 6401 Security Boulevard, Baltimore, MD 21235.

CONTRACTOR SITES:

Addresses may be obtained by writing to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Samples of individuals who are current or potential recipients of benefits from Social Security and related programs; personnel administering Social Security and related programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socioeconomic, demographic, medical and disability characteristics; attitudes concerning subjects such as health, work experience, and family relationships; earnings and employment history, benefits, use of medical and rehabilitative services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1110 and 1115 of the Social Security Act (42 U.S.C. 1310 and 1315).

PURPOSE(S):

The purpose of this system is to obtain information for research and statistical studies of individuals who are current or potential recipients of benefits from Social Security and related programs. When the product is in the form of micro data it is available without personal identifiers to other Social Security Administration (SSA) components for data processing and data manipulation, with appropriate safeguards.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

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

2. To a contractor under contract to the Social Security Administration (SSA), or under contract to another agency with funds provided by SSA, for the performance of research and statistical activities directly related to this system of records.

3. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Data may be stored in paper form (e.g., computer printouts) and in magnetic media (e.g., magnetic tape and disc).

RETRIEVABILITY:

Files based on SSA sample populations are indexed by SSA-assigned case numbers or Social Security numbers (SSN). Files based on contractor sample populations are indexed by contractor-assigned case numbers which may be cross-referred to SSNs. These files are retrieved by SSN or assigned case numbers.

SAFEGUARDS:

Safeguards are established in accordance with the Systems Security Handbook. Employees having access to records have been notified of criminal sanctions for unauthorized disclosure of information about individuals.

Magnetic tapes or other files with personal identifiers are retained in secured storage areas accessible only to authorized personnel.

Microdata files prepared for purposes of research and analysis are purged of personal identifiers and are subject to procedural safeguards to assure anonymity. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Hard copy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be retained only as long as needed for analysis.

Identifiers will be removed at the earliest possible time after data collection is completed. The need to retain identifiers will be evaluated at the time each survey is completed. Records with identifiers will be disposed of as soon as they are determined to be no longer needed. Means of disposal will be appropriate to the record storage medium; e.g., erasure of tapes, shredding of printouts, etc.

In longitudinal studies, working files are stripped of identifiers and given randomly assigned case numbers. A separate link file will be maintained in secure storage for updating with individual identifiers.

As long as identifiable records exist, a periodic review will be made at least every 2 years to determine the need for their retention.

SYSTEM MANAGER(S) AND ADDRESS:

Social Security Administration, Associate Commissioner, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURE:

This system contains limited data selected for statistical analysis. Individuals inquiring about their records in SSA programs may wish to consult other SSA systems of records which contain more detailed information.

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Survey data obtained by the contractor; SSA administrative records; medical data compiled by extramural research under contracts or grants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0218

SYSTEM NAME:

Disability Insurance and Supplemental Security Income Demonstration Projects and Experiments System, Social Security Administration, Deputy Commissioner for Disability Income and Security Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, MD 21235.

Social Security Administration, Office of Disability and Income Security Programs, Office of Program Development and Research, 6401 Security Boulevard, Baltimore, MD 21235.

Certain Social Security Administration (SSA) field office (FO) locations (FO addresses and telephone numbers can be found in local telephone directories under ''Social Security Administration,'' (SSA) or by accessing *http://www.ssa.gov/regions/regional.html*).

Contractor sites: Contractor addresses may be obtained by writing to the system manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Persons in sample groups of Social Security Title II disability insurance (DI) applicants, DI beneficiaries and their auxiliary beneficiaries; persons selected from State temporary DI programs; other persons who are representative payees of these persons and temporarily disabled persons receiving State benefits (non-applicants) in comparison groups for the vocational rehabilitation (VR) demonstrations.

B. Persons in sample groups of individuals who apply for, or receive, Social Security Title XVI Supplemental Security Income (SSI) payments on the basis of a disability or blindness in general and particularly those who are medically determined to be drug addicted or alcoholic, mentally retarded or developmentally disabled, and representative payees of those individuals.

CATEGORIES OF IN THE SYSTEM:

The system maintains records which are used for statistical and research analysis only, as well as other records which will be used to conduct program functions involving the demonstrations and experiments. Tax return information, the disclosure of which would violate section 6103 of the Internal Revenue Code (IRC), will be used solely for internal SSA purposes and will not be disclosed to other entities. Participants will be informed at the time of data collection that information obtained by survey or interview exclusively for statistical and research purposes will be protected from disclosure for other purposes to the fullest extent permissible by law.

Records in the system will consist of data relating to the following: Demographic characteristics, education, marital status, military service, dependents, family and household composition; medical history (mental and physical); medical expenses, disability characteristics and health information; living arrangements, health insurance coverage and use; medical and rehabilitation services; employment; occupation and industry classification; income (including tax

return information subject to section 6103 of the IRC); earnings and expenditures; referrals to and participation in the SSI and related Federal/State welfare programs; benefits received; types of cost of services under DI, SSI and related Federal/State welfare programs; reasons for, or circumstances of, closure; attitudes toward work, rehabilitation or treatment programs; impairment-related work expenses; worker's compensation benefits; job search methods; knowledge and understanding of provisions affecting entitlement to benefits; participation in, and services rendered, under the Ticket to Work program; also, for SSI projects only, driver's license and alcohol and drug use (disclosure of this information may be restricted by 21 U.S.C. 1175 and 42 U.S.C. 4582).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 222, 234 and 1110 of the Social Security Act (42 U.S.C. 422, 434 and 1310); section 505 of Pub. L. 96–265 (the Social Security Disability Amendments of 1980), as amended by section 12101 of Pub. L. 99–272; section 10103 of Pub. L. 101–239; and section 5120 of Pub. L. 101–508.

PURPOSE(S):

The purpose of this system is to provide SSA with data necessary to carry out and evaluate demonstrations and experiments for testing alternative approaches to continuing benefit eligibility during employment and to the rehabilitation of Title II DI beneficiaries and individuals who apply for, or receive, Title XVI SSI payments on the basis of a disability or blindness and, to report to Congress, as required by section 505 of Pub. L. 96–265, as amended by section 12101 of Pub. L. 99–272 and section 10103 of Pub. L. 101–239, section 5120 of Pub. L. 101–508, and sections 301 and 302 of Pub. L. 106–170.

Except for tax return information, and records collected by means of surveys or interviews for use solely for research and statistical purposes, SSA may also provide information from this system to components of the Department of Health and Human Services; e.g., the Centers for Medicare and Medicaid Services (CMS) for the purpose of determining eligibility for health insurance (HI) benefits or supplemental medical insurance (SMI) benefits under the demonstrations and experiments and for the purpose of obtaining data from CMS on HI and SMI utilization during the demonstrations and experiments; to State DDSs for the purpose of making disability determinations; and to State VR agencies for the purpose of screening DI beneficiaries and SSI recipients for VR potential and designing and implementing a plan of VR services for accepted beneficiaries and recipients.

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

Disclosure may be made for routine uses as indicated below:

1. With respect to any records, including those collected by means of survey or interview to be used solely for research and statistical purposes, disclosure may be made:

(a) To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

(b) To a contractor under contract to the Social Security Administration, subject to any restrictions imposed by 26 U.S.C. 6103 of the Internal Revenue Code, for the performance of research and statistical activities directly related to this system of records in conducting the demonstrations and experiments and to provide a statistical data base for research studies.

2. With respect only to records that are not collected by means of surveys or interviews for use solely for research and statistical purposes, disclosure may be made subject to any restrictions imposed by 26 U.S.C. 6103 of the Internal Revenue Code:

(a) To a third party organization under contract to SSA for the performance of project management activities directly related to this system of records.

(b) To a State vocational rehabilitation agency in the State in which the disabled individual resides, for the purpose of assisting the agency in providing rehabilitation counseling and service to the individual that are necessary in carrying out the demonstrations and experiments.

3. To the Internal Revenue Service, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

4. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

5. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records in this system may be stored in paper form (e.g., hard copy questionnaires and computer printouts) and in magnetic media (e.g., magnetic tape and disc) and on other media (e.g., compact, optical or zip diskette) formats.

RETRIEVABILITY:

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

SAFEGUARDS:

SSA safeguards are established for automated records in accordance with the SSA Systems Security Handbook. This includes maintaining the records in a secured building, such as the National Computer Center (NCC). Entry into the NCC is restricted to employees whose duties require such entry. Special passes, including the employees' photographs, are issued to all personnel authorized to enter the NCC. The employees are required to wear their passes at all times. Marshals are stationed in the lobby of the center to ensure that only those employees authorized to enter the NCC do so.

Manually maintained records are kept in locked cabinets or in otherwise secure areas. Access to the records is limited to those employees who require the information to perform their assigned duties. SSA employees and employees of contractors having access to the records in this system have been notified of criminal sanctions for unauthorized disclosure of information about individuals. Agreements ensure further confidentiality protections.

Contractor use of records is restricted to performing the duties of the contract, and contractors are required to establish adequate safeguards to protect personal information. Additionally, contractors

and their employees are subject to the same criminal penalties as SSA employees for violations of the Privacy Act. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Magnetic tapes or other files with personal identifiers are retained in secured storage areas accessible only to authorized personnel.

Micro-data files, prepared for purposes of research, evaluation and analysis, are stripped of personal identifiers (e.g., purged, scrambled, encrypted, etc.) and are subject to procedural safeguards to assure anonymity.

Hardcopy questionnaires will be destroyed when survey reports are completed. Records with identifiers will be held in secure storage areas and will be disposed of when they are no longer needed for SSA analysis.

Means of disposal will be appropriate to the storage medium (e.g., erasure of tapes, shredding of paper records, etc.). Records used in administering the demonstration and experimental programs will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Program Development and Research, Office of Disability Income and Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are attempting to obtain. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Records in this system are derived in part from other SSA systems of records such as the Earnings Record and Self-Employment Income System, 60–0059, the Claims Folders System, 60–0089 (disability case folders), the Master Beneficiary Record, 60–0090, the Supplemental Security Income Record and Special Veterans Benefits, 60–0103, the Completed Determination Record—Continuing Disability Determination, 60–0050, the National Disability Determination Services (NDDS) File, 60–0044, the Ticket-to-Work and Self-Sufficiency Program Payment Database, 60–0295, and the Ticket-to-Work Program Manager (PM) Management Information System, 60–0300; other SSA administrative records; program records of other Federal/State welfare programs; survey data collected by contractors or SSA personnel; from the individual; the Health Insurance Master Record, 09–70–0502 of the Centers for Medicare & Medicaid Services (CMS); case service reports of VR agencies and referral and monitoring agencies; and employers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0219

SYSTEM NAME:

Representative Disqualification/Suspension Information System, Social Security Administration, Office of the General Counsel.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of the General Counsel, Office of General Law, One Skyline Tower, Suite 1605, 5107 Leesburg Pike, Falls Church, VA 22041.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have violated the provisions of the Social Security Act and regulations relating to representation of claimants/beneficiaries before the Commissioner, Social Security Administration (SSA), those found to have committed such violations and who are disqualified/suspended, and those who are investigated, but not disqualified/suspended. The last category would include cases in which we find that a violation has not occurred or that a violation has occurred, but we are able to resolve the matter without taking action to disqualify/suspend the representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system will consist of information such as the representative's name and address; each claimant's/beneficiary's name, address and Social Security number (SSN); copies of all documentation received as a result of SSA's investigation of alleged violations of the Social Security Act and regulations relating to representation; documentation resulting from an Administrative Law Judge (ALJ) hearing on charges of noncompliance; and

copies of the notification of disqualification/suspension.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 206(a) and 1631(d)(2) of the Social Security Act (42 U.S.C. 406 and 1383).

PURPOSE(S):

Information in the system will be used to determine if a violation of the provisions of the Social Security Act and regulations relating to claimant representation has occurred and to provide timely and detailed information on cases in which disciplinary action is taken against a representative who has committed a violation. The system also will be used to assist SSA components in investigating alleged violations or enforcing disciplinary actions against a representative.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a claimant/beneficiary that his/her representative has been disqualified/suspended from further representation before the Social Security Administration.

2. To a claimant/beneficiary who may want to hire a disqualified/suspended individual as his/her representative that the individual has been disqualified/suspended from further representation before the Social Security Administration.

3. To a State bar disciplinary authority in the State(s) in which a disqualified/suspended attorney is admitted to practice that the Social Security Administration (SSA) has disqualified/suspended the attorney from further practice before SSA and, upon request, further information concerning the disqualification/suspension.

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) Social Security Administration (SSA), or any component thereof; or

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

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

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

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

6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are stored in paper form.

RETRIEVABILITY:

Records are retrieved from the system by the name of the representative.

SAFEGUARDS:

Records are maintained in locked cabinets or in otherwise secure storage areas. Access to the records is restricted to SSA employees who have a need for the records in the performance of their official duties. Also, all employees having access to the records periodically are briefed on Privacy Act requirements and SSA confidentiality rules and notified of criminal sanctions against unauthorized access to, or disclosure of, information in a system of records. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate General Counsel, Office of General Law, Office of the General Counsel, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, individuals requesting access should reasonably identify the record and specify the information they are attempting to obtain. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, individuals contesting a record should identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Records in this system are derived from existing systems of records maintained by SSA such as the Claims Folder System, 60–0089 which contains information relating to representation; documentation received as a result of investigations of alleged violations of the representation provisions of the Social Security Act and regulations; documentation resulting from ALJ hearings on charges of noncompliance; and documentation resulting from notifications of disciplinary actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0221

SYSTEM NAME:

Vocational Rehabilitation Reimbursement Case Processing System, Social Security Administration, Office of Employment and Income Support Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Employment and Income Support Programs, 6401 Security Boulevard, Baltimore, MD 21235.

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, MD 21235.

In addition, reimbursement claims documents may be temporarily transferred to other locations within the Social Security Administration (SSA). Contact the system manager at the address below to inquire about these addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on disabled and blind individuals who received vocational rehabilitation (VR) services for which State VR agencies (VRA) or alternate participants seek reimbursement under sections 222(d) and 1615(d) of the Social Security Act because the individuals were entitled/eligible to Social Security benefits and/or Supplemental Security Income (SSI) payments based on disability or blindness while receiving those VR services.

The individuals described above will be included in the system when they:

(1) Performed substantial gainful activity (SGA) for a continuous period of at least 9 months as a result of VR services received or;

(2) Medically recovered while in a VR program and continued to receive cash payments under section 225(b) and/or 1631(a)(6) of the Social Security Act; or

(3) Refused, without good cause, to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation; and

(4) State VR agencies or alternate participants filed claims for reimbursement of the cost of VR services rendered to the individuals. (An alternate participant is a public or private agency, organization, institution, or individual which the Commissioner of Social Security may use to provide VR services to disabled and blind beneficiaries/recipients within a State if that State is unwilling to participate in the SSA–VR Program or does not have an approved plan for VR services.)

CATEGORIES OF IN THE SYSTEM:

Data in the system consist of:

- Identifying information such as the VR client's name, Social Security number (SSN), disability diagnosis, sex and date of birth;
- The SSN and identification code under which the VR client received Social Security benefits/SSI payments;
- The type of benefits/payments received; the monthly benefit/payment amount;
- Information relating to the period he/she was entitled/eligible to benefits/payments and, if benefits/payments were terminated or suspended, the basis for termination/suspension;
- Information relating to his/her yearly earnings and employment;
- Information relating to the period he/she received VR services and the nature and costs of those services; and
- Information required to determine if and when he/she:
- Performed SGA for a continuous period of at least 9 months based on services the State VRA or alternate participant provided;
- Medically recovered while in a VR program and continued to receive cash payments under section 225(b) and/or 1631(a)(6) of the Social Security Act; or
- Refused, without good cause, to continue or to cooperate in a VR program in such a way as to preclude his/her successful rehabilitation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 222(d) and 1615(d) of the Social Security Act (42 U.S.C. 422 and 1382d).

PURPOSE(S):

Data in this system will be used to determine if a State VR agency or alternate participant can be reimbursed for the costs of VR services provided to individuals while they were entitled/eligible to Social Security benefits or SSI payments based on disability or blindness. Data also will be used for program evaluation purposes and to determine what types of individuals are being successfully rehabilitated so that Social Security beneficiaries/SSI recipients with similar profiles are targeted for rehabilitation. In some instances, information furnished by a VR agency or alternate participant may be used as a lead in determining if an individual's disability/blindness payments should continue.

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

Disclosure may be made for routine uses as indicated below.

1. To a State vocational rehabilitation agency or alternate participant regarding the basis for SSA's decision on its claim for reimbursement and the reason(s) costs were allowed or denied.

2. To the Department of Justice (DOJ), a court or other tribunal, or to another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect SSA or any of its components, is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal, is relevant and necessary to the litigation, provided, however, that in

each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

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

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

5. To contractors or other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an Agency function relating to this system of records.

6. To the Internal Revenue Service, for the purpose of auditing the Social Security Administration's compliance with safeguard provisions of the Internal Revenue Code of 1986, as amended.

7. To the Rehabilitation Service Administration (RSA) for use in its program studies and development of enhancements for, State vocational rehabilitation programs to which applicants or beneficiaries under Titles II and/or XVI of the Social Security Act may be referred. Data released to RSA will not include any personally identifying information such as names or Social Security numbers.

8. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

9. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records will be stored in magnetic media (e.g., computer disc packs) and, on a temporary basis, in paper form.

RETRIEVABILITY:

Data will be retrieved from the system by the SSN of the individual who received VR services for which the State VRA or alternate participant filed the reimbursement claim.

SAFEGUARDS:

Safeguards for automated data have been established in accordance with the Systems Security Handbook. This includes maintaining computer disc packs or other magnetic files with personal identifiers in secured storage areas accessible only to authorized personnel. SSA employees having access to the computerized records and employees of any contractor who may be utilized to develop and maintain the software for the automated system will be notified of criminal sanctions for unauthorized disclosure of information about individuals. Also, contracts with third parties, if any, will contain language which delineates the conditions under which contractors will have access to data in the system and what safeguards must be employed to protect the data.

Manually maintained data will be stored in either lockable file cabinets within locked rooms or otherwise secured areas. Access to these records will be restricted to those employees who require them to perform their assigned duties. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Computerized records and manual data (claim applications, keyed claim forms, etc.) used in the VR claims reimbursement process will be maintained for a period of 6 years, 3 months, after the close of the fiscal year in which final adjudication was made. Means of disposal will be appropriate to the storage medium (e.g., erasure of discs, shredding of paper records, or transfer to another system of records).

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Employment and Income Support Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, a requester should reasonably identify and specify the information he/she is attempting to obtain. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING DATA PROCEDURES:

Same as Notification procedures. Also, an individual contesting data in the system should identify the data, specify the information he/she is contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data in this system will be derived in part from other SSA systems of records such as the Earnings Record and Self-Employment Income System, 60–0059, Claims Folder System, 60–0089, Master Beneficiary Record, 60–0090, and the Supplemental Security Income Record and Special Veterans Benefits, 60–0103; the reimbursement applications submitted by State VR agencies or alternate participants; earnings information provided by the wage-earner/beneficiary; and investigations conducted by SSA and State VR agencies field employees which relate to a VR client's post-VR work activity, participation in a VR program after medical recovery, and/or reason(s) for failing to cooperate in a VR program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0222

SYSTEM NAME:

Master Representative Payee File.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Computer Center, Social Security Administration, 6201 Security Boulevard, Baltimore, MD 21235. The system database will be available by direct electronic access by Social Security field offices (FO).

FO addresses and telephone numbers can be found in local telephone directories under ''Social Security Administration,'' (SSA) or by accessing *http://www.ssa.gov/regions/regional.html.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information about all payees and payee applicants, including persons whose certifications as representative payees have been revoked or terminated on or after January 1, 1991; persons who have been convicted of a violation of section 208 or section 1632 of the Social Security Act, persons convicted under other statutes in connection with services as a representative payee, and others whose certification as a representative payee SSA has revoked due to misuse of funds paid under Title II and Title XVI of the Social Security Act; persons who are acting or have acted as representative payees; representative payee applicants who were not selected to serve as representative payees; representative payee applicants who have been convicted of an offense resulting in more than one (1) year imprisonment; payees and payee applicants who have an outstanding felony warrant; organizational payees who have been authorized to collect a fee for their service; and beneficiaries/applicants who are being served by representative payees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data in this system consist of:

1. Names and Social Security numbers (SSNs) (or employer identification numbers (EINs)) of representative payees whose certifications for payment of benefits as representative payees have been revoked or terminated on or after January 1, 1991, because of misuse of benefits under Title II or Title XVI of the Social Security Act;
2. Names and SSNs (or EINs) of all persons convicted of violations of sections 208 or 1632 of the Social Security Act;
3. Names, addresses, and SSNs (or EINs) of persons convicted of violations of statutes other than sections 208 and 1632 of the Social Security Act, when such violations were committed in connection with the individual's service as a Social Security representative payee;
4. Names, addresses, SSNs, and information about the crime reported by the payee for those who have an outstanding felony warrant or who have been imprisoned for a period exceeding one (1) year. (An indicator will be used in the system to identify persons identified as having an outstanding felony warrant);
5. Names, addresses, and SSNs (or EINs) of representative payees who are receiving benefit payments pursuant to section 205(j) or section 1631(a)(2) of the Social Security Act;
6. Names, addresses, and SSNs of individuals for whom representative payees are reported to be providing representative payee services under section 205(j) or section 1631(a)(2) of the Social Security Act;
7. Names, addresses, and SSNs of representative payee applicants who were not selected as representative payees;
8. Names, addresses, and SSNs of persons who were terminated as representative payees for reasons other than misuse of benefits paid to them on behalf of beneficiaries/recipients;
9. Information on the representative payee's relationship to the beneficiaries/recipients they serve;
10. Names, addresses, EINs and qualifying information of organizations authorized to charge a fee for providing representative payee services;
11. Codes which indicate the relationship (other than familial) between the beneficiaries/recipients and the individuals who have custody of the beneficiaries/recipients;
12. Dates and reasons for payee terminations (*e.g.*, performance not acceptable, death of payee, beneficiary in direct payment, etc.) and revocations;
13. Codes indicating whether representative payee applicants were selected or not selected;
14. Dates and reasons representative payee applicants were not selected to serve as payees and dates and reasons for changes of payees (*e.g.*, beneficiary in direct payment, etc.);
15. Amount of benefits misused;
16. Identification number assigned to the claim on which the misuse occurred;
17. Date of the determination of misuse; and
18. Information about a felony conviction reported by the representative payee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 205(j), 1631(a) of the Social Security Act, and the Social Security Protection Act of 2004 (Pub. L. 108–203).

PURPOSE(S):

Information maintained in this system will assist SSA in the representative payee selection process by enabling Social Security field offices to more carefully screen applicants and to determine their suitability to become representative payees. SSA also will use the data for management information and workload projection purposes and to prepare annual reports to Congress on representative payee activities.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless

authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

2. To a congressional office in response to an inquiry from that office made at the request of the subject of the records.

3. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

4. To the Department of Veterans Affairs, Regional Office, Manila, Philippines, for the administration of the Social Security Act in the Philippines and other parts of the Asia-Pacific region through services and facilities of that agency.

5. To the Department of State for administration of the Social Security Act in foreign countries through services and facilities of that agency.

6. To the American Institute, a private corporation under contract to the Department of State, for administering the Social Security Act on Taiwan through facilities and services of that agency.

7. To the Department of Justice for:

(a) Investigating and prosecuting violations of the Social Security Act to which criminal penalties attach,

(b) Representing the Commissioner of Social Security, and

(c) Investigating issues of fraud or violations of civil rights by officers or employees of the Social Security Administration.

8. To the Office of the President for responding to an inquiry received from that individual or from a third party acting on that individual's behalf.

9. To the Department of Veterans Affairs (DVA) for the shared administration of DVA's and the Social Security Administration's representative payee programs.

10. To contractors and other Federal Agencies, as necessary, for the purpose of assisting the Social Security Administration in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement to obtain assistance in accomplishing an SSA function relating to this system of records.

11. To a third party such as a physician, social worker, or community service worker, who has, or is expected to have, information which is needed to evaluate one or both of the following:

(a) The claimant's capability to manage or direct the management of his/her affairs.

(b) Any case in which disclosure aids investigation of suspected misuse of benefits, abuse or fraud, or is necessary for program integrity, or quality appraisal activities.

12. To a third party, where necessary, information pertaining to the identity of a payee or payee applicant, the fact of the person's application for or service as a payee, and, as necessary, the identity of the beneficiary, to obtain information on employment, sources of income, criminal justice records, stability of residence and other information relating to the qualifications and suitability of representative payees or representative payee applicants to serve as representative payees or their use of the benefits paid to them under section 205(j) or section 1631(a) of the Social Security Act.

13. To a claimant or other individual authorized to act on his/her behalf information pertaining to the address of a representative payee applicant or a selected representative payee when this information is needed to pursue a claim for recovery of misapplied or misused benefits.

14. To the Railroad Retirement Board (RRB) for the administration of RRB's representative payment program.

15. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

16. To the Office of Personnel Management (OPM) for the administration of OPM's representative payee programs.

17. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are stored in magnetic media (*e.g.*, magnetic tape, microfilm, and disc).

RETRIEVABILITY:

Data are retrieved from the system by the SSN or the ZIP code and name (in a situation where the representative payee is an organization) of the representative payee, or the SSN of the beneficiary/recipient.

SAFEGUARDS:

For computerized records electronically transmitted between Central Office and FO locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal-oriented transaction matrix, and an audit trail. All microfilm files are accessible only by authorized personnel who have a need for the information in performing their official duties. Magnetic tapes are in secured storage areas accessible only to authorized personnel. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records should be definitively destroyed in accordance with their appropriate retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Commissioner, Office of Income Security Programs, Social Security Administration, Room 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains data about him/her by writing to the systems manager at the address shown above and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of data in person should provide the same information, as well as provide any identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for access to records concerning another individual under false pretense is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Also, a requester should reasonably identify and specify the information he/she is attempting to obtain. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, an individual contesting records in the system should identify the record, specify the information he/she is contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Data in this system are obtained from representative payee applicants and representative payees, the SSA Office of Inspector General, and other SSA systems of records such as the Claims Folder System, 60–0089; Master Beneficiary Record, 60–0090; Supplemental Security Income Record, 60–0103; Master Files of SSN Holders, 60–0058; and Recovery, Accounting for Overpayments, 60–0094.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0228

SYSTEM NAME:

Safety Management Information System (SSA Accident, Injury and Illness Reporting System), Social Security Administration, Deputy Commissioner for Finance, Assessment and Management, Office of Facilities Management.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Facilities Management, Room 2–J–9 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security Administration (SSA) employees, who are involved in an accident which arises out of and in the course of their employment whether occurring on SSA premises or not and results in:

(a) A fatality;

(b) Lost workdays beyond the day in which the accident occurred;

(c) Nonfatal injuries which result in transfer to another job, termination of employment, medical treatment other than first aid, loss of consciousness or restriction of work or motion;

(d) A possible tort claim;

(e) A claim for compensation;

(f) Property damage in excess of $50;

(g) Interruption or interference with the orderly progress of work of other employees;

(h) Radiation overexposure;

(i) Biological exposure resulting in lost time or of accidental release of biologicals where the public may be over-exposed. It also covers visiting scientists, contractor personnel,

(j) Hospitalized patients, out-patients, employees of other Federal agencies, State or local governments or members of the public who suffer injury, illness or property damage on or in SSA premises or as a result of SSA activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of information and supporting documentation resulting from the reporting and investigation of accidents which have resulted in injury, illness, property damage or the interruption or interference with the orderly progress of work.

The records contain information about individuals involved in, or experiencing, accidents including, but not limited to, the severity of the injury, whether consciousness was lost, the type of injury, culmination of any injury, days lost from work, if any, the nature of the injury, illness or disease, the body part affected, causal factors, weather factors, agency of accident, whether unsafe mechanical, physical, or personal acts or factors were involved, the accident's area of origin and if fire was involved, the type and form of materials involved.

Property damage (both public and private) is noted through the property sequence number, who owned the property involved, property damage and actual or estimated monetary loss, the SSA installation number, if appropriate, and the year of manufacture or construction if appropriate.

Identifiers relating to a particular accident include the organization, case number assigned, date and time of occurrence, State or territory, site, type and classification of accident, estimated amount of tort claims, if appropriate, name of individual(s) involved, the Social Security number (SSN), sex, age, grade series and level, Computer Sciences Corporation (CSC) series, address, other departments notified of accident, duty status, activity at time of accident and time on duty before accident. Management's evaluation and corrective action taken or proposed is also noted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 19 of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596, 29 U.S.C. 651, *et seq.*); 5 U.S.C. 7902; 29

CFR part 1960; Executive Order (E.O.) No. 12196 (45 FR 12769 4/26/80).

PURPOSE(S):

The purpose of the system is to comply with the reporting and statistical analyses requirements of section 19 of the Occupational Safety and Health Act (OSHA) of 1970 (Pub. L. 91–596) as amended (29 U.S.C. 668); 5 U.S.C. 7902; 29 CFR Part 1960; E.O. 12196 and such other purposes as are described below. The Safety Management Information System is a SSA-wide system utilized by all organizational components of the Agency. Thus, in addition to the routine uses subsequently noted in this system notice, there may be other ad hoc disclosures within the Agency on an official business ''need-to-know'' basis. Some of the purposes are the following:

- Establish a written record of the causes of accidents;
- Provide information to initiate and support corrective or preventive action;
- Provide statistical information relating to accidents resulting in occupational injuries; illnesses, and/or property damage;
- Provide management with information with which to evaluate the effectiveness of safety management programs;
- Provide the means for complying with the reporting requirements of section 19 of the Occupational Safety and Health Act of 1970 and such other reporting requirements as may be required by legislative or regulative requirements;
- Provide such other summary descriptive statistics and analytical studies as necessary in support of the function for which the records are collected and maintained including general requests for statistical information without personal identification of individuals;

Information in these records is used by or may be disclosed to:

- The Office of Facilities Management (OFM), Office of the Deputy Commissioner for Finance, Assessment and Management (DCFAM), in the review of accident experience data to determine the adequacy of corrective actions, the effect of codes, standards and guides, the consolidation, summarization and dissemination of accident experience data throughout SSA and other government departments and agencies as needed or required;
- The supervisor, administrative officer or other official initiating an accident report, including each succeeding reviewing official in the chain of command through which the report passes, to insure that corrective action, as needed and appropriate, is taken; and
- Appropriately appointed Safety Directors, Officers, or others with safety responsibilities within the Agency in the verifying, assembling, analyzing, summarizing and disseminating data concerning the accident in their areas of responsibility and in the initiation of appropriate corrective action.

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

Disclosure may be made for routine uses as indicated below:

1. To a Federal, State, local agency or private sources to obtain information relevant to the investigation of an accident and/or corrective action.
2. To a congressional office in response to an inquiry from that office made at the request of the subject of the record.
3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

4. To Federal, State, or local law enforcement agencies if a record maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature.
5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.
6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in automated format (*e.g.*, on magnetic tapes, discs, computer storage,) and in paper form (*e.g.*, punch cards, lists, forms, in file folders, binders and index cards).

RETRIEVABILITY:

Records are retrieved by name, SSN, case number or cross reference.

SAFEGUARDS:

Access to, and use of, those records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

All accident reports, records, logs, and other information relating to an accident are retained by Headquarters and components for at least five years following the end of the calendar year in which the accident occurred. Specific occupational safety and health standards (such as the standards, covering the handling of carcinogenic chemicals) may be required to be kept for up to twenty years. Records may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Safety Manager, Office of Facilities Management, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the

person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requester should also reasonably identify the record, specify the record contents being sought, and state time and brief description of the accident in which they were involved. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requester should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The information in this system is obtained from the following sources: (1) The individual to whom the record pertains; (2) witnesses to the accident; (3) investigation officials (Federal, State, local); (4) medical personnel seeing the individual as a result of the accident; (5) supervisory personnel; (6) reviewing officials; (7) personnel offices; (8) investigative material furnished by Federal, State, or local agencies; and (9) on site observations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0230

SYSTEM NAME:

Social Security Administration Parking Management Record System, Social Security Administration, Deputy Commissioner for Finance, Assessment and Management, Office of Facilities Management.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Facilities Management, Room 1–M–25 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235–6401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Headquarters Social Security Administration (SSA) employees as well as any carpool member, contractor, vendor or building tenant utilizing SSA Headquarters parking facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the following information on all persons applying for a parking permit and those that may have received a parking citation: Name, office room number, office phone number, agency, home address, and automobile registration number, and where applicable, physician's statement in support of handicapped parking assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended, 63 Statute 377, 390 (see 40 U.S.C. 471, 486 and 41 CFR 101–20.104–2).

PURPOSE(S):

To establish policy governing the acquisition and allocation of Federal parking facilities and the establishment and determination of charges to be paid for the use of such parking by Federal employees, contractor employees and other facility tenants. The purpose of the SSA Parking Policy is to provide standards for apportionment and assignment of parking spaces on SSA-managed and SSA-controlled property and on property assigned to SSA by the General Services Administration or any other agency and to allocate and check parking spaces assigned to government vehicles, visitors, handicapped personnel, key personnel, carpools and others.

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

Disclosure may be made for routine use as indicated below:

1. To a congressional office from the record of an individual in response to an inquiry made at the request of that individual.

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

4. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in automated format (e.g., on magnetic tapes, disks), and in paper form (e.g., binders in file cabinets).

RETRIEVABILITY:

Records are retrieved by name and the various categories of information described in the ''categories of records'' section above.

SAFEGUARDS:

Access to, and use of, these records is limited to personnel whose official duties require such access. Security Safeguards meet the requirements of SSA Systems Security Handbook. A minicomputer is maintained in a secured area with access limited to authorized personnel. Computer tapes and disc are stored in locked cabinets. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Superseded materials are maintained by the SSA Protective Security Officer for historical purposes and the control purpose has been met and the records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Office of Protective Security Services, Social Security Administration, 1–M–25 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Records are developed from information supplied by applicants for parking permits and, for handicapped parking assignments, by physicians and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0231

SYSTEM NAME:

Financial Transactions of SSA Accounting and Finance Offices, Social Security Administration, Deputy Commissioner for Finance, Assessment and Management, Office of Financial Policy and Operations.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Deputy Commissioner for Finance, Assessment and Management, 800 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Travel vouchers submitted for reimbursement of travel and other expenditures while on official business may also be maintained at the administrative office of the Social Security Administration (SSA) employee's unit of work. Records concerning delinquent debts may also be maintained at the program office or by designated claims officers apart from the finance office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who receive a payment from SSA finance offices and all persons owing monies to these offices. Persons receiving payments include, but are not limited to, travelers on official business, contractors, grantees and consultants. Persons owing monies include, but are not limited to, persons who have been overpaid and who owe SSA a refund and persons who have received from SSA goods or services for which there is a charge or fee (e.g., Freedom of Information Act requesters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number (SSN), address, employer identification numbers (EINs), purpose of payment, accounting classification and amount paid. Also, in the event of an overpayment, and for delinquent grants, the amount of the indebtedness, the repayment status and the amount to be collected.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Budget and Accounting Act of 1950 (Pub. L. 81–784), Debt Collection Act of 1982 (Pub. L. 97–365).

PURPOSE(S):

These records are an integral part of SSA's accounting system. The records are used to track payments to individuals, exclusive of salaries and wages, based upon prior entry into the systems of the official commitment and obligation of government funds. When an individual is to repay funds advanced, the records will be used to establish a receivable record and to track repayment status. In the event of an overpayment to an individual, the

record is used to establish a receivable record for recovery of the amount claimed. The records are also used internally to develop reports to the Internal Revenue Service and applicable State and local taxing officials of taxable income. This is an Agency-wide notice of payment and collection activities at all locations. Intra-Agency uses and transfers concern the validation and certification for payment, and for SSA internal audits.

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

Disclosure may be made for routine uses as indicated below:

1. To the Department of the Treasury for check preparation.

2. To members of Congress concerning a Federal financial assistance program.

3. To a congressional office from an individual's record in response to an inquiry from the congressional office made at the request of that individual.

4. To the Department of Justice in the event SSA deems it desirable, or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act.

5. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license or other benefit.

6. 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 or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

7. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

8. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

9. To the Department of Justice (DOJ), a court or other tribunal, or to another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

10. To credit reporting agencies to obtain a credit report about a potential contractor or grantee in order to determine the potential contractor's or grantee's creditworthiness.

11. To the Department of the Treasury:

(a) To find out whether or not the individual has a delinquent tax account for the purpose of determining the individual's creditworthiness for the loan in question under the Internal Revenue Code (26 U.S.C. 6103(1)(3)(A)–(C)); and

(b) To assist SSA in recovering the collection of delinquent administrative debts through Administrative Wage Garnishment (AWG) (31 U.S.C. 3720D) via the Treasury Crossing Servicing program as authorized by the Debt Collection Improvement Act of 1996.

12. 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 Department of the Treasury to request the mailing address of an individual under the Internal Revenue Code (26 U.S.C. 6103(m)(2)(A)) for the purpose of locating the individual to collect or compromise a Federal claim against the individual in accordance with 31 U.S.C. 3711, 3717 and 3718;

(d) To an agent of the Social Security Administration (SSA) that is a consumer reporting agency within the meaning of 15 U.S.C. 1681a(f), the mailing address of an individual may be disclosed to such agent for the purpose of allowing such agent to prepare a commercial credit report on the individual for use by SSA in accordance with 31 U.S.C. 3711, 3717 and 3718;

(e) To debt collection agents under 31 U.S.C. 3718 or under common law to help collect a debt; and

(f) To the Department of Justice for litigation or for further administrative action. In accordance with 31 U.S.C. 3711(e)(1)(F), disclosure under parts (a)–(c) and (e) is limited to information necessary to establish the identity of the person, including name, address and taxpayer identification or Social Security number; the amount, status, and history of the claim; the agency or program under which the claim arose.

13. To another Federal agency that has asked the Social Security Administration 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 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.

14. To the Internal Revenue Service and State and local tax authorities when income and payments are reported to them concerning employees, contractors, and when amounts are written-off as legally or administratively uncollectible, in whole or in part.

15. To banks enrolled in the treasury credit card network to collect a payment or debt when the individual has given his/her credit card number for this purpose.

16. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

17. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

18. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient

administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made 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, *et seq.*) as amended. The disclosure will be made in accordance with 31 U.S.C. 3711(e) when authorized by sections 204(f), 808(e) or 1631(b)(4) of the Social Security Act (42 U.S.C. 404(f), 1008(e) or 1383(b)(4)). 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. The information to be disclosed is limited to the individual's name, address, SSN, and other information necessary to establish the individual's identity; the amount, status, and history of the debt and the agency or program under which the debt arose.

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

STORAGE:

Records are maintained in automated form (*e.g.*, disc packs and magnetic tapes).

RETRIEVABILITY:

Records are retrieved by name, SSN, and voucher number.

SAFEGUARDS:

1. *Only authorized users have access to these records:* 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 SSA programs.

2. *Physical Safeguards:* File folders, reports and other forms of personnel data, and electronic diskettes are stored in areas where fire codes are strictly enforced. All documents and diskettes are protected during lunch hours and non-working hours in locked file cabinets or locked storage areas. Magnetic tapes, disks, etc., 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. The safeguards are now maintained in accordance with SSA's Systems Security guides.

Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are purged from automated files once the accounting purpose has been served. Printed copies and manual documents are retained and disposed of in accord with General Accounting Office principles and standards, as authorized by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Deputy Commissioner for Finance, Assessment and Management, 800 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also clearly specify the record contents being sought, and may include an accounting of disclosures that have been made of their records, if any. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for requesting the correction, with supporting justification showing how the record is inaccurate, incomplete, untimely or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Individual travel vouchers, grants, contract and purchase order award documents; delinquent grant records, invoices of services rendered; and/or goods received, and applications for travel and/or salary advances.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0232

SYSTEM NAME:

Central Registry of Individuals Doing Business With SSA (Vendor File), Social Security Administration, Deputy Commissioner for Finance, Assessment and Management, Office of Financial Policy Operations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Room 2–B–4 East Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the recipients of Federal Domestic Assistance Grants or of contracts awarded by the Social Security Administration (SSA).

CATEGORIES OF RECORDS IN THE SYSTEM:

An index of names, addresses and Social Security numbers (SSN) of individuals or tax identification numbers (TIN) or employer identification numbers (EIN) of employer business entities doing business with SSA. The Central Registry (Vendor File) (VF) contains banking information, routing and transit numbers (RTAS) and deposit account numbers (DAN) for direct deposit payments for vendors. No other personally identifiable data are maintained. The index is termed public information since data relative to Federal Domestic Assistance and contracts are public information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

This registry is maintained to provide a standard code to uniquely identify entities, including individuals, together with mailing address and other characteristic data, to all principal operating components, agencies, regional offices and staff offices of SSA. The use of a single code per entity in all SSA data systems enhances communications with an entity, as well as diminishing the need to maintain duplicative data and files at various locations. Major categories of entities in the central registry are those awarded contracts and grants under Federal Domestic Assistance programs. Only those persons in SSA with a ''need to know'' have access to the published registry and to the automated records. The Code Book provides a listing of data processing numbers for grant, contract and financial transactions. These numbers are used to access the name and address of the individual in the Automated Library (Central Registry). The information is used for check preparation, reports, mailings, etc.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject individual.

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

3. To the Department of Justice in the event the Social Security Administration deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act for the purpose of obtaining its advice.

4. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

5. 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. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission in response to a subpoena for information contained in this system of records.

7. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

8. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

9. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

10. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

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

STORAGE:

Records are maintained in automated form (*e.g.*, disc packs and magnetic tapes) and in paper form (*e.g.*, Hard copy code booklets) at central computer sites.

RETRIEVABILITY:

Records are retrieved by either name, SSN or other characteristic data.

SAFEGUARDS:

Only specified employees have access to the vendor file database. A security profile is maintained in the computer system to limit and monitor access. Authorized employees must have a personal identification number (PIN) and password to access the system and clearance for the proper security profile to access the vendor file. Certain functions, such as ''Delete'' or ''Purge,'' cannot be performed unless the vendor file systems administrator implements the function. Access *http://www.socialsecurity.gov/foia/bluebook/*

app_g.htm for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are purged from the automated file every two years; only persons actively dealing with SSA remain on file. Code Books are replaced each year. Inactive books are destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Office of Finance, Division of Administrative Payments, Social Security Administration, 2–B–4 East Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call.

SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, inaccurate, untimely or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Grant and Contract documents. Names, SSNs, TINs, RTAS, DANs and addresses are provided by the individual when applying for a grant or contract from the SSA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0234

SYSTEM NAME:

Employee Assistance Program (EAP) Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Personnel, Center for Employee Services.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Human Resources, Office of Personnel, Center for Employee Services, Employee Assistance Program, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration (SSA) Regional Offices, Human Resources Center (contact the system manager or access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for address information).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system covers SSA employees, employees of other organizations serviced by SSA Employee Assistant Program (EAP), or family members of any of these employees who have been counseled and/or referred for counseling for personal problems by the EAP.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of each employee and family member who has utilized the EAP for a personal problem. Examples of information that may be found in each record are employee or family member name, date of birth, grade, job title, home address, telephone numbers, and supervisor's name and telephone number. In addition to the demographic data, certain clinical information is normally maintained in each record including a psychosocial history, assessment of personal problems, information regarding referrals to treatment facilities in the community, and intervention outcomes. Also, information relating to finances that the employee voluntarily provides; disposition, including employees stated intentions; record of letters or tax forms sent as replies; letters from creditors or their representatives and copies of our replies and copies of tax levies against employees. Finally, if an employee is referred to the EAP by a supervisor, the record may contain information regarding the referral such as leave record, reasons for referral, and outcomes of supervisory interventions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7361, 7362, 7901, and 7904.

PURPOSE(S):

These records are used to document the nature and extent of the employee's or family member's personal problem and the background information necessary for formulating an intervention plan in an effort to resolve the personal problem and return the employee to full productivity. The record is also used to document, when appropriate, where the employee or family member has been referred for treatment or rehabilitation and the progress in such treatment.

Anonymous information from these records is also needed for the purpose of preparing statistical reports and analytical studies in support of the EAP's management.

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

Disclosure may be made for routine uses as indicated below.

1. To contractors if the Social Security Administration contracts with private firms, individuals, or other groups such as a Federal Employee Assistance Program (EAP) consortium for the purpose of providing the EAP functions. The contractor shall be required to maintain Privacy Act safeguards with respect to such records. The contractors will surrender to the EAP all of these records as well as any new records at the time of contract termination.

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

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

4. To a court or other tribunal, or a party before the same, where the records are covered by the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR part 2). Any disclosure of such patient records must be pursuant to a qualified service organization agreement that meets the requirements of 42 CFR part 2 and must also comply with all other aspects of these regulations. The Employee Assistance Program Administrators in each program location must personally approve any disclosure made under this routine use based on his or her determination that it is compatible with the purpose for which the records were collected.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in automated form (*e.g.*, computer readable media, hard drives, floppy disks, and Compact Disc-Read Only Memory (CD–ROM)) and in paper form (*e.g.*, folders, index cards).

RETRIEVABILITY:

Records are retrieved by a case code number. These numbers are cross-indexed by name of employee or family member.

SAFEGUARDS:

1. *Authorized Users:* Access to these records is limited to the EAP Administrators who work directly with employees and family members in each program location and their immediate staffs (including staff counselors, staff secretaries, contract or consortia counselors and secretaries). All EAP Administrators, whether or not they directly provide clinical services, may access the records for the purposes of program evaluation, destroying records at the end of their period of maintenance, and transferring records from one contractor to another.

2. *Physical Safeguards:* All records are stored in a metal filing cabinet equipped with at least a combination lock, and preferably a locking bar. This file cabinet is in a secured area, accessible only to the EAP staff, and is locked when not in use. Computer readable information is maintained in discrete systems and/or is password protected. Computers are also stored in secured areas, accessible to only the EAP staff. These records are always maintained separate from any other system of records.

3. *Procedural Safeguards:* All persons having access to the records shall have previous training in the proper handling of records covered by the Privacy Act and 42 CFR part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records). These restrict disclosures to unique situations, such as medical emergencies, except when the employee or family member has consented in writing. Furthermore, employees and family members who utilize the EAP will be informed in writing of the confidentiality provisions; and secondary disclosure of information is prohibited without employee consent.

Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are retained until three years after the employee or family member has ceased contact with the EAP or until any litigation is resolved. However, if an employee has been terminated from SSA employment, records are retained for at least three years after the official date of termination and until any litigation is resolved. Files are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Director, Center for Employee Services, Office of Personnel, Office of Human Resources, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

Upon receiving a request, the EAP Administrator shall weigh the need for disclosure against the potential injury to the patient, to the physician-patient relationship, and to the treatment services. The EAP Administrator will then determine the extent to which any disclosure of all or any part of the record is necessary (42 CFR part 2 does not compel disclosure).

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being

requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) Supplied directly by the individual, or (2) supplied by a member of the employee's family, or (3) derived from information supplied by the individual, or (4) supplied by sources to whom the employee and/or family member has been referred for assistance, or (5) supplied by SSA officials, or (6) supplied by EAP counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0236

SYSTEM NAME:

Employee Development Program Records, Social Security Administration, Deputy Commissioner for Human Resources (DCHR), Office of Training (OT).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Training, Offices of the Deputy Commissioners, Deputy-level offices and/or Regional Commissioners' offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and participants in all Social Security Administration (SSA) developmental programs at the specific grades covered by the programs.

CATEGORIES OF IN THE SYSTEM:

This system consists of a variety of records relating to an employee's application for, and participation in, the Executive Development Program. In addition to the employee's name, the system contains the employee's title, grade and salary, Social Security number (SSN), organization in which employed, date of entry into the Executive Development Program, training needs while participating in the program, individual development plan and basis for participation in the Employee Development Program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3396, *et seq.*

PURPOSE(S):

These records are used to document employee's application for, and participation in, the Executive Development Program. They may be used as a basis for promotion, transfer, or reassignment. They may be used as a basis for preparing management, budgetary or statistical reports to support organizational planning or manpower utilization studies.

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

Disclosure may be made for routine uses as indicated below:

1. To Federal, State and local law enforcement agencies in the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature.

2. To another Federal agency in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

3. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

4. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

5. To contractors when the Social Security Administration contracts with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

6. To the Office of Personnel Management, the Merit Systems Protection Board, or the Office of the Special Counsel, when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations, investigation of alleged or possible prohibited personnel practices, and for such other functions of these agencies as may be authorized by law, *e.g.*, 5 U.S.C. 1205 and 1206.

7. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

8. To the Federal Labor Relations Authority, its General Counsel, the Federation Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigations of allegation of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

9. To a congressional office from the record of an individual in response to an inquiry from congressional office made at the request of that individual.

10. To the Department of Justice (DOJ), a court or other tribunal, or to another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

11. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

12. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in automated form (*e.g.*, magnetic tapes, hard drives, floppy disks, Compact Disk-Read Only Memory (CD–ROM)) and in paper form (*e.g.*, file folders, punch cards, forms).

RETRIEVABILITY:

Records are retrieved by name and SSN.

SAFEGUARDS:

Access to, and use of, these records is limited to those persons whose official duties require such access. A personnel screening is employed to prevent unauthorized disclosure. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records of an unsuccessful applicant are retained for 60 days after notification that he or she was not selected for participation, and are then destroyed. Records of a participant are retained for 5 years after the individual has ceased to participate in the program, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

In the field, Applicable Personnel Officers who service the organization unit in which the individual is employed. In Headquarters, DCHR. Office of Personnel, Director, 6401 Security Boulevard, Baltimore, Maryland 21235. For all training related material: DCHR/OT, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN, or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is: (1) Supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by SSA officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0237

SYSTEM NAME:

Employees' Medical Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Personnel, Center for Employee Services.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

These records are maintained on current Social Security Administration (SSA) employees receiving health services at the SSA Health Units at the following addresses:

Social Security Administration, Headquarters, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Northeastern Program Service Center, 1 Jamaica Center Plaza, 155–10 Jamaica Avenue, Jamaica, New York 11432–3830.

Social Security Administration, Mid-Atlantic Program Service Center, 300 Spring Garden Street, Philadelphia, Pennsylvania 19123.

Social Security Administration, Wilkes-Barre Data Operations Center, 1150 East Mountain Drive, Wilkes-Barre, Pennsylvania 18702–7997.

Social Security Administration, Southeastern Program Service Center, 3001 Twelfth Avenue, North, Birmingham, Alabama 35285.

Social Security Administration, Western Program Service Center, Frank Hagel Federal Building, 1221 Nevin Avenue, Richmond, California 94802.

Other SSA employees receive health services through Interagency Agreements with the Public Health Service.

ADDRESSES OF INTERAGENCY AGREEMENT HEALTH UNITS

HEADQUARTERS

Social Security Administration, Metro West Building, Suite 200, South Building, 300 North Greene Street, Baltimore, Maryland 21203.

Social Security Administration, National Computer Center Building, Room G–09, 6301 Security Boulevard, Baltimore, Maryland 21235.

Social Security Administration, Security West Building, Room 1-R–15, 1500 Woodlawn Drive, Baltimore, Maryland 21241.

WOC Building, Suite 1209, 1718 Woodlawn Drive, Baltimore, Maryland 21207.

FIELD ADDRESSES

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

- John F. Kennedy Building, Government Center, Health Unit, Boston, MA 02203.
- Thomas P. O'Neill Federal Building, Health Unit, 10 Causeway Street, Boston, MA 02222.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS)

Jacob Javitz Federal Building, Health Unit, 26 Federal Plaza, New York, N.Y. 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

- William J. Green, Jr. Federal Building, Health Unit, 600 Arch Street, Philadelphia, PA 19106–1611.
- Federal Employee and Service Center, National Underground Storage, 27S–221, Health Unit, Boyers, PA 16020–0221.
- Housing and Urban Development Building, Health Unit, 451 7th Street, SW., Washington, DC 20410–0001.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Sam Nunn Federal Building, Health Unit, 61 Forsyth Street, SW., Atlanta, GA 30303.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

- John C. Kluczynski Federal Building, Health Unit, 230 S. Dearborn Street, Chicago, IL 60604.
- Harold Washington Social Security Center, Health Unit, 600 West Madison Street, Chicago, IL 60661.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Richard Bolling Federal Building, Health Unit, 601 E. 12th Street, Kansas City, MO 64106.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

- Health Unit, 1301 Young Street, Dallas, TX 75202.
- Albuquerque Teleservice Center, Health Unit, 500 Lead, SW., Albuquerque, NM 87102.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Federal Building and U.S. Courthouse, Health Unit, 1961 Stout Street, Denver, CO 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Federal Building, Health Unit, Room 443, 50 United Nations Plaza, San Francisco, CA 94102.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

- Auburn Teleservice Center, Health Unit, 2801 C Street, SW., Auburn, WA 98001–7401.
- Bank of America Tower, Health Unit, 701 5th Avenue, Seattle, WA 98104–7075.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have received health services from any of the SSA Health Units.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to an individual's utilization of services provided by SSA Health Units. Examples of information which may be included in this system are, history of non-work related injuries, illness or complaint presented to Health Unit staff, immunization records, medication administered by Health Unit staff, referrals to other health care providers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901; OMB Circular No. A–72.

PURPOSE(S):

These records document utilization of health services provided by SSA Health Units.

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

Disclosure may be made for routine uses as indicated below:

1. To the appropriate Federal, State, or local agency responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority.

2. To the Office of Worker's Compensation Programs in connection with a claim for benefits filed by an employee.

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

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984,

information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

7. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

These records are maintained as hard copy records.

RETRIEVABILITY:

Records are retrievable by name, date of birth, or Social Security Number (SSN) of the individual to whom they pertain.

SAFEGUARDS:

During the employment of the individual, medical records are maintained in files separate from the Official Personnel Folder and are located in lockable metal cabinets and/or in secured rooms with access limited to those whose official duties require access. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are maintained up to six years from the date of the last entry. The records are shredded and appropriately disposed of approximately three months after separation.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, SSA Medical Director, Office of Human Resources, Center for Employee Services, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

An individual requesting access to records should submit his/her request in writing to the system manager or designated custodian of the records. An individual requesting access via mail or telephone also must furnish an address. Any individual requesting access must also follow the Office of Personnel Management's Privacy Act regulations regarding verification of identity and access to records (5 CFR part 297). These procedures are in accordance with SSA Regulations (20 CFR 401.40(c) and 401.55(b)).

Note: At the Headquarter's SSA Health Units, the individual will be asked to complete Form SSA–3465, Consent for Release of Personal Information. In other SSA Health Units the SSA–3465 or equivalent will be required.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from, the individual to whom the information pertains, laboratory reports and test results, SSA Health Unit medical officer, physicians, nurses and other medical technicians who have examined, tested, or treated the individual, the individual's personal physician and other Federal employee health units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0238

SYSTEM NAME:

Pay, Leave and Attendance Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Personnel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

For Time and Attendance: Deputy Commissioner for Human Resources, Office of Personnel, Director, Center for Personnel Management Information Systems and Payroll, 6401 Security Boulevard, Baltimore, Maryland 21235.

For Federal Personnel and Payroll Systems (FPPS): Director, Payroll Operations Division, Department of the Interior, National Business Center, 7301 W. Mansfield Avenue, Denver, Colorado 80235–2230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All paid employees of the Social Security Administration (SSA).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to pay and leave determinations made about each employee of SSA. In addition to the name of the employee, the system includes information such as the employee's date of birth, Social Security number (SSN), home address, grade or rank, employing organization, timekeeper number, salary, civil service retirement fund contributions, pay plan,

number of hours worked, annual and sick leave accrual rate and usage, administrative leave usage, annual and sick leave balance, deductions for Medicare and/or FICA, Federal, State and city tax withholdings, Federal Employees Governmental Life Insurance withholdings, Federal Employees Health Benefits withholdings, awards, commercial garnishments, child support and/or alimony wage assignments, savings allotments, union and management association dues withholdings allotments, savings bonds allotments; Combined Federal Campaign allotments; and Thrift Savings Plan contributions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 55, § 5501 *et seq.*, Chapter 61, § 6101, *et seq.* and Chapter 63 § 6301 *et seq.*

PURPOSE(S):

Records in this system are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from employees' pay; and that employees are credited and charged with the proper amount of leave. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

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

Disclosure may be made for routine uses as indicated below:

1. To the Internal Revenue Service and to State and local government tax agencies: Records relating to employees' income including name, home address, Social Security number, earned income, and amount of taxes withheld.

2. To Federal, State, Foreign and local law enforcement agencies in the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature.

3. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

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 Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

6. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

7. To contractors or another Federal agency when the Social Security Administration contracts with a private firm or makes an arrangement with a Federal agency for the purpose of performing payroll related processing, in addition to collating, analyzing, aggregating or otherwise refining records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

8. To the Office of Personnel Management, the Merit Systems Protection Board, or the Office of the Special Counsel when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations, investigation of alleged or possible prohibited personnel practices, and for such other function of these agencies as may be authorized by law, e.g., 5 U.S.C. 1205 and 1206.

9. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

10. To the Federal Labor Relations Authority, its General Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigations of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

11. To the Department of Labor in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.

12. To respond to court orders for garnishment of an employee's pay for alimony or child support or commercial debt.

13. To respond to orders from Internal Revenue Service for garnishment of an employee's pay for Federal income tax purposes.

14. To the Department of the Treasury for the purposes of preparing and issuing employee salary and compensation checks and United States Savings Bonds.

15. To State offices of unemployment compensation in connection with claims filed by current or former Social Security Administration employees for unemployment compensation.

16. To a congressional office in response to an inquiry from the congressional office made at the request of that individual.

17. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

18. To financial organizations designated to receive labor organization or management association dues withheld from employees' pay, in order to account for the amounts of such withheld dues which they receive.

19. To a State or local agency for the purpose of conducting computer matching programs designed to reduce fraud, waste and abuse in Federal, State and local public assistance programs and operations.

20. To a Federal agency for the purpose of conducting computer matching programs designed to reduce fraud, waste and abuse using loan or

benefit records of a Federal, State or local agency to identify employee's improperly receiving loans or benefits and to facilitate the collection of debts owed the United States.

21. To a Federal agency in response to a written request from that agency, personally signed by a supervisor, specifying the particular portion desired and the law enforcement activity for which the record is sought. The request for the record must be connected with the agency's auditing and investigative functions designed to reduce waste, fraud, and abuse. It must be based on information which raises questions about an individual's eligibility for benefits or payments, and it must be made reasonably soon after the information is received.

22. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

23. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

24. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained in manual, microfilm, microfiche, imaged and printout form in the Payroll Office. Currently, applicable records are stored on magnetic media at the National Computer Center, and electronically at the National Business Center (NBC), Department of the Interior (DOI) in Denver, Colorado. Historic records are stored on magnetic media and electronically at the computer center and at NBC, DOI. Original input documents are kept in standard office filing equipment and/or stored as imaged documents on magnetic media.

RETRIEVABILITY:

Records are retrievable by name and SSN from NBC, DOI and by name, SSN and timekeeper number at SSA.

SAFEGUARDS:

Access to, and use of, these records is limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records submitted by the individual, such as allotment authorization forms, home address forms, and tax withholding forms, are retained until superseded by new forms or until the individual leaves SSA. Most of these records are then destroyed. Some of these records must be retained for an additional period, or forwarded to the new employing agency. Time and attendance records are retained for six years and are then destroyed. The automated payroll master record, established when the individual is first employed and continually updated throughout the period of his or her employment, is retained until the individual leaves SSA.

SYSTEM MANAGER(S) AND ADDRESS:

In both the field and Headquarters: Deputy Commissioner for Human Resources, Office of Personnel, Director, CPMISP, 6401 Security Blvd., Baltimore, MD 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. This procedure is in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. This procedure is in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by timekeepers and other SSA officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0239

SYSTEM NAME:

Personnel Records in Operating Offices, Social Security Administration, Deputy Commissioner for Human Resources, Office of Personnel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

These records are located within the servicing personnel offices that service specific Social Security Administration (SSA) organizational components and/or at a site closer to where the employee works; e.g., in an administrative office or in an employee record extension file maintained by the immediate supervisor.

Note: In the case of some personnel records, SSA has determined that duplicates need to be located in a second office closer to where the employee works (e.g., in an administrative office or in an employee record extension file maintained by the immediate supervisor). Any of these personnel records that are derived from OPM/GOVT 1 also are covered by that system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of SSA and former or current Federal employees submitting applications for employment with SSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed. These records may contain information about an individual relating to name, birth date; emergency contact information; e.g., mailing address and telephone number; Social Security number (SSN); veterans preference; tenure; employment history; employment qualifications; past and present salaries, grades and position titles; training; awards and other recognition; approved suggestions; performance plan and rating of record; performance improvement plan; conduct; and data documenting reasons for personnel actions, decisions or recommendations made about an employee; and background data documentation leading to an adverse action or other personnel action being taken against an employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3101, Chapter 33, Chapter 41, Chapter 43, Chapter 45, Chapter 55 and Chapter 75.

PURPOSE(S):

These records are used by operating officials in carrying out their personnel management responsibilities. They may be used in recommending or taking personnel actions such as appointments, promotions, separations (e.g., retirements, resignations), reassignments, within-grade increases, adverse actions; as a basis for employee training, recognition, or disciplinary actions; and as a basis for staffing and budgetary planning and control, organizational planning, and manpower utilization purposes.

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

Disclosure may be made for routine uses as indicated below.

1. To the Office of Personnel Management, the Merit Systems Protection Board (MSPB), or the Office of the Special Counsel when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations, investigation of alleged or possible prohibited personnel practices, and for such other function of these agencies as may be authorized by law, e.g., 5 U.S.C. 1205 and 1206.

2. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

3. To the Federal Labor Relations Authority, its General Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigations of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

4. To the appropriate agency in the event an appeal is made outside Social Security Administration records, which are relevant when that agency is charged with rendering a decision on the appeal.

5. To Federal, State and local law enforcement agencies in the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature.

6. To the Department of Justice for the purpose of obtaining its advice in the event the Social Security Administration deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act.

7. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. 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.

9. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

10. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

11. To contractors for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

12. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

13. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records of DOJ, a court or other tribunal, or another party before such tribunal, is

relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

14. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

15. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

16. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained in automated form (e.g., hard drives, floppy disks, CD–ROM, magnetic tapes) and in paper form (e.g., file folders, index cards).

RETRIEVABILITY:

Records are retrieved by any combination of name, SSN, or identification number.

RETENTION AND DISPOSAL:

Records in this system are retained for varying lengths of time, ranging from a few months to 5 years. Most records are retained for a period of 1 to 2 years. Some records, such as individual applications, become part of the person's permanent official records when hired, while some records are destroyed 45 days after the individual leaves the jurisdiction of the operating office or, if appropriate, are combined with the Official Personnel Folder (OPF), which is forwarded to the hiring Federal agency or, if the employee is leaving Federal service, to the National Personnel Records Center. Some records are destroyed by shredding or burning while magnetic tapes or disks are erased.

SYSTEM MANAGER(S) AND ADDRESS(ES):

For paper files

In Headquarters: Director, Center for Personnel Policy and Staffing, Office of Personnel, 6401 Security Boulevard, Baltimore, Maryland 21235.

In the Field: Director, Center for Human Resources, Office of the Regional Commissioners:

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Social Security Administration, Boston Regional Office, J.F.K. Federal Building, Room 1900, Boston, Massachusetts 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Social Security Administration, New York Regional Office, Room 40–102, 26 Federal Plaza, New York, New York 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Social Security Administration, Philadelphia Regional Office, 300 Spring Garden Street, Philadelphia, Pennsylvania 19123.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Social Security Administration, Atlanta Regional Office, 61 Forsyth Street, S.W., Suite 22T64, Atlanta, Georgia 30303–8907.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

- Social Security Administration, Chicago Regional Office, Harold Washington Social Security Center, P.O. Box 8280, 10th Floor, Chicago, Illinois 60680–8280.
- Social Security Administration, Office of Central Operations, Center for Management Support, 1500 Woodlawn Drive, Room 7030 Security West Tower, Baltimore, Maryland 21241–1500.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Social Security Administration, Dallas Regional Office, 1301 Young Street, Suite 500, Dallas, Texas 75202–5433.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Social Security Administration, Kansas City Regional Office, Richard Bolling Federal Building, Room 436, 601 East 12th Street, Kansas City, Missouri 64106.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Social Security Administration, Denver Regional Office, Federal Office Building, 1961 Stout Street, Room 325, Denver, Colorado 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Social Security Administration, San Francisco Regional Office, Frank Hagel Federal Building, P.O. Box 4200, Richmond, California 94801.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Social Security Administration, Seattle Regional Office, 701 Fifth Avenue, Suite 2900, M/S 301, Seattle, Washington 98104–7075.

For magnetic media files: Director, Center for Personnel Management Information Systems and Payroll, Office of Personnel, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the

same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. This procedure is in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by the individual, or is provided by SSA officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

Note: When supervisors/managers retain personal ''supervisory'' notes (i.e., information on employees that the Agency exercises no control and does not require or specifically describe in its performance appraisal system, which remain solely for the personal use of the author and are not provided to any other person, and which are retained or discarded at the author's sole discretion), such notes are not subject to the Privacy Act and are, therefore, not considered part of this system. If any of the above conditions are violated, these notes are no longer merely personal notes serving as an aid to the supervisor's memory, but become records subject to the Privacy Act.

SYSTEM NUMBER: 60–0241

SYSTEM NAME:

Employee Suggestion Program Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Personnel, Center for Employee Services.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Human Resources, Office of Personnel, Center for Employee Services, Central Suggestion Team, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made suggestions in the Social Security Administration (SSA); and/or suggestions made by individuals in other Federal agencies requiring an SSA evaluation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suggestions, evaluations of suggestions, name and address of individual submitting suggestions and evaluating the suggestions, other identifying information such as pay plan and grade, position title, Social Security number (SSN), timekeeper number and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501 *et seq.*

PURPOSE(S):

Records in this system are used to control, evaluate, and make award determinations on employee suggestions. The Central Suggestion Team maintains these records in SSA's Office of Personnel.

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

Disclosure may be made for routine uses as indicated below:

1. To the Office of Personnel Management information related to a suggestion award when approval from that office is needed in order to grant an award.

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

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

1. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

2. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

The records are maintained in paper form (e.g., file folders) in locked file cabinets and in an electronic system on a server housed in the National Computer Center in Woodlawn, Maryland.

RETRIEVABILITY:

The records are retrieved by suggestion number or by the name of the employee.

SAFEGUARDS:

Access is restricted to authorized staff and evaluators. Component evaluators are given a copy of suggestions. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

After final action to make or deny an award, suggestion records are

maintained for two more years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Director, Center for Employee Services, Office of Personnel, Office of Human Resources, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURE:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requester should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Incoming suggestion, responses, evaluations and other material obtained during course of deciding to make an award.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0244

SYSTEM NAME:

Administrative Grievances Filed Under Part 771 of 5 CFR, Social Security Administration, Deputy Commissioner for Human Resources, Office of Labor Management and Employee Relations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Deputy Commissioner, Office of Human Resources, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Social Security Administration (SSA) employees individually or as a group who have requested personal relief in a matter of concern or dissatisfaction which is subject to the control of SSA management.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and personal relief sought; documented materials used in consideration of the grievance and correspondence related to disposition of the grievance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302 and 5 CFR Part 771.

PURPOSE(S):

Records in this system are used to initiate, consider, and resolve employee grievances filed under Part 771 of 5 CFR These records are maintained in each component of SSA. Information from this system may be used by SSA officials for preparing statistical summary of management reports.

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

Disclosure may be made for routine uses as indicated below:

1. To the Department of Justice for the purpose of obtaining its advice in determining whether particular records are required to be disclosed under the Freedom of Information Act.

2. To the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where the Social Security Administration becomes aware of a violation or potential violation of civil or criminal law or regulation.

3. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. To another 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 Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

6. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

7. To the Office of Personnel Management, the Merit Systems Protection Board, or the Office of the Special Counsel when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations,

investigation of alleged or possible prohibited personnel practices, and for such other function of these agencies as may be authorized by law, e.g., 5 U.S.C. 1205 and 1206.

8. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

9. To the Federal Labor Relations Authority, its General Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigation of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

10. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

11. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

12. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

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

14. To any source from which additional information is requested in the course of resolving a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

15. To an appropriate licensing organization or Bar association responsible for investigating, prosecuting, enforcing or implementing standards for maintaining a professional licensing or Bar membership, if the Social Security Administration becomes aware of a violation or potential violation of professional licensing or Bar association requirements.

16. To another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

17. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

18. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained electronically and paper form (e.g., files folders, binders, index).

RETRIEVABILITY:

Records are retrieved by the name of the individual filing the grievance.

SAFEGUARDS:

Records are stored in secured rooms with access limited to those whose official duties require access. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are retained for 3 years after the grievance case is closed, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Office of Personnel, Personnel Management Specialist, Room L1141 West Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual

under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied directly by the individual; or (2) derived from information supplied by the individual; or (3) supplied by SSA officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0245

SYSTEM NAME:

Negotiated Grievance Procedure Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Labor Management and Employee Relations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Personnel, Personnel Management Specialist, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Social Security Administration (SSA) who have filed grievances under a negotiated grievance procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an employee grievance filed under procedures established by labor-management negotiations. These records may include information such as: employee's name, Social Security number (SSN), grade, job title, employment history, the names of supervisors, union representative and management officials, testimony of witnesses, a variety of employment and personnel records associated with the grievance, the arbitrator's decision or report, and a record of an appeal to the Federal Labor Relations Authority and to the courts, and pleadings, submissions and decisions on appeal. (NOTE: Copies of these records are kept under the auspices of the Assistant Regional Commissioner, Management and Operations Support and in the originating office.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7121.

PURPOSE(S):

Records in this system are used to initiate, consider and resolve employee grievances filed under procedures established by labor-management negotiations. These records are maintained centrally and in each component of SSA. Information from this system may be used by SSA officials for preparing statistical summary or management reports.

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

Disclosure may be made for routine uses as indicated below:

1. To the Office of Personnel Management, the Merit Systems Protection Board, or the Office of the Special Counsel when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations, investigation of alleged or possible prohibited personnel practices, and for such other function of these agencies as may be authorized by law, e.g., 5 U.S.C. 1205 and 1206.

2. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

3. To the appropriate Federal, State or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where SSA becomes aware of a violation or potential violation of civil or criminal law or regulation.

4. To the Department of Justice for the purpose of obtaining its advice in determining whether particular records are required to be disclosed under the Freedom of Information Act.

5. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

6. 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.

7. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

8. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting conditions of employment.

9. To contractors for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

10. To the Department of Labor in carrying out its functions regarding labor-management relations to the Federal service.

11. To the Federal Labor Relations Authority, its General Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigations of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

12. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

13. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal when:

(a) Social Security Administration (SSA), or any component thereof, or

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

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

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

14. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

15. To any source from which additional information is requested in the course of resolving a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

16. To an appropriate licensing organization or Bar association responsible for investigating, prosecuting, enforcing or implementing standards for maintaining a professional licensing or Bar membership, if the Social Security Administration becomes aware of a violation or potential violation of professional licensing or Bar association requirements.

17. To another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.

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

19. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

20. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records are maintained in paper form (e.g., file folders).

RETRIEVABILITY:

These records are retrieved by the names of individuals who have filed a grievance.

SAFEGUARDS:

Records maintained by management are stored in secured rooms with access limited to those whose official duties require access. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

As negotiated by the local parties to a labor contract. If not covered by contract, records are retained for 3 years after the grievance case is closed and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS(S):

Office of Personnel, Personnel Management Specialist, Room L1141 West Low Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

NOTIFICATION PROCEDURES:

Generally, an individual who has filed a grievance under a negotiated procedure is aware of that fact and has been provided access to the file. However, an individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. This procedure is in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD SOURCE CATEGORIES:

Information in this system of records is (1) supplied by the individual on whom the record is maintained; or (2) derived from information supplied by the individual; or (3) supplied by the testimony of witnesses; or (4) supplied

by management representative or union officials; or (5) supplied by SSA officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0250

SYSTEM NAME:

Equal Employment Opportunity (EEO) Counselor and Investigator Personnel Records, Social Security Administration, Deputy Commissioner for Human Resources, Office of Civil Rights and Equal Opportunity.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, 6401 Security Boulevard, Room 2200 West High Rise Building, Baltimore, Maryland 21235–6401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have volunteered or have been proposed for duty as Equal Employment Opportunity (EEO) Counselors on a part-time basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information concerning the personal characteristics of EEO counselors. The records consist of the name and other identifying data, title, location, training received, information concerning qualifying background, case assignments, and evaluation of EEO counselors serving on a part-time basis and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 633a; 42 U.S.C. 2000e; and Executive Order (E.O.) 11478.

PURPOSE(S):

These records are used to identify, locate and determine the availability of employees who volunteer as counselors for assignments and to determine training needs of counselors. These records are maintained in Social Security Administration (SSA) field and regional offices. They may be used to provide information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies, and to locate specific individuals for personnel research or other personnel management functions.

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

Disclosure may be made for routine uses as indicated below:

1. To provide resources to another Federal agency, in response to its requests for loan of counselors.

2. To another Federal agency, in response to its requests, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation or an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

3. To a Federal agency having the power to subpoena records, for example, the Internal Revenue Service or the Civil Rights Commission, in response to a subpoena for information contained in this system of records.

4. To official of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting conditions of employment.

5. To contractors for the purpose of collecting, analyzing, aggregating or otherwise refining records in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

6. To the Office of Personnel Management, the Merit Systems Protection Board, or the Office of the Special Counsel when information is requested in connection with appeals, special studies of the civil service and other merit systems, review of those agencies' rules and regulations, investigation of alleged or possible prohibited personnel practices, and for such other function of these agencies as may be authorized by law, e.g., 5 U.S.C. 1205 and 1206.

7. To the Equal Employment Opportunity Commission when requested in connection with investigations into alleged or possible discriminatory practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

8. To the Federal Labor Relations Authority, its General Counsel, the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, or an arbitrator when information is requested in connection with investigations of allegations of unfair practices, matters before an arbitrator or the Federal Service Impasses Panel.

9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

11. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

12. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

These records are maintained in paper form (e.g., file folders, binders and index cards).

RETRIEVABILITY:

These records are retrieved by the names of EEO counselors and investigators.

SAFEGUARDS:

Access to, and use of, these records is limited to those persons whose official duties require access. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

These records are maintained up to one year after the counselor or investigator ceases to participate in the volunteer program, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Civil Rights and Equal Opportunity, 6401 Security Boulevard, Room 2200 West High Rise Building, Baltimore, Maryland 21235–6401.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. This procedure is in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Also, requesters should reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, inaccurate, untimely or irrelevant. This procedure is in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from individuals to whom the record pertains, SSA or other officials, official documents relating to appointments and case assignments as counselors and investigators, correspondence from specific persons or organizations, formal reports submitted by the individual in the performance of official volunteer work.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0255

SYSTEM NAME:

Plans for Achieving Self-Support (PASS) Management Information System, Social Security Administration, Deputy Commissioner for Operations, Office of Public Service and Operations Support.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Deputy Commissioner for Operations, Office of Public Service and Operations Support, 6401 Security Boulevard, Baltimore, Maryland 21235.

In addition, Plans for Achieving Self-Support (PASS) documents may be temporarily transferred to other locations within the Social Security Administration (SSA). Contact the system manager to inquire about these addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on disabled and blind individuals who are Supplemental Security Income applicants or recipients and who have submitted plans for achieving self-support under sections 1612(b)(4)(A), 1612(b)(4)(B), and 1613(a)(4) of the Social Security Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the beneficiary's name; Social Security number (SSN); disability diagnosis; occupational objective; information as to whether the individual's plan was developed by a third party and, if so, the identity of the third party; if the PASS was disapproved, terminated or suspended, the basis for that action; information relating to his or her earnings and employment at the beginning and end of the PASS; the nature and costs of those goods and services which the individual has purchased or proposes to purchase under his or her plan; information about goods and services actually purchased with respect to an approved plan; and information about plans that were not approved (e.g., the basis for denial of approval of a plan).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1602, 1612(b)(4)(A), 1612(b)(4)(B), and 1613(a)(4) of the Social Security Act (42 U.S.C. 1382, 1382a, 1382b).

PURPOSES:

SSA uses the information in the system for workload control, program evaluation purposes and to help determine the number and types of individuals that are successfully returning to work as a result of the PASS.

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

Disclosure may be made for routine uses as indicated below. However, disclosure of any information defined as ''returns or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code will not be disclosed unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To third-party contacts when the party to be contacted has, or is expected

to have, information relating to the individual's PASS, when:

(a) The individual is unable to provide the information being sought. An individual is considered to be unable to provide certain types of information when:

(i) He or she is incapable or of questionable mental capability;

(ii) He or she cannot read or write;

(iii) He or she cannot afford the cost of obtaining the information;

(iv) He or she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(v) A language barrier exists; or

(vi) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual in connection with his or her PASS; or SSA is reviewing the information as a result of suspected abuse or fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

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

3. To the Department of the Treasury, Internal Revenue Service, for the purpose of auditing the Social Security Administration's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

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

5. To a contractor or another Federal agency, as necessary for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an SSA function relating to this system of records.

6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

7. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) SSA or any component thereof, or

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

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

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

8. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Records in this system are stored in magnetic media (e.g., computer hard drives) and on paper. Paper printouts of these data are made when required for study. The system also contains photocopies of benefit application forms, keyed application forms, and other claims documentation, when relevant to the PASS system.

RETRIEVABILITY:

Records are retrieved from the system by the name or SSN of the individual who submitted the PASS.

SAFEGUARDS:

Safeguards for automated data have been established in accordance with the Systems Security Program Handbook. This includes maintaining computer disk packs or other magnetic fields with personal identifiers in secured storage areas accessible only to authorized personnel. SSA employees having access to the computerized records and employees of any contractor who may be utilized to develop and maintain the software for the automated system will be notified of criminal sanctions for unauthorized disclosure of information about individuals. Also, contracts, if any, will contain language that delineates the conditions under which contractors will have access to data in the system and the safeguards that must be employed to protect the data.

Paper documents are stored either in lockable file cabinets within locked rooms or in otherwise secured areas. Access to these records is restricted to those employees who require them to perform their assigned duties. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Computerized records are maintained for a period of six years and three months after the end of the fiscal year in which final adjudication was made. Paper records produced for purposes of studies will be destroyed upon completion of the study. Photocopies of forms and documentation will be destroyed upon approval or denial of the PASS. Original copies of the forms and documentation are maintained in the Claims Folder System, 60–0089. Means of disposal are appropriate to the storage medium (e.g., erasure of disks, shredding of paper records, or transfer to another system of records).

SYSTEM MANAGER(S) AND ADDRESS(ES):

Associate Commissioner, Office of Public Service and Operations Support, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying

information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Individuals requesting access to their records should also reasonably describe the records they are seeking. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Individuals contesting the contents of a record in the system should also reasonably describe the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Information in this system is obtained from other SSA systems of records such as the Claims Folder System, 60–0089 and the Supplemental Security Income Record and Special Veterans Benefits, 60–0103, from information provided by the beneficiary, and from investigations conducted by SSA employees relating to beneficiaries' PASS activity.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0259

SYSTEM NAME:

Claims under the Federal Tort Claims Act and Military Personnel and Civilian Employees' Claim Act, Social Security Administration, Office of the General Counsel.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the following Social Security Administration (SSA) offices:

Office of the General Counsel, Social Security Administration, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Office of the General Counsel, Chief Counsel, Region I, Social Security Administration, John F. Kennedy Federal Building, Room 625, Government Center, Boston, Massachusetts 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Office of the General Counsel, Chief Counsel, Region II, Social Security Administration, Room 3904, 26 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Office of the General Counsel, Chief Counsel, Region III, Social Security Administration, P.O. Box 41777, Philadelphia, Pennsylvania 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Office of the General Counsel, Chief Counsel, Region IV, Social Security Administration, Atlanta Federal Center, Suite 20T45, 61 Forsyth Street, S.W., Atlanta, Georgia 30303–8920.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

Office of the General Counsel, Chief Counsel, Region V, Social Security Administration, 200 West Adams Street, 30th Floor, Chicago, Illinois 60606–8920.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Office of the General Counsel, Chief Counsel, Region VI, Social Security Administration, Suite 130, 1301 Young Street, Dallas, Texas 75202–5433.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Office of the General Counsel, Chief Counsel, Region VII, Social Security Administration, Room 535, 601 East 12th Street, Kansas City, Missouri 64106–2898.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Office of the General Counsel, Chief Counsel, Region VIII, Social Security Administration, Suite 120, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Office of the General Counsel, Chief Counsel, Region IX, Social Security Administration, Room 405, 50 United Nations Plaza, San Francisco, California 94102.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Office of the General Counsel, Chief Counsel, Region X, Social Security Administration, 701 Fifth Avenue, Suite 2900, M/S 901, Seattle, Washington 98104–7075.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SSA employees and members of the public who have a claim against SSA under the Federal Tort Claims Act, and SSA employees who have a claim against SSA under the Military Personnel and Civilian Employees' Claim Act. In addition, other individuals may be mentioned in the records, such as witnesses to accidents, attorneys for claimants, insurance company personnel, police officers, SSA supervisors who completed forms or provided information about incidents relating to a claim, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information that is pertinent to a claim, such as accident reports, statements of witnesses, police reports, medical records and bills, estimates for repairs to property, insurance policies, information on vehicle title and registration, legal analysis of the claim, final decision on the claim, and documents pertaining to any subsequent proceedings, such as reconsideration or litigation, and vouchers for payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671–2680, and 1346(b); Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721–3723.

PURPOSE(S):

To process claims filed with the Agency.

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

Disclosure may be made for routine use as indicated below:

1. To Federal, State and local government agencies, private individuals, private and public hospitals, private attorneys, insurance companies, individual law enforcement officers, and other persons or entities with relevant information for the purpose of investigating, settling or adjudicating claims and assisting with subsequent litigation.

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

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

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

5. To a Federal, State or local agency for law enforcement purposes concerning a violation of law pertaining to records in this system.

6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in paper form (e.g., file folders) and stored in file cabinets. Some records may be maintained on Agency computers.

RETRIEVABILITY:

Records are retrieved by the name of the claimant and claim number.

SAFEGUARDS:

Office buildings in which these records are maintained are locked after the close of business day. These records are only accessible by General Counsel staff. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records are maintained in the Office of the General Counsel until final action is completed on the claims, then transferred to the Office of the Deputy Commissioner for Finance, Assessment and Management where they are stored for six years. They are disposed of in accordance with the Federal Records Act and applicable retention schedules.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Office of the General Counsel, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. (For additional addresses see Systems location).

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the records, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The information in this system comes from a number of sources, such as claim forms, accident reports, statements of witnesses, statements by supervisors in the case of employee claims, police reports, medical records, estimates of

repairs for property damage, insurance policies, motor vehicle report about the incident, etc.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0262

SYSTEM NAME:

Attorney Applicant Files, Social Security Administration, Office of the General Counsel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of the General Counsel, Social Security Administration, Room 600 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Office of the General Counsel, Chief Counsel, Region I, Social Security Administration, John F. Kennedy Federal Building, Room 625, Government Center, Boston, Massachusetts 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Office of the General Counsel, Chief Counsel, Region II, Social Security Administration, Room 3904, 26 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Office of the General Counsel, Chief Counsel, Region III, Social Security Administration, P.O. Box 41777, Philadelphia, Pennsylvania 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Office of the General Counsel, Chief Counsel, Region IV, Social Security Administration, Atlanta Federal Center, Suite 20T45, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8920.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

Office of the General Counsel, Chief Counsel, Region V, Social Security Administration, 200 West Adams Street, 30th Floor, Chicago, Illinois 60606–8920.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Office of the General Counsel, Chief Counsel, Region VI, Social Security Administration, Suite 130, 1301 Young Street, Dallas, Texas 75202–5433.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Office of the General Counsel, Chief Counsel, Region VII, Social Security Administration, Room 535, 601 East 12th Street, Kansas City, Missouri 64106–2898.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Office of the General Counsel, Chief Counsel, Region VIII, Social Security Administration, Suite 120, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANA ISLANDS):

Office of the General Counsel, Chief Counsel, Region IX, Social Security Administration, Room 405, 50 United Nations Plaza, San Francisco, California 94102.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Office of the General Counsel, Chief Counsel, Region X, Social Security Administration, 701 Fifth Avenue, Suite 2900, M/S 901, Seattle, Washington 98104–7075.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for attorney positions in the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Attorney Applicant system consists of a variety of records relating to persons applying for attorney positions such as resumes, college transcripts, writing samples, recommendations from teachers and former employers, and professional credentials, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, *et seq.*

PURPOSE(S):

To maintain current information on individuals interested in employment as attorneys with the Office of the General Counsel.

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

Disclosure may be made for routine uses as indicated below:

1. To a congressional office from the records of an individual in response to an inquiry from a congressional office made at the request of that individual or from a third party on his or her behalf.

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

3. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

4. To a Federal, State or local agency for law enforcement purposes concerning a violation of law pertaining to the records in this system.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

6. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Records are maintained in paper form (e.g., file folders) in locked cabinets. Some records may be maintained on Agency computers.

RETRIEVABILITY:

Records are retrieved by the name of the applicant.

SAFEGUARDS:

Office buildings in which files are kept are secure and these files are only

accessible to General Counsel Staff and other Agency employees whose duties require access. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records are maintained in the Office of the General Counsel for six months or, if an applicant requests that his application be held for a longer time, for one year. Records are then disposed of in accordance with the Federal Records Act and applicable schedules.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Office of the General Counsel, Social Security Administration, Room 617 Altmeyer Building, Baltimore, Maryland 21235. (For additional addresses see Systems location).

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, Social Security number, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The information in this system comes from the applicant, educational institutions, past employers and records of interviews with OGC personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0274

SYSTEM NAME:

Litigation Docket and Tracking System, Social Security Administration, Office of the General Counsel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the following Social Security Administration (SSA) offices:

Office of the General Counsel, Social Security Administration, Room 617, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Each Regional Office will also maintain information on those cases for which it is responsible.

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Office of the General Counsel, Chief Counsel, Region I, Social Security Administration, John F. Kennedy Federal Building, Room 625, Government Center, Boston, Massachusetts 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Office of the General Counsel, Chief Counsel, Region II, Social Security Administration, Room 3904, 26 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Office of the General Counsel, Chief Counsel, Region III, Social Security Administration, P.O. Box 41777, Philadelphia, Pennsylvania 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Office of the General Counsel, Chief Counsel, Region IV, Social Security Administration, Atlanta Federal Center, Suite 20T45, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8920.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

Office of the General Counsel, Chief Counsel, Region V, Social Security Administration, 200 West Adams Street, 30th Floor, Chicago, Illinois 60606–8920.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Office of the General Counsel, Chief Counsel, Region VI, Social Security Administration, Suite 130, 1301 Young Street, Dallas, Texas 75202–5433.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Office of the General Counsel, Chief Counsel, Region VII, Social Security Administration, Room 535, 601 East 12th Street, Kansas City, Missouri 64106–2898.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Office of the General Counsel, Chief Counsel, Region VIII, Social Security Administration, Suite 120, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANA ISLANDS):

Office of the General Counsel, Chief Counsel, Region IX, Social Security Administration, Room 405, 50 United

Nations Plaza, San Francisco, California 94102.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Office of the General Counsel, Chief Counsel, Region X, Social Security Administration, 701 Fifth Avenue, Suite 2900, M/S 901, Seattle, Washington 98104–7075.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system are individuals who are involved in litigation with SSA or (in matters within the jurisdiction of SSA) the United States as defendants in civil matters seeking Social Security benefits payments. In addition, the names of attorneys representing such individuals and attorneys to who cases are assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information to identify: (1) The court cases that SSA is either involved in or in which it believes it will, or may, become involved; (2) the people or groups involved in each case; (3) the component within the government to which each case has been assigned; (4) the status of the case, including the key events that occurred; and (5) the type of benefit claim which is the subject of the case.

AUTHORITIES FOR MAINTENANCE OF THE SYSTEM:

The authorities for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation (*e.g.*, the Social Security Act, 42 U.S.C. 405(g) and 1383(c)).

PURPOSE(S):

To enable the Office of the General Counsel to: Efficiently and effectively use its resources in judicial and administrative proceedings; provide a research tool that will permit attorneys to determine when and where certain litigation occurred; and balance the attorney workload.

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

Disclosure may be made for routine uses as indicated below:

1. To, among others, Federal and State agencies, private individuals, private attorneys, the United States Attorney and other Federal officials and agencies for the purpose of providing status information on pending litigation and managing the litigation workload.

2. To any Federal, State or local agency when the information is relevant to a matter involving the administration of a Federal, State or local income program.

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

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

5. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

6. To a private firm under contract with the Social Security Administration for the purpose of having that firm convert the records to machine readable form, or collate, analyze, aggregate or otherwise refine the information in the records. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

7. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

8. To a Federal, State or local agency for law enforcement purposes concerning a violation of law pertaining to the records in this system.

9. To Federal, State or local law enforcement agencies and private security contractors as appropriate, if information is necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace, and the operations of SSA facilities, or

(b) To assist in investigation or prosecutions with respect to activities that disrupt the operation of SSA facilities.

10. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

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

STORAGE:

Information may be stored on a variety of computer-readable, electronic media (including disc, mass storage and magnetic tape) and on paper records (e.g., docket cards).

RETRIEVABILITY:

The records in this system relating to litigation in court are retrieved by the court docket number. Records relating to a case involving programs administered by SSA are retrieved by the Social Security number (SSN) of each named party to the litigation. All records in this system are retrieved by the names of parties, names of the Office of the General Counsel attorneys assigned to the cases, and the legal or programmatic issues involved in the cases.

SAFEGUARDS:

The buildings where these records are stored are safeguarded by a variety of physical security systems which permit access only by authorized personnel and authorized visitors escorted by authorized personnel. The computer terminals used to access the records are kept in rooms that are locked during non-business hours. Electronic records are protected against unauthorized access by several password oriented systems which produce an audit trail of all attempts (successful and unsuccessful) to access the records. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

Records are maintained until the administrative or judicial proceedings have ended and for varying periods of time thereafter, subject to the Federal Records Act and applicable retention schedules.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Office of the General Counsel, Social Security Administration, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. (For additional addresses see Systems location).

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURE:

Same as Notification procedures. Also, requesters should reasonably specify the record contents being sought. Access will not be provided to information about materials compiled for litigation purposes, such as information about briefs and recommendations to appeal or not to appeal, except when such access is granted by the court. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURE:

Same as Notification procedures. Also requesters should reasonably identify the record, specify the information that is contested and the corrective actions sought, and the reasons for requesting the correction, and furnish supporting evidence to show why the record is not accurate, timely, complete, relevant or necessary. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

The sources for information in this system include legal pleadings and other documents, formal and informal discovery, Federal and State agencies and the individuals involved in claims and litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

SYSTEM NUMBER: 60–0275

SYSTEM NAME:

Civil Rights Complaints Filed by Members of the Public, Social Security Administration, Office of the General Counsel.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located at the following Social Security Administration (SSA) offices:

Office of the General Counsel, Social Security Administration, Room 600 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

IN THE BOSTON REGION (CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT):

Office of the General Counsel, Chief Counsel, Region I, Social Security Administration, John F. Kennedy Federal Building, Room 625, Government Center, Boston, Massachusetts 02203.

IN THE NEW YORK REGION (NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS):

Office of the General Counsel, Chief Counsel, Region II, Social Security Administration, Room 3904, 26 Federal Plaza, New York, NY 10278.

IN THE PHILADELPHIA REGION (DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA):

Office of the General Counsel, Chief Counsel, Region III, Social Security Administration, P.O. Box 41777, Philadelphia, Pennsylvania 19101.

IN THE ATLANTA REGION (ALABAMA, NORTH CAROLINA, SOUTH CAROLINA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, TENNESSEE):

Office of the General Counsel, Chief Counsel, Region IV, Social Security Administration, Atlanta Federal Center, Suite 20T45, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8920.

IN THE CHICAGO REGION (ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN):

Office of the General Counsel, Chief Counsel, Region V, Social Security Administration, 200 West Adams Street, 30th Floor, Chicago, Illinois 60606–2898.

IN THE DALLAS REGION (ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS):

Office of the General Counsel, Chief Counsel, Region VI, Social Security Administration, Suite 130, 1301 Young Street, Dallas, Texas 75202–5433.

IN THE KANSAS CITY REGION (IOWA, KANSAS, MISSOURI, NEBRASKA):

Office of the General Counsel, Chief Counsel, Region VII, Social Security Administration, Room 535, 601 East 12th Street, Kansas City, Missouri 64106–2898.

IN THE DENVER REGION (COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING):

Office of the General Counsel, Chief Counsel, Region VIII, Social Security Administration, Suite 120, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294.

IN THE SAN FRANCISCO REGION (AMERICAN SAMOA, ARIZONA, CALIFORNIA, GUAM, HAWAII, NEVADA, NORTHERN MARIANNA ISLANDS):

Office of the General Counsel, Chief Counsel, Region IX, Social Security Administration, Room 405, 50 United Nations Plaza, San Francisco, California 94102.

IN THE SEATTLE REGION (ALASKA, IDAHO, OREGON, WASHINGTON):

Office of the General Counsel, Chief Counsel, Region X, Social Security Administration, 701 Fifth Avenue, Suite 2900, M/S 901, Seattle, Washington 98104–7075.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public who file civil rights complaints against SSA, a component of SSA and/or present or former SSA employees, alleging discrimination on the basis of disability, race, color, national origin, sex, age, religion, or retaliation in any program or activity conducted by SSA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information regarding the member of the public who filed the civil rights complaint, complaint docket number, complaint allegations, information gathered during the complaint investigation, including witness interviews from SSA employees or eyewitnesses to an allegation of discrimination, findings and results of the investigation, reconsideration findings, and correspondence and telephone contact reports related to the complaint and investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The information collection is authorized by 5 U.S.C. 301; 29 U.S.C. 791 *et. seq.*; 42 U.S.C. 902(a)(5), 1304 note. Those statutes require SSA not to discriminate on the basis of disability and authorize the Commissioner to establish policies to prohibit SSA and SSA employees from discriminating based upon race, color, national origin, sex, age, religion, or retaliation in any program or activity conducted by SSA.

PURPOSE(S):

The file system is designed to store all civil rights complaints filed by members of the public, information gathered during the complaint investigation, correspondence and telephone contact reports related to the complaint and investigation, the findings and results of all OGC headquarters and regional complaint investigations, reconsideration decisions, and for retrieval of information about civil rights complaints. Files are maintained to track civil rights complaints and to record the findings and results of the complaint investigations so that OGC may enforce findings, monitor compliance, revise internal administrative procedures, manage and docket complaints, and provide status reports.

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

Disclosure may be made for routine uses as indicated below:

1. To the Department of Justice, the Equal Employment Opportunity Commission, or other Federal and State agencies when necessary for the administration or enforcement of civil rights laws or regulations.

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

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

4. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

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

5. To a Federal, State or local agency for law enforcement purposes concerning a violation of law pertaining to the records in this system.

6. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for the Social Security Administration (SSA), as authorized by law, and they need access to personally identifiable information in SSA records in order to perform their assigned Agency functions.

7. To Federal, State and local law enforcement agencies and private security contractors as appropriate, if information is necessary:

(a) To enable them to protect the safety of Social Security Administration (SSA) employees and customers, the security of the SSA workplace, and the operation of SSA facilities; or

(b) To assist in investigations or prosecutions with respect to activities that disrupt the operation of SSA facilities.

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

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

STORAGE:

Records are maintained in paper form (e.g., file folders) in file cabinets. Some records may be maintained on Agency computers.

RETRIEVABILITY:

Records are retrieved by name of the complainant and/or docket number.

SAFEGUARDS:

Office buildings in which these records are maintained are locked after the close of the business day. These records are only accessible by General Counsel Staff and other Agency employees for the processing of complaints or litigation. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

The records are maintained in SSA headquarters OGC or regional OGC offices. They are disposed of in accordance with the Federal Records Act and applicable retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Social Security Administration, Office of the General Counsel, Office of General Law, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. (For additional addresses see Systems location).

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager(s) at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification documents sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual

under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her consent in providing information to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulation (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the records, specify the information they are contesting and the correction sought, and the reasons for the correction, with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a)).

RECORD SOURCE CATEGORIES:

Complaint and information filed with SSA by, or on behalf of, the individual complainant, witnesses, SSA employees, telephone contact reports, complainant's attorney, and the alleged discriminator.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

This system is exempt from certain provisions of the Privacy Act under 5 U.S.C. 552a(k)(2). Pursuant to SSA regulations at 20 CFR 401.85(b)(2)(ii)(E), this system is exempt from the following subsections of the Privacy Act: (c)(3), (d)(1)–(4), (e)(4)(G), (H), and (I), and (f).

SYSTEM NUMBER: 60–0290

SYSTEM NAME:

Social Security Administration's Customer PIN/Password (PPW) Master File System, Social Security Administration, Deputy Commissioner for Disability and Income Security Programs.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, 6401 Security Boulevard, Baltimore, Maryland, 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Social Security Administration (SSA) customers (applicants, beneficiaries and other customers) who elect to conduct transactions with SSA in an electronic business environment that requires the PPW infrastructure. This may include customers who elect to block PPW access to SSA electronic transactions by requesting SSA to disable their PPW capabilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The information maintained in this system of records is collected from customers who elect to conduct transactions with SSA in an electronic business environment that requires the PPW infrastructure. The information maintained includes identifying information such as the customer's name, Social Security number (SSN) (which functions as the individual's personal identification number (PIN) and mailing address. The system also maintains the customer's Password Request Code (PRC), the password itself and the authorization level and associated data (*e.g.*, effective date of authorization).

We also maintain transactional data elements necessary to administer and maintain the PPW infrastructure. These include access profile information such as blocked PINs, failed access data, effective date of password and other data linked to the required authentication processes for Internet and automated telephone system applications. The information on this system may also include archived transaction data and historical data.

SSA will also use the data in the proposed system for management information purposes in order to effectively administer the PPW infrastructure used to conduct electronic business with SSA customers. Because we will maintain and retrieve data from the proposed system of records by the customer's SSN (which acts as the individual's PIN), the database will constitute a ''system of records'' under the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 205(a) of the Social Security Act (42 U.S.C. 405), 5 U.S.C. 552a(e)(10), and the Government Paperwork Elimination Act.

PURPOSE(S):

The Customer PPW Master File System maintains information collected for use in connection with SSA's implementation of a PIN/Password system that allows Social Security program applicants, beneficiaries, and other customers to conduct business with SSA in an electronic business environment. The system of records is designed to permit entry and retrieval of information associated with maintaining a PPW infrastructure that supports SSA's electronic initiatives requiring a PPW entry process.

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

Disclosure may be made for routine uses as indicated below:

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

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

3. To the Department of Justice (DOJ), a court or other tribunal or another party before such tribunal when:

(a) The Social Security Administration (SSA), or any component thereof; or

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

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

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components, is a party to the litigation or has an interest in such litigation, and

SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before such tribunal, is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

4. To contractors and other Federal agencies, as necessary, for the purpose of assisting the Social Security Administration (SSA) in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency functions relating to this system of records.

5. To the General Services Administration and the National Archives Records Administration (NARA) under 44 U.S.C. 2904 and 2906, as amended by the NARA Act of 1984, information which is not restricted from disclosure by Federal law for the use of those agencies in conducting records management studies.

6. To the Secretary of Health and Human Services or to any State, the Commissioner shall disclose any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

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

STORAGE:

Data are stored in electronic and paper form.

RETRIEVABILITY:

Records in this system are indexed and retrieved by SSN (which acts as the individual's PIN).

SAFEGUARDS:

Security measures include computer firewall technology, data encryption and other systems security measures to ensure that the PPW system is protected from inappropriate access. The existing SSA firewall architecture ensures that customers are limited only to electronic transactions the Agency determines and will not be able to access SSA's other systems or data.

Security measures also include the use of access codes to enter the database and storage of the electronic records in secured areas which are accessible only to employees who require the information in performing their official duties. The paper records that result from the data base site are kept in locked cabinets or in otherwise secure areas. Contractor personnel having access to data in the system of records are required to adhere to SSA rules concerning safeguards, access, and use of, the data. SSA personnel having access to the data on this system are informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system of records. Access *http://www.socialsecurity.gov/foia/bluebook/app_g.htm* for additional information relating to SSA data security measures.

RETENTION AND DISPOSAL:

PPW information maintained in this system is retained until notification of the death of the account holder plus seven years. Means of disposal is appropriate to storage medium (*e.g.*, deletion of individual records from the data base when appropriate or shredding of paper records that are produced from the system).

SYSTEM MANAGER(S) AND ADDRESS(ES):

Social Security Administration, Associate Commissioner, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, Maryland, 21235.

NOTIFICATION PROCEDURES:

An individual can determine if this system contains a record about him/her by writing to the system manager at the above address and providing his/her name, SSN or other information that may be in the system of records that will identify him/her. An individual requesting notification of records in person should provide the same information, as well as provide an identity document, preferably with a photograph, such as a driver's license or some other means of identification. If an individual does not have any identification document sufficient to establish his/her identity, the individual must certify in writing that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

If notification is requested by telephone, an individual must verify his/her identity by providing identifying information that parallels information in the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If an individual is requesting information by telephone on behalf of another individual, the subject individual must be connected with SSA and the requesting individual in the same phone call. SSA will establish the subject individual's identity (his/her name, SSN, address, date of birth and place of birth, along with one other piece of information, such as mother's maiden name) and ask for his/her permission in providing access by telephone to the requesting individual.

If a request for notification is submitted by mail, an individual must include a notarized statement to SSA to verify his/her identity or must certify in the request that he/she is the person claimed to be and that he/she understands that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c).)

RECORD ACCESS PROCEDURES:

Same as Notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations (20 CFR 401.40(c)).

CONTESTING RECORD PROCEDURES:

Same as Notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and the corrective action sought, and the reasons for the correction, with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant. These procedures are in accordance with SSA Regulations (20 CFR 401.65(a))

RECORD SOURCE CATEGORIES:

Data for the system are obtained primarily from the individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 06–112 Filed 1–10–06; 8:45 am]

BILLING CODE 4191–02–P

Federal Register

Wednesday,
January 11, 2006

Part III

Department of Labor

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year 2006.

DATES: *Effective Date:* The annual list of labor surplus areas is effective October 1, 2005 for all states.

FOR FURTHER INFORMATION CONTACT: Anthony D. Dais, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210. Telephone: (202) 693–2784.

SUPPLEMENTARY INFORMATION: The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. These regulations require the Assistant Secretary of Labor for the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations, the Assistant Secretary of Labor is hereby publishing the annual list of labor surplus areas.

In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

Procedures for Classifying Labor Surplus Areas

Labor surplus areas are classified on the basis of civil jurisdictions rather than on a metropolitan areas or labor market areas under the labor surplus area classification methodology. Civil jurisdictions are defined as all cities with a population of at least 25,000 and all counties. Townships with a population of 25,000 or more are also considered as civil jurisdictions in four states (Michigan, New Jersey, New York, and Pennsylvania). In Connecticut, Massachusetts, Puerto Rico, and Rhode Island where counties have very limited or no government functions, the classifications are done for individual towns.

A civil jurisdiction is classified as a labor surplus area when its average unemployment rate was at least 20 percent above the average unemployment rate for all states (including the District of Columbia and Puerto Rico) during the previous two calendar years. During periods of high national unemployment, the 20 percent ratio is disregarded and an area is classified as a labor surplus area if its unemployment rate during the previous two calendar years was 10 percent or more. This 10 percent ceiling concept comes into operation whenever, the two-year average unemployment rate for all states was 8.3 percent or above (i.e., 8.3 percent times the 1.20 ratio equals 10.0 percent). Similarly, a ''floor'' concept of 6.0 percent is used during periods of low national unemployment in order for an area to qualify as a labor surplus area (LSA). The six percent ''floor'' comes into effect whenever the average unemployment rate for all states during the two-year reference period was 5.0 percent or less.

The Department of Labor issues the labor surplus area list on a fiscal year basis. The list becomes effective each October 1 and remains in effect through the following September 30. During the course of the fiscal year, the annual list can be updated on the basis of exceptional circumstances petitions submitted by state workforce agencies and approved by the Employment and Training Administration. The reference period used in preparing the current list was January 2003 through December 2004. The national average unemployment rate during this period (including data for Puerto Rico) was 5.8 percent. After applying the 1.20 ratio, the unemployment rate for qualifying an area as having a surplus of labor for FY 2006 is 7.0 percent. Therefore, areas are included on the current annual labor surplus area list because their average unemployment rate during the reference period was 7.0 percent or above.

Petition for Exceptional Circumstances Consideration

The classification procedures also provide for the designation of labor surplus areas under exceptional circumstance criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not adequately reflected in the data for the two-year reference period. Under the program's exceptional circumstance procedures, labor surplus area classifications can be made on the basis of civil jurisdictions, Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas. In order for an area to be classified as a labor surplus area under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's Employment and Training Administration. The current conditions for exceptional circumstances classification are: an area unemployment rate of at least 7.0 percent for each of the three most recent months; projected unemployment rate of at least 7.0 for each of the next 12 months; and documented information that the exceptional circumstance event has already occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, as well as Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas, as defined by the Office of Management and Budget (OMB). The addresses of state workforce agencies are available on the LSA section of the ETA Web site *http://www.uses.doleta.gov/programs/lsa.cfm.* State workforce agencies should submit petitions in electronic format to *dais.anthony@dol.gov* or in hard copy to the ETA National Office, Office of Workforce Investment, 200 Constitution Ave., NW., Room S–4231, Washington, DC, 20210. Data collection for the petition is approved under OMB 1205–0207, dated November 23, 2004.

State Workforce Agencies

Alabama—Department of Industrial Relations, 649 Monroe St., Montgomery 36131
Alaska—Department of Labor & Workforce Development, P.O. Box 21149, Juneau 99802
Arizona—Arizona Department of Economic Security, P.O. Box 6123, Phoenix 85007
Arkansas—Employment Security Department, P.O. Box 2981, Little Rock 72203–2981
California—Employment Development Department, 800 Capitol Mall, Sacramento 95814
Colorado—Department of Labor and Employment, 633 17th Street, Denver 80202–3660
Connecticut—Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield 06109–1114
Delaware—Delaware Department of Labor, Division of Employment & Training, 4425 North Market Street, Wilmington 19802
District of Columbia—Department of Employment Services, 64 New York Avenue, NE., Washington 20002
Florida—Agency for Workforce Innovation, Caldwell Building, 107 E.

Madison Street, Tallahassee 32399–6545
Georgia—Georgia Department of Labor, 148 Andrew Young International Boulevard, NE., Atlanta 30303
Hawaii—Department of Labor and Industrial Relations, 830 Punchbowl St., Honolulu 96813
Idaho—Department of Labor, 317 W. Main Street, Boise 83735
Illinois—Department of Employment Security, 33 S. State Street, Chicago 60602–2802
Indiana—Department of Workforce Development, 10 North Senate Avenue, Indianapolis 46204–2277
Iowa—Iowa Workforce Development, 1000 Grand Avenue, Des Moines 50319
Kansas—Kansas Department of Commerce, 1000 S.W. Jackson Street, Topeka 66612–1354
Kentucky—Department of Workforce Investment, 275 East Main Street, Frankfort 40621
Louisiana—Department of Labor, P.O. Box 94094, Baton Rouge 70804–9094
Maine—Department of Labor, 20 Union Street, Augusta 04332–0259
Maryland—Department of Labor, Licensing and Regulation, 500 N. Calvert Street, Baltimore 21201
Massachusetts—Division of Career Services, 19 Staniford Street, Boston, 02114
Michigan—Department of Labor & Economic Growth, Victor Office Center, 201 N. Washington Square, Lansing 48913
Minnesota—Department of Employment & Economic Development, 390 North Robert Street, St. Paul 55101
Mississippi—Employment Security Commission, 1520 W. Capital St., P.O. Box 1699, Jackson 39215–1699
Missouri—Department of Economic Development, Division of Workforce Development, 421 East Dunklin Street, Jefferson City 65104
Montana—Department of Labor and Industry, P.O. Box 1728, Helena 59624
Nebraska—Department of Labor, Div of Employment, 550 South 16th Street, Lincoln 68509
Nevada—Department of Employment, Training and Rehabilitation, 500 E. Third Street, Carson City 89713
New Hampshire—Department of Employment Security, 32 S. Main Street, Concord 03301–4857
New Jersey—Department of Labor and Workforce Development, P.O. Box 110, Trenton 08625
New Mexico—Department of Labor, 401 Broadway, NE., P.O. Box 1928, Albuquerque 87103
New York—Department of Labor, State Campus, Building 12, Albany 12240
North Carolina—Employment Security Commission of North Carolina, P.O. Box 25903, Raleigh 27611
North Dakota—Job Service North Dakota, 1000 E. Divide Ave., P.O. Box 5507, Bismarck, 58506–5507
Ohio—Department of Jobs and Family Services, 30 E. Broad Street, Columbus 43215
Oklahoma—Employment Security Commission, 2401 North Lincoln, Will Rogers Memorial Office Building, Oklahoma City 73105
Oregon—Oregon Employment Department, 875 Union St., NE., Salem 97311
Pennsylvania—Department of Labor & Industry, 1720 Labor & Industry Bldg., Harrisburg 17121
Puerto Rico—Department of Labor and Human Resources, 505 Munoz Rivera Avenue, Hato Rey 00936–4452
Rhode Island—Department of Labor & Training, 1511 Pontiac Avenue, Cranston 02920–4407
South Carolina—Employment Security Commission, Department of Employment and Training, P.O. Box 995, Columbia 29202
South Dakota—Department of Labor, 700 Governors Drive, Pierre 57501–2277
Tennessee—Department of Labor & Workforce Development, 500 James Robertson Parkway, Nashville 37245–1700
Texas—Texas Workforce Commission, 101 East 15th Street 440T, Austin 78778
Utah—Department of Workforce Services, 140 East 300 South, P.O. Box 45249, Salt Lake City 84145–0249
Vermont—Department of Employment & Training, P.O. Box 488, 5 Green Mountain Drive, Montpelier 05601–0488
Virginia—Virginia Employment Commission, 703 East Main Street, Richmond 12119
Washington—Employment Security Department, P.O. Box 9046, Olympia 98507–9046
West Virginia—Bureau of Employment Programs, 112 California Ave., Charleston 25305–0112
Wisconsin—Department of Workforce Development, 201 East Washington Avenue, Room A400, Madison 53702
Wyoming—Department of Workforce Services, 122 West 25th Street, Cheyenne 82002

Signed: at Washington, DC, this 3rd day of January, 2006.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

Eligible labor surplus areas	Civil jurisdictions included
ALABAMA	
ANNISTON CITY	ANNISTON CITY IN CALHOUN COUNTY.
BARBOUR COUNTY	BARBOUR COUNTY.
BESSEMER CITY	BESSEMER CITY IN JEFFERSON COUNTY.
BIRMINGHAM CITY	BIRMINGHAM CITY IN JEFFERSON COUNTY.
	SHELBY COUNTY.
BULLOCK COUNTY	BULLOCK COUNTY.
BUTLER COUNTY	BUTLER COUNTY.
CHOCTAW COUNTY	CHOCTAW COUNTY.
CLARKE COUNTY	CLARKE COUNTY.
COLBERT COUNTY	COLBERT COUNTY.
CONECUH COUNTY	CONECUH COUNTY.
COOSA COUNTY	COOSA COUNTY.
DALLAS COUNTY	DALLAS COUNTY.
ESCAMBIA COUNTY	ESCAMBIA COUNTY.
FLORENCE CITY	FLORENCE CITY IN LAUDERDALE COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
GADSDEN CITY	GADSDEN CITY IN ETOWAH COUNTY.
GREENE COUNTY	GREENE COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
HALE COUNTY	HALE COUNTY.
LAMAR COUNTY	LAMAR COUNTY.
LOWNDES COUNTY	LOWNDES COUNTY.
MOBILE CITY	MOBILE CITY IN MOBILE COUNTY.
MONROE COUNTY	MONROE COUNTY.
PERRY COUNTY	PERRY COUNTY.
PICKENS COUNTY	PICKENS COUNTY.
PRICHARD CITY	PRICHARD CITY IN MOBILE COUNTY.
SUMTER COUNTY	SUMTER COUNTY.
TALLADEGA COUNTY	TALLADEGA COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WILCOX COUNTY	WILCOX COUNTY.
WINSTON COUNTY	WINSTON COUNTY.
ALASKA	
ALEUTIANS EAST BOROUGH	ALEUTIANS EAST BOROUGH.
BETHEL CENSUS AREA	BETHEL CENSUS AREA.
DENALI BOROUGH	DENALI BOROUGH.
DILLINGHAM CENSUS AREA	DILLINGHAM CENSUS AREA.
FAIRBANKS CITY	FAIRBANKS CITY IN FAIRBANKS NORTH STAR BOROUGH.
HAINES BOROUGH	HAINES BOROUGH.
KENAI PENINSULA BOROUGH	KENAI PENINSULA BOROUGH.
KETCHIKAN GATEWAY BOROUGH	KETCHIKAN GATEWAY BOROUGH.
KODIAK ISLAND BOROUGH	KODIAK ISLAND BOROUGH.
LAKE AND PENINSULA BOROUGH	LAKE AND PENINSULA BOROUGH.
MATANUSKA-SUSITNA BOROUGH	MATANUSKA-SUSITNA BOROUGH.
NOME CENSUS AREA	NOME CENSUS AREA.
NORTH SLOPE BOROUGH	NORTH SLOPE BOROUGH.
NORTHWEST ARCTIC BOROUGH	NORTHWEST ARCTIC BOROUGH.
PRINCE OF WALES OUTER KETCHIKAN	PRINCE OF WALES OUTER KETCHIKAN.
SKAGWAY-HOONAH-ANGOON CEN AREA	SKAGWAY-HOONAH-ANGOON CEN AREA.
SOUTHEAST FAIRBANKS CENSUS AREA	SOUTHEAST FAIRBANKS CENSUS AREA.
VALDEZ CORDOVA CENSUS AREA	VALDEZ CORDOVA CENSUS AREA.
WADE HAMPTON CENSUS AREA	WADE HAMPTON CENSUS AREA.
WRANGELL-PETERSBURG CENSUS AREA	WRANGELL-PETERSBURG CENSUS AREA.
YAKUTAT BOROUGH	YAKUTAT BOROUGH.
YUKON-KOYUKUK CENSUS AREA	YUKON-KOYUKUK CENSUS AREA.
ARIZONA	
APACHE COUNTY	APACHE COUNTY.
BALANCE OF COCONINO COUNTY	COCONINO COUNTY LESS FLAGSTAFF CITY.
GRAHAM COUNTY	GRAHAM COUNTY.
NAVAJO COUNTY	NAVAJO COUNTY.
BALANCE OF PINAL COUNTY	PINAL COUNTY LESS APACHE JUNCTION.
	CASA GRANDE CITY.
SANTA CRUZ COUNTY	SANTA CRUZ COUNTY.
YUMA CITY	YUMA CITY IN YUMA COUNTY.
BALANCE OF YUMA COUNTY	YUMA COUNTY LESS YUMA CITY.
ARKANSAS	
ASHLEY COUNTY	ASHLEY COUNTY.
BRADLEY COUNTY	BRADLEY COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHICOT COUNTY	CHICOT COUNTY.
CLAY COUNTY	CLAY COUNTY.
CROSS COUNTY	CROSS COUNTY.
DALLAS COUNTY	DALLAS COUNTY.
DESHA COUNTY	DESHA COUNTY.
DREW COUNTY	DREW COUNTY.
HOT SPRINGS CITY	HOT SPRINGS CITY IN GARLAND COUNTY.
IZARD COUNTY	IZARD COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEE COUNTY	LEE COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
LINCOLN COUNTY	LINCOLN COUNTY.
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY.
MONROE COUNTY	MONROE COUNTY.
OUACHITA COUNTY	OUACHITA COUNTY.
PHILLIPS COUNTY	PHILLIPS COUNTY.
PINE BLUFF CITY	PINE BLUFF CITY IN JEFFERSON COUNTY.
RANDOLPH COUNTY	RANDOLPH COUNTY.
SHARP COUNTY	SHARP COUNTY.
ST. FRANCIS COUNTY	ST. FRANCIS COUNTY.
STONE COUNTY	STONE COUNTY.
UNION COUNTY	UNION COUNTY.
WEST MEMPHIS CITY	WEST MEMPHIS CITY IN CRITTENDEN COUNTY.
WOODRUFF COUNTY	WOODRUFF COUNTY.
CALIFORNIA	
ALPINE COUNTY	ALPINE COUNTY.
AZUSA CITY	AZUSA CITY IN LOS ANGELES COUNTY.
BALDWIN PARK CITY	BALDWIN PARK CITY IN LOS ANGELES COUNTY.
BANNING CITY	BANNING CITY IN RIVERSIDE COUNTY.
BELL CITY	BELL CITY IN LOS ANGELES COUNTY.
BELL GARDENS CITY	BELL GARDENS CITY IN LOS ANGELES COUNTY.
BALANCE OF BUTTE COUNTY	BUTTE COUNTY LESS CHICO CITY.
	PARADISE CITY.
CALEXICO CITY	CALEXICO CITY IN IMPERIAL COUNTY.
CERES CITY	CERES CITY IN STANISLAUS COUNTY.
COACHELLA CITY	COACHELLA CITY IN RIVERSIDE COUNTY.
COLUSA COUNTY	COLUSA COUNTY.
COMPTON CITY	COMPTON CITY IN LOS ANGELES COUNTY.
CUDAHY CITY	CUDAHY CITY IN LOS ANGELES COUNTY.
DEL NORTE COUNTY	DEL NORTE COUNTY.
DELANO CITY	DELANO CITY IN KERN COUNTY.
EAST PALO ALTO CITY	EAST PALO ALTO CITY IN SAN MATEO COUNTY.
EL CENTRO CITY	EL CENTRO CITY IN IMPERIAL COUNTY.
EL MONTE CITY	EL MONTE CITY IN LOS ANGELES COUNTY.
EUREKA CITY	EUREKA CITY IN HUMBOLDT COUNTY.
FRESNO CITY	FRESNO CITY IN FRESNO COUNTY.
BALANCE OF FRESNO COUNTY	FRESNO COUNTY LESS CLOVIS CITY.
	FRESNO CITY.
GILROY CITY	GILROY CITY IN SANTA CLARA COUNTY.
GLENN COUNTY	GLENN COUNTY.
HANFORD CITY	HANFORD CITY IN KINGS COUNTY.
HAWTHORNE CITY	HAWTHORNE CITY IN LOS ANGELES COUNTY.
HAYWARD CITY	HAYWARD CITY IN ALAMEDA COUNTY.
HEMET CITY	HEMET CITY IN RIVERSIDE COUNTY.
HESPERIA CITY	HESPERIA CITY IN SAN BERNARDINO COUNTY.
HIGHLAND CITY	HIGHLAND CITY IN SAN BERNARDINO COUNTY.
HOLISTER CITY	HOLISTER CITY IN SAN BENITO COUNTY.
HUNTINGTON PARK CITY	HUNTINGTON PARK CITY IN LOS ANGELES COUNTY.
IMPERIAL BEACH CITY	IMPERIAL BEACH CITY IN SAN DIEGO COUNTY.
BALANCE OF IMPERIAL COUNTY	IMPERIAL COUNTY LESS CALEXICO CITY.
	EL CENTRO CITY.
INGLEWOOD CITY	INGLEWOOD CITY IN LOS ANGELES COUNTY.
BALANCE OF KERN COUNTY	KERN COUNTY LESS BAKERSFIELD CITY.
	DELANO CITY.
	RIDGECREST CITY.
BALANCE OF KINGS COUNTY	KINGS COUNTY LESS HANFORD CITY.
LA PUENTE CITY	LA PUENTE CITY IN LOS ANGELES COUNTY.
LAKE COUNTY	LAKE COUNTY.
LANCASTER CITY	LANCASTER CITY IN LOS ANGELES COUNTY.
LASSEN COUNTY	LASSEN COUNTY.
LOMPOC CITY	LOMPOC CITY IN SANTA BARBARA COUNTY.
LONG BEACH CITY	LONG BEACH CITY IN LOS ANGELES COUNTY.
LOS ANGELES CITY	LOS ANGELES CITY IN LOS ANGELES COUNTY.
LOS BANOS CITY	LOS BANOS CITY IN MERCED COUNTY.
LYNWOOD CITY	LYNWOOD CITY IN LOS ANGELES COUNTY.
MADERA CITY	MADERA CITY IN MADERA COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
BALANCE OF MADERA COUNTY	MADERA COUNTY LESS MADERA CITY.
MANTECA CITY	MANTECA CITY IN SAN JOAQUIN COUNTY.
MAYWOOD CITY	MAYWOOD CITY IN LOS ANGELES COUNTY.
MERCED CITY	MERCED CITY IN MERCED COUNTY.
BALANCE OF MERCED COUNTY	MERCED COUNTY LESS LOS BANOS CITY.
	MERCED CITY.
MILPITAS CITY	MILPITAS CITY IN SANTA CLARA COUNTY.
MODESTO CITY	MODESTO CITY IN STANISLAUS COUNTY.
MODOC COUNTY	MODOC COUNTY.
MONTEBELLO CITY	MONTEBELLO CITY IN LOS ANGELES COUNTY.
BALANCE OF MONTEREY COUNTY	MONTEREY COUNTY LESS MARINA CITY.
	MONTEREY CITY.
	SALINAS CITY.
	SEASIDE CITY.
MORENO VALLEY CITY	MORENO VALLEY CITY IN RIVERSIDE COUNTY.
MORGAN HILL CITY	MORGAN HILL CITY IN SANTA CLARA COUNTY.
NATIONAL CITY	NATIONAL CITY IN SAN DIEGO COUNTY.
NORWALK CITY	NORWALK CITY IN LOS ANGELES COUNTY.
OAKLAND CITY	OAKLAND CITY IN ALAMEDA COUNTY.
OXNARD CITY	OXNARD CITY IN VENTURA COUNTY.
PALMDALE CITY	PALMDALE CITY IN LOS ANGELES COUNTY.
PARAMOUNT CITY	PARAMOUNT CITY IN LOS ANGELES COUNTY.
PERRIS CITY	PERRIS CITY IN RIVERSIDE COUNTY.
PITTSBURG CITY	PITTSBURG CITY IN CONTRA COSTA COUNTY.
PLUMAS COUNTY	PLUMAS COUNTY.
POMONA CITY	POMONA CITY IN LOS ANGELES COUNTY.
PORTERVILLE CITY	PORTERVILLE CITY IN TULARE COUNTY.
RIALTO CITY	RIALTO CITY IN SAN BERNARDINO COUNTY.
RICHMOND CITY	RICHMOND CITY IN CONTRA COSTA COUNTY.
SALINAS CITY	SALINAS CITY IN MONTEREY COUNTY.
BALANCE OF SAN BENITO COUNTY	SAN BENITO COUNTY LESS HOLISTER CITY.
SAN BERNARDINO CITY	SAN BERNARDINO CITY IN SAN BERNARDINO COUNTY.
SAN JACINTO CITY	SAN JACINTO CITY IN RIVERSIDE COUNTY.
BALANCE OF SAN JOAQUIN COUNTY	SAN JOAQUIN COUNTY LESS LODI CITY.
	MANTECA CITY.
	STOCKTON CITY.
	TRACEY CITY.
SAN JOSE CITY	SAN JOSE CITY IN SANTA CLARA COUNTY.
SAN PABLO CITY	SAN PABLO CITY IN CONTRA COSTA COUNTY.
SANTA ANA CITY	SANTA ANA CITY IN ORANGE COUNTY.
BALANCE OF SANTA CLARA COUNTY	SANTA CLARA COUNTY LESS CAMPBELL CITY.
	CUPERTINO CITY.
	GILROY CITY.
	LOS ALTOS CITY.
	LOS GATOS TOWN.
	MILPITAS CITY.
	MORGAN HILL CITY.
	MOUNTAIN VIEW CITY.
	PALO ALTO CITY.
	SAN JOSE CITY.
	SANTA CLARA CITY.
	SARATOGA CITY.
	SUNNYVALE CITY.
SANTA MARIA CITY	SANTA MARIA CITY IN SANTA BARBARA COUNTY.
SANTA PAULA CITY	SANTA PAULA CITY IN VENTURA COUNTY.
BALANCE OF SHASTA COUNTY	SHASTA COUNTY LESS REDDING CITY.
SIERRA COUNTY	SIERRA COUNTY.
SISKIYOU COUNTY	SISKIYOU COUNTY.
SOUTH GATE CITY	SOUTH GATE CITY IN LOS ANGELES COUNTY.
BALANCE OF STANISLAUS COUNTY	STANISLAUS COUNTY LESS CERES CITY.
	MODESTO CITY.
	TURLOCK CITY.
STANTON CITY	STANTON CITY IN ORANGE COUNTY.
STOCKTON CITY	STOCKTON CITY IN SAN JOAQUIN COUNTY.
BALANCE OF SUTTER COUNTY	SUTTER COUNTY LESS YUBA CITY.
TEHAMA COUNTY	TEHAMA COUNTY.
TRINITY COUNTY	TRINITY COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
TULARE CITY	TULARE CITY IN TULARE COUNTY.
BALANCE OF TULARE COUNTY	TULARE COUNTY LESS PORTERVILLE CITY.
	TULARE CITY.
	VISALIA CITY.
TURLOCK CITY	TURLOCK CITY IN STANISLAUS COUNTY.
TWENTYNINE PALMS CITY	TWENTYNINE PALMS CITY IN SAN BERNARDINO COUNTY.
VALLEJO CITY	VALLEJO CITY IN SOLANO COUNTY.
VICTORVILLE CITY	VICTORVILLE CITY IN SAN BERNARDINO COUNTY.
VISALIA CITY	VISALIA CITY IN TULARE COUNTY.
WATSONVILLE CITY	WATSONVILLE CITY IN SANTA CRUZ COUNTY.
WEST SACRAMENTO CITY	WEST SACRAMENTO CITY IN YOLO COUNTY.
WOODLAND CITY	WOODLAND CITY IN YOLO COUNTY.
YUBA CITY	YUBA CITY IN SUTTER COUNTY.
YUBA COUNTY	YUBA COUNTY.
COLORADO	
AURORA CITY	AURORA CITY IN ADAMS COUNTY.
	ARAPAHOE COUNTY.
BENT COUNTY	BENT COUNTY.
CONEJOS COUNTY	CONEJOS COUNTY.
COSTILLA COUNTY	COSTILLA COUNTY.
CROWLEY COUNTY	CROWLEY COUNTY.
DENVER CITY	DENVER CITY IN DENVER COUNTY.
DOLORES COUNTY	DOLORES COUNTY.
FREMONT COUNTY	FREMONT COUNTY.
HUERFANO COUNTY	HUERFANO COUNTY.
PUEBLO CITY	PUEBLO CITY IN PUEBLO COUNTY.
SAGUACHE COUNTY	SAGUACHE COUNTY.
CONNECTICUT	
BRIDGEPORT CITY	BRIDGEPORT CITY.
EAST HARTFORD CITY	EAST HARTFORD CITY.
HARTFORD CITY	HARTFORD CITY.
KILLINGLY TOWN	KILLINGLY TOWN.
NEW BRITAIN CITY	NEW BRITAIN CITY.
NEW HAVEN CITY	NEW HAVEN CITY.
WATERBURY CITY	WATERBURY CITY.
DISTRICT OF COLUMBIA	
WASHINGTON DC CITY	WASHINGTON DC CITY IN DISTRICT OF COLUMBIA.
FLORIDA	
FORT PIERCE CITY	FORT PIERCE CITY IN ST. LUCIE COUNTY.
HENDRY COUNTY	HENDRY COUNTY.
HIALEAH CITY	HIALEAH CITY IN MIAMI-DADE COUNTY.
HOMESTEAD CITY	HOMESTEAD CITY IN MIAMI-DADE COUNTY.
LAKE WORTH CITY	LAKE WORTH CITY IN PALM BEACH COUNTY.
LAUDERDALE LAKES CITY	LAUDERDALE LAKES CITY IN BROWARD COUNTY.
MIAMI CITY	MIAMI CITY IN MIAMI-DADE COUNTY.
NORTH MIAMI BEACH CITY	NORTH MIAMI BEACH CITY IN MIAMI-DADE COUNTY.
NORTH MIAMI CITY	NORTH MIAMI CITY IN MIAMI-DADE COUNTY.
RIVIERA BEACH CITY	RIVIERA BEACH CITY IN PALM BEACH COUNTY.
SANFORD CITY	SANFORD CITY IN SEMINOLE COUNTY.
GEORGIA	
ATLANTA CITY	ATLANTA CITY IN DE KALB COUNTY.
	FULTON COUNTY.
BURKE COUNTY	BURKE COUNTY.
EAST POINT CITY	EAST POINT CITY IN FULTON COUNTY.
JEFF DAVIS COUNTY	JEFF DAVIS COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
MACON COUNTY	MACON COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
STEWART COUNTY	STEWART COUNTY.
TELFAIR COUNTY	TELFAIR COUNTY.
WARREN COUNTY	WARREN COUNTY.
WILKES COUNTY	WILKES COUNTY.
IDAHO	
ADAMS COUNTY	ADAMS COUNTY.
BENEWAH COUNTY	BENEWAH COUNTY.
BOUNDARY COUNTY	BOUNDARY COUNTY.
CLEARWATER COUNTY	CLEARWATER COUNTY.
IDAHO COUNTY	IDAHO COUNTY.
LEMHI COUNTY	LEMHI COUNTY.
MINIDOKA COUNTY	MINIDOKA COUNTY.
PAYETTE COUNTY	PAYETTE COUNTY.
SHOSHONE COUNTY	SHOSHONE COUNTY.
VALLEY COUNTY	VALLEY COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
ILLINOIS	
ADDISON VILLAGE	ADDISON VILLAGE IN DU PAGE COUNTY.
ALEXANDER COUNTY	ALEXANDER COUNTY.
ALTON CITY	ALTON CITY IN MADISON COUNTY.
BELLEVILLE CITY	BELLEVILLE CITY IN ST. CLAIR COUNTY.
BOONE COUNTY	BOONE COUNTY.
BUREAU COUNTY	BUREAU COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CALUMET CITY	CALUMET CITY IN COOK COUNTY.
CARPENTERSVILLE CITY	CARPENTERSVILLE CITY IN KANE COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CHICAGO CITY	CHICAGO CITY IN COOK COUNTY.
CHICAGO HEIGHTS CITY	CHICAGO HEIGHTS CITY IN COOK COUNTY.
CICERO CITY	CICERO CITY IN COOK COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
CUMBERLAND COUNTY	CUMBERLAND COUNTY.
DANVILLE CITY	DANVILLE CITY IN VERMILION COUNTY.
DECATUR CITY	DECATUR CITY IN MACON COUNTY.
DES PLAINES CITY	DES PLAINES CITY IN COOK COUNTY.
DOLTON VILLAGE	DOLTON VILLAGE IN COOK COUNTY.
EAST ST. LOUIS CITY	EAST ST. LOUIS CITY IN ST. CLAIR COUNTY.
ELGIN CITY	ELGIN CITY IN COOK COUNTY.
	KANE COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
FREEPORT CITY	FREEPORT CITY IN STEPHENSON COUNTY.
FULTON COUNTY	FULTON COUNTY.
GALESBURG CITY	GALESBURG CITY IN KNOX COUNTY.
GALLATIN COUNTY	GALLATIN COUNTY.
GRANITE CITY	GRANITE CITY IN MADISON COUNTY.
GRUNDY COUNTY	GRUNDY COUNTY.
HANOVER PARK VILLAGE	HANOVER PARK VILLAGE IN COOK COUNTY.
	DU PAGE COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HARVEY CITY	HARVEY CITY IN COOK COUNTY.
HENDERSON COUNTY	HENDERSON COUNTY.
JASPER COUNTY	JASPER COUNTY.
JOHNSON COUNTY	JOHNSON COUNTY.
JOLIET CITY	JOLIET CITY IN WILL COUNTY.
KANKAKEE CITY	KANKAKEE CITY IN KANKAKEE COUNTY.
BALANCE OF KNOX COUNTY	KNOX COUNTY LESS GALESBURG CITY.
LA SALLE COUNTY	LA SALLE COUNTY.
MARION COUNTY	MARION COUNTY.
MASON COUNTY	MASON COUNTY.
MAYWOOD VILLAGE	MAYWOOD VILLAGE IN COOK COUNTY.
MERCER COUNTY	MERCER COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
NORTH CHICAGO CITY	NORTH CHICAGO CITY IN LAKE COUNTY.
PARK FOREST VILLAGE	PARK FOREST VILLAGE IN COOK COUNTY.
	WILL COUNTY.
PEKIN CITY	PEKIN CITY IN TAZEWELL COUNTY.
PERRY COUNTY	PERRY COUNTY.
POPE COUNTY	POPE COUNTY.
PULASKI COUNTY	PULASKI COUNTY.
PUTNAM COUNTY	PUTNAM COUNTY.
ROCKFORD CITY	ROCKFORD CITY IN WINNEBAGO COUNTY.
ROUND LAKE BEACH VILLAGE	ROUND LAKE BEACH VILLAGE IN LAKE COUNTY.
SALINE COUNTY	SALINE COUNTY.
STARK COUNTY	STARK COUNTY.
UNION COUNTY	UNION COUNTY.
WAUKEGAN CITY	WAUKEGAN CITY IN LAKE COUNTY.
WEST CHICAGO CITY	WEST CHICAGO CITY IN DU PAGE COUNTY.
WHITESIDE COUNTY	WHITESIDE COUNTY.
INDIANA	
ANDERSON CITY	ANDERSON CITY IN MADISON COUNTY.
BLACKFORD COUNTY	BLACKFORD COUNTY.
EAST CHICAGO CITY	EAST CHICAGO CITY IN LAKE COUNTY.
ELKHART CITY	ELKHART CITY IN ELKHART COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
GARY CITY	GARY CITY IN LAKE COUNTY.
HAMMOND CITY	HAMMOND CITY IN LAKE COUNTY.
KOKOMO CITY	KOKOMO CITY IN HOWARD COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
MARION CITY	MARION CITY IN GRANT COUNTY.
MIAMI COUNTY	MIAMI COUNTY.
MICHIGAN CITY	MICHIGAN CITY IN LA PORTE COUNTY.
MUNCIE CITY	MUNCIE CITY IN DELAWARE COUNTY.
ORANGE COUNTY	ORANGE COUNTY.
RICHMOND CITY	RICHMOND CITY IN WAYNE COUNTY.
SOUTH BEND CITY	SOUTH BEND CITY IN ST. JOSEPH COUNTY.
STARKE COUNTY	STARKE COUNTY.
SULLIVAN COUNTY	SULLIVAN COUNTY.
TERRE HAUTE CITY	TERRE HAUTE CITY IN VIGO COUNTY.
VERMILLION COUNTY	VERMILLION COUNTY.
WHITE COUNTY	WHITE COUNTY.
IOWA	
BURLINGTON CITY	BURLINGTON CITY IN DES MOINES COUNTY.
CLARKE COUNTY	CLARKE COUNTY.
LEE COUNTY	LEE COUNTY.
TAMA COUNTY	TAMA COUNTY.
KANSAS	
CHEROKEE COUNTY	CHEROKEE COUNTY.
DONIPHAN COUNTY	DONIPHAN COUNTY.
KANSAS CITY KN	KANSAS CITY KN IN WYANDOTTE COUNTY.
LEAVENWORTH CITY	LEAVENWORTH CITY IN LEAVENWORTH COUNTY.
LINN COUNTY	LINN COUNTY.
SUMNER COUNTY	SUMNER COUNTY.
WICHITA CITY	WICHITA CITY IN SEDGWICK COUNTY.
KENTUCKY	
BALLARD COUNTY	BALLARD COUNTY.
BATH COUNTY	BATH COUNTY.
BELL COUNTY	BELL COUNTY.
BOYLE COUNTY	BOYLE COUNTY.
BREATHITT COUNTY	BREATHITT COUNTY.
BUTLER COUNTY	BUTLER COUNTY.
CARLISLE COUNTY	CARLISLE COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
CARTER COUNTY	CARTER COUNTY.
BALANCE OF CHRISTIAN COUNTY	CHRISTIAN COUNTY LESS HOPKINSVILLE CITY.
CLAY COUNTY	CLAY COUNTY.
CLINTON COUNTY	CLINTON COUNTY.
CUMBERLAND COUNTY	CUMBERLAND COUNTY.
ELLIOTT COUNTY	ELLIOTT COUNTY.
ESTILL COUNTY	ESTILL COUNTY.
FLOYD COUNTY	FLOYD COUNTY.
FULTON COUNTY	FULTON COUNTY.
GRAVES COUNTY	GRAVES COUNTY.
GRAYSON COUNTY	GRAYSON COUNTY.
HARLAN COUNTY	HARLAN COUNTY.
HICKMAN COUNTY	HICKMAN COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
KNOX COUNTY	KNOX COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEE COUNTY	LEE COUNTY.
LESLIE COUNTY	LESLIE COUNTY.
LETCHER COUNTY	LETCHER COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
LYON COUNTY	LYON COUNTY.
MAGOFFIN COUNTY	MAGOFFIN COUNTY.
MARTIN COUNTY	MARTIN COUNTY.
MCCREARY COUNTY	MCCREARY COUNTY.
MCLEAN COUNTY	MCLEAN COUNTY.
MENIFEE COUNTY	MENIFEE COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
MUHLENBERG COUNTY	MUHLENBERG COUNTY.
OWSLEY COUNTY	OWSLEY COUNTY.
PERRY COUNTY	PERRY COUNTY.
PIKE COUNTY	PIKE COUNTY.
POWELL COUNTY	POWELL COUNTY.
WOLFE COUNTY	WOLFE COUNTY.
LOUISIANA	
ALEXANDRIA CITY	ALEXANDRIA CITY IN RAPIDES PARISH.
ALLEN PARISH	ALLEN PARISH.
ASSUMPTION PARISH	ASSUMPTION PARISH.
AVOYELLES PARISH	AVOYELLES PARISH.
BATON ROUGE CITY	BATON ROUGE CITY IN EAST BATON ROUGE PARISH.
BIENVILLE PARISH	BIENVILLE PARISH.
CALDWELL PARISH	CALDWELL PARISH.
CATAHOULA PARISH	CATAHOULA PARISH.
CLAIBORNE PARISH	CLAIBORNE PARISH.
CONCORDIA PARISH	CONCORDIA PARISH.
DE SOTO PARISH	DE SOTO PARISH.
EAST CARROLL PARISH	EAST CARROLL PARISH.
EAST FELICIANA PARISH	EAST FELICIANA PARISH.
EVANGELINE PARISH	EVANGELINE PARISH.
FRANKLIN PARISH	FRANKLIN PARISH.
GRANT PARISH	GRANT PARISH.
IBERVILLE PARISH	IBERVILLE PARISH.
JACKSON PARISH	JACKSON PARISH.
LA SALLE PARISH	LA SALLE PARISH.
LAKE CHARLES CITY	LAKE CHARLES CITY IN CALCASIEU PARISH.
MADISON PARISH	MADISON PARISH.
MONROE CITY	MONROE CITY IN OUACHITA PARISH.
MOREHOUSE PARISH	MOREHOUSE PARISH.
NEW IBERIA CITY	NEW IBERIA CITY IN IBERIA PARISH.
POINTE COUPEE PARISH	POINTE COUPEE PARISH.
RED RIVER PARISH	RED RIVER PARISH.
RICHLAND PARISH	RICHLAND PARISH.
SHREVEPORT CITY	SHREVEPORT CITY IN BOSSIER PARISH. CADDO PARISH.
ST. JAMES PARISH	ST. JAMES PARISH.

Eligible labor surplus areas	Civil jurisdictions included
ST. LANDRY PARISH	ST. LANDRY PARISH.
ST. MARY PARISH	ST. MARY PARISH.
TENSAS PARISH	TENSAS PARISH.
WASHINGTON PARISH	WASHINGTON PARISH.
WEBSTER PARISH	WEBSTER PARISH.
WEST CARROLL PARISH	WEST CARROLL PARISH.
WEST FELICIANA PARISH	WEST FELICIANA PARISH.
WINN PARISH	WINN PARISH.
MAINE	
PISCATAQUIS COUNTY	PISCATAQUIS COUNTY.
SOMERSET COUNTY	SOMERSET COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
MARYLAND	
BALTIMORE CITY	BALTIMORE CITY.
MASSACHUSETTS	
ADAMS TOWN	ADAMS TOWN IN BERKSHIRE COUNTY.
BROCKTON CITY	BROCKTON CITY IN PLYMOUTH COUNTY.
CHELSEA CITY	CHELSEA CITY IN SUFFOLK COUNTY.
FALL RIVER CITY	FALL RIVER CITY IN BRISTOL COUNTY.
FITCHBURG CITY	FITCHBURG CITY IN WORCESTER COUNTY.
FLORIDA TOWN	FLORIDA TOWN IN BERKSHIRE COUNTY.
HOLYOKE CITY	HOLYOKE CITY IN HAMPDEN COUNTY.
LAWRENCE CITY	LAWRENCE CITY IN ESSEX COUNTY.
LOWELL CITY	LOWELL CITY IN MIDDLESEX COUNTY.
METHUEN CITY	METHUEN CITY IN ESSEX COUNTY.
MONROE TOWN	MONROE TOWN IN FRANKLIN COUNTY.
NEW BEDFORD CITY	NEW BEDFORD CITY IN BRISTOL COUNTY.
PROVINCETOWN TOWN	PROVINCETOWN TOWN IN BARNSTABLE COUNTY.
REVERE CITY	REVERE CITY IN SUFFOLK COUNTY.
SOUTHBRIDGE TOWN	SOUTHBRIDGE TOWN IN WORCESTER COUNTY.
SPRINGFIELD CITY	SPRINGFIELD CITY IN HAMPDEN COUNTY.
TRURO TOWN	TRURO TOWN IN BARNSTABLE COUNTY.
MICHIGAN	
ALCONA COUNTY	ALCONA COUNTY.
ALGER COUNTY	ALGER COUNTY.
ALPENA COUNTY	ALPENA COUNTY.
ANTRIM COUNTY	ANTRIM COUNTY.
ARENAC COUNTY	ARENAC COUNTY.
BARAGA COUNTY	BARAGA COUNTY.
BATTLE CREEK CITY	BATTLE CREEK CITY IN CALHOUN COUNTY.
BAY CITY	BAY CITY IN BAY COUNTY.
BALANCE OF BAY COUNTY	BAY COUNTY LESS BAY CITY. MIDLAND CITY
BENZIE COUNTY	BENZIE COUNTY.
BERRIEN COUNTY	BERRIEN COUNTY.
BRANCH COUNTY	BRANCH COUNTY.
CHARLEVOIX COUNTY	CHARLEVOIX COUNTY.
CHEBOYGAN COUNTY	CHEBOYGAN COUNTY.
CHIPPEWA COUNTY	CHIPPEWA COUNTY.
CLARE COUNTY	CLARE COUNTY.
CLINTON TOWNSHIP	CLINTON TOWNSHIP IN MACOMB COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
DELTA COUNTY	DELTA COUNTY.
DETROIT CITY	DETROIT CITY IN WAYNE COUNTY.
EMMET COUNTY	EMMET COUNTY.
FLINT CITY	FLINT CITY IN GENESEE COUNTY.
FLINT TOWNSHIP	FLINT TOWNSHIP IN GENESEE COUNTY.
GLADWIN COUNTY	GLADWIN COUNTY.
GOGEBIC COUNTY	GOGEBIC COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
GRAND RAPIDS CITY	GRAND RAPIDS CITY IN KENT COUNTY.
GRATIOT COUNTY	GRATIOT COUNTY.
HIGHLAND PARK CITY	HIGHLAND PARK CITY IN WAYNE COUNTY.
HILLSDALE COUNTY	HILLSDALE COUNTY.
HOLLAND CITY	HOLLAND CITY IN ALLEGAN COUNTY.
	OTTAWA COUNTY.
HOLLAND TOWNSHIP	HOLLAND TOWNSHIP IN OTTAWA COUNTY.
HURON COUNTY	HURON COUNTY.
INKSTER CITY	INKSTER CITY IN WAYNE COUNTY.
IONIA COUNTY	IONIA COUNTY.
IOSCO COUNTY	IOSCO COUNTY.
IRON COUNTY	IRON COUNTY.
JACKSON CITY	JACKSON CITY IN JACKSON COUNTY.
KALAMAZOO CITY	KALAMAZOO CITY IN KALAMAZOO COUNTY.
KALKASKA COUNTY	KALKASKA COUNTY.
KEWEENAW COUNTY	KEWEENAW COUNTY.
LAKE COUNTY	LAKE COUNTY.
LANSING CITY	LANSING CITY IN EATON COUNTY.
	INGHAM COUNTY.
LAPEER COUNTY	LAPEER COUNTY.
LENAWEE COUNTY	LENAWEE COUNTY.
LUCE COUNTY	LUCE COUNTY.
MACKINAC COUNTY	MACKINAC COUNTY.
MANISTEE COUNTY	MANISTEE COUNTY.
MASON COUNTY	MASON COUNTY.
BALANCE OF MIDLAND COUNTY	MIDLAND COUNTY LESS MIDLAND CITY.
MISSAUKEE COUNTY	MISSAUKEE COUNTY.
MONTCALM COUNTY	MONTCALM COUNTY.
MONTMORENCY COUNTY	MONTMORENCY COUNTY.
MOUNT MORRIS TOWNSHIP	MOUNT MORRIS TOWNSHIP IN GENESEE COUNTY.
MUSKEGON CITY	MUSKEGON CITY IN MUSKEGON COUNTY.
BALANCE OF MUSKEGON COUNTY	MUSKEGON COUNTY LESS MUSKEGON CITY.
NEWAYGO COUNTY	NEWAYGO COUNTY.
OAK PARK CITY	OAK PARK CITY.
	OAKLAND COUNTY.
OCEANA COUNTY	OCEANA COUNTY.
OGEMAW COUNTY	OGEMAW COUNTY.
ONTONAGON COUNTY	ONTONAGON COUNTY.
OSCEOLA COUNTY	OSCEOLA COUNTY.
OSCODA COUNTY	OSCODA COUNTY.
OTSEGO COUNTY	OTSEGO COUNTY.
PONTIAC CITY	PONTIAC CITY IN OAKLAND COUNTY.
PORT HURON CITY	PORT HURON CITY IN ST. CLAIR COUNTY.
PRESQUE ISLE COUNTY	PRESQUE ISLE COUNTY.
ROSCOMMON COUNTY	ROSCOMMON COUNTY.
ROSEVILLE CITY	ROSEVILLE CITY IN MACOMB COUNTY.
SAGINAW CITY	SAGINAW CITY IN SAGINAW COUNTY.
BALANCE OF SAGINAW COUNTY	SAGINAW COUNTY LESS SAGINAW CITY.
	SAGINAW TOWNSHIP.
SANILAC COUNTY	SANILAC COUNTY.
SCHOOLCRAFT COUNTY	SCHOOLCRAFT COUNTY.
SHIAWASSEE COUNTY	SHIAWASSEE COUNTY.
SOUTHFIELD CITY	SOUTHFIELD CITY IN OAKLAND COUNTY.
ST CLAIR SHORES CITY	ST CLAIR SHORES CITY IN MACOMB COUNTY.
BALANCE OF ST. CLAIR COUNTY	ST. CLAIR COUNTY LESS PORT HURON CITY.
ST. JOSEPH COUNTY	ST. JOSEPH COUNTY.
TUSCOLA COUNTY	TUSCOLA COUNTY.
VAN BUREN COUNTY	VAN BUREN COUNTY.
WARREN CITY	WARREN CITY IN MACOMB COUNTY.
WEXFORD COUNTY	WEXFORD COUNTY.
WYOMING CITY	WYOMING CITY IN KENT COUNTY.
MINNESOTA	
CASS COUNTY	CASS COUNTY.
CLEARWATER COUNTY	CLEARWATER COUNTY.
ITASCA COUNTY	ITASCA COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
KANABEC COUNTY	KANABEC COUNTY.
KITTSON COUNTY	KITTSON COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MILLE LACS COUNTY	MILLE LACS COUNTY.
RED LAKE COUNTY	RED LAKE COUNTY.
MISSISSIPPI	
ADAMS COUNTY	ADAMS COUNTY.
ALCORN COUNTY	ALCORN COUNTY.
AMITE COUNTY	AMITE COUNTY.
ATTALA COUNTY	ATTALA COUNTY.
BENTON COUNTY	BENTON COUNTY.
BOLIVAR COUNTY	BOLIVAR COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
CHICKASAW COUNTY	CHICKASAW COUNTY.
CHOCTAW COUNTY	CHOCTAW COUNTY.
CLAIBORNE COUNTY	CLAIBORNE COUNTY.
CLARKE COUNTY	CLARKE COUNTY.
CLAY COUNTY	CLAY COUNTY.
COAHOMA COUNTY	COAHOMA COUNTY.
COLUMBUS CITY	COLUMBUS CITY IN LOWNDES COUNTY.
FRANKLIN COUNTY	FRANKLIN COUNTY.
GEORGE COUNTY	GEORGE COUNTY.
GREENE COUNTY	GREENE COUNTY.
GREENVILLE CITY	GREENVILLE CITY IN WASHINGTON COUNTY.
HOLMES COUNTY	HOLMES COUNTY.
HUMPHREYS COUNTY	HUMPHREYS COUNTY.
ISSAQUENA COUNTY	ISSAQUENA COUNTY.
JASPER COUNTY	JASPER COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
JEFFERSON DAVIS COUNTY	JEFFERSON DAVIS COUNTY.
KEMPER COUNTY	KEMPER COUNTY.
LEFLORE COUNTY	LEFLORE COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MERIDIAN CITY	MERIDIAN CITY IN LAUDERDALE COUNTY.
MONROE COUNTY	MONROE COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
NOXUBEE COUNTY	NOXUBEE COUNTY.
PANOLA COUNTY	PANOLA COUNTY.
PASCAGOULA CITY	PASCAGOULA CITY IN JACKSON COUNTY.
PERRY COUNTY	PERRY COUNTY.
QUITMAN COUNTY	QUITMAN COUNTY.
SHARKEY COUNTY	SHARKEY COUNTY.
SUNFLOWER COUNTY	SUNFLOWER COUNTY.
TALLAHATCHIE COUNTY	TALLAHATCHIE COUNTY.
TIPPAH COUNTY	TIPPAH COUNTY.
TISHOMINGO COUNTY	TISHOMINGO COUNTY.
TUNICA COUNTY	TUNICA COUNTY.
VICKSBURG CITY	VICKSBURG CITY IN WARREN COUNTY.
BALANCE OF WASHINGTON COUNTY	WASHINGTON COUNTY LESS GREENVILLE CITY.
WAYNE COUNTY	WAYNE COUNTY.
WEBSTER COUNTY	WEBSTER COUNTY.
WILKINSON COUNTY	WILKINSON COUNTY.
WINSTON COUNTY	WINSTON COUNTY.
YALOBUSHA COUNTY	YALOBUSHA COUNTY.
YAZOO COUNTY	YAZOO COUNTY.
MISSOURI	
DUNKLIN COUNTY	DUNKLIN COUNTY.
HENRY COUNTY	HENRY COUNTY.
HICKORY COUNTY	HICKORY COUNTY.
IRON COUNTY	IRON COUNTY.
KANSAS CITY MO	KANSAS CITY MO IN CASS COUNTY.
	CLAY COUNTY.
	JACKSON COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
	PLATTE COUNTY.
LACLEDE COUNTY	LACLEDE COUNTY.
LINN COUNTY	LINN COUNTY.
MISSISSIPPI COUNTY	MISSISSIPPI COUNTY.
NEW MADRID COUNTY	NEW MADRID COUNTY.
PEMISCOT COUNTY	PEMISCOT COUNTY.
REYNOLDS COUNTY	REYNOLDS COUNTY.
SHANNON COUNTY	SHANNON COUNTY.
ST LOUIS CITY	ST LOUIS CITY.
STONE COUNTY	STONE COUNTY.
SULLIVAN COUNTY	SULLIVAN COUNTY.
TANEY COUNTY	TANEY COUNTY.
TEXAS COUNTY	TEXAS COUNTY.
WASHINGTON COUNTY	WASHINGTON COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
MONTANA	
BIG HORN COUNTY	BIG HORN COUNTY.
GLACIER COUNTY	GLACIER COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
NEBRASKA	
THURSTON COUNTY	THURSTON COUNTY.
NEW JERSEY	
ATLANTIC CITY	ATLANTIC CITY IN ATLANTIC COUNTY.
BERKELEY TOWNSHIP	BERKELEY TOWNSHIP IN OCEAN COUNTY.
CAMDEN CITY	CAMDEN CITY IN CAMDEN COUNTY.
CAPE MAY COUNTY	CAPE MAY COUNTY.
CITY OF ORANGE TOWNSHIP	CITY OF ORANGE TOWNSHIP IN ESSEX COUNTY.
BALANCE OF CUMBERLAND COUNTY	CUMBERLAND COUNTY LESS MILLVILLE CITY. VINELAND CITY.
EAST ORANGE CITY	EAST ORANGE CITY IN ESSEX COUNTY.
ELIZABETH CITY	ELIZABETH CITY IN UNION COUNTY.
ENGLEWOOD CITY	ENGLEWOOD CITY IN BERGEN COUNTY.
GARFIELD CITY	GARFIELD CITY IN BERGEN COUNTY.
HACKENSACK CITY	HACKENSACK CITY IN BERGEN COUNTY.
IRVINGTON TOWNSHIP	IRVINGTON TOWNSHIP IN ESSEX COUNTY.
JERSEY CITY	JERSEY CITY IN HUDSON COUNTY.
LAKEWOOD TOWNSHIP	LAKEWOOD TOWNSHIP IN OCEAN COUNTY.
LAWRENCE TOWNSHIP	LAWRENCE TOWNSHIP IN MERCER COUNTY.
LONG BRANCH CITY	LONG BRANCH CITY IN MONMOUTH COUNTY.
MILLVILLE CITY	MILLVILLE CITY IN CUMBERLAND COUNTY.
NEPTUNE TOWNSHIP	NEPTUNE TOWNSHIP IN MONMOUTH COUNTY.
NEW BRUNSWICK CITY	NEW BRUNSWICK CITY IN MIDDLESEX COUNTY.
NEWARK CITY	NEWARK CITY IN ESSEX COUNTY.
PASSAIC CITY	PASSAIC CITY IN PASSAIC COUNTY.
PATERSON CITY	PATERSON CITY IN PASSAIC COUNTY.
PERTH AMBOY CITY	PERTH AMBOY CITY IN MIDDLESEX COUNTY.
PLAINFIELD CITY	PLAINFIELD CITY IN UNION COUNTY.
TRENTON CITY	TRENTON CITY IN MERCER COUNTY.
UNION CITY	UNION CITY IN HUDSON COUNTY.
WEST NEW YORK TOWN	WEST NEW YORK TOWN IN HUDSON COUNTY.
WILLINGBORO TOWNSHIP	WILLINGBORO TOWNSHIP IN BURLINGTON COUNTY.
NEW MEXICO	
CATRON COUNTY	CATRON COUNTY.
DE BACA COUNTY	DE BACA COUNTY.
GRANT COUNTY	GRANT COUNTY.
GUADALUPE COUNTY	GUADALUPE COUNTY.
LUNA COUNTY	LUNA COUNTY.
MCKINLEY COUNTY	MC KINLEY COUNTY.
MORA COUNTY	MORA COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
ROSWELL CITY	ROSWELL CITY IN CHAVES COUNTY.
BALANCE OF SAN JUAN COUNTY	SAN JUAN COUNTY LESS FARMINGTON CITY.
BALANCE OF SANDOVAL COUNTY	SANDOVAL COUNTY LESS RIO RANCHO CITY.
TAOS COUNTY	TAOS COUNTY.
NEW YORK	
BRONX COUNTY	BRONX COUNTY.
BUFFALO CITY	BUFFALO CITY IN ERIE COUNTY.
ELMIRA CITY	ELMIRA CITY IN CHEMUNG COUNTY.
HEMPSTEAD VILLAGE	HEMPSTEAD VILLAGE IN NASSAU COUNTY.
BALANCE OF JEFFERSON COUNTY	JEFFERSON COUNTY LESS WATERTOWN CITY.
KINGS COUNTY	KINGS COUNTY.
NIAGARA FALLS CITY	NIAGARA FALLS CITY IN NIAGARA COUNTY.
OSWEGO COUNTY	OSWEGO COUNTY.
ROCHESTER CITY	ROCHESTER CITY IN MONROE COUNTY.
NORTH CAROLINA	
ALLEGHANY COUNTY	ALLEGHANY COUNTY.
ANSON COUNTY	ANSON COUNTY.
BEAUFORT COUNTY	BEAUFORT COUNTY.
BERTIE COUNTY	BERTIE COUNTY.
BLADEN COUNTY	BLADEN COUNTY.
BALANCE OF BURKE COUNTY	BURKE COUNTY LESS HICKORY CITY.
BURLINGTON CITY	BURLINGTON CITY IN ALAMANCE COUNTY.
CALDWELL COUNTY	CALDWELL COUNTY.
CASWELL COUNTY	CASWELL COUNTY.
CHEROKEE COUNTY	CHEROKEE COUNTY.
CLEVELAND COUNTY	CLEVELAND COUNTY.
COLUMBUS COUNTY	COLUMBUS COUNTY.
CONCORD CITY	CONCORD CITY IN CABARRUS COUNTY.
GASTONIA CITY	GASTONIA CITY IN GASTON COUNTY.
GOLDSBORO CITY	GOLDSBORO CITY IN WAYNE COUNTY.
GRAHAM COUNTY	GRAHAM COUNTY.
GRANVILLE COUNTY	GRANVILLE COUNTY.
HALIFAX COUNTY	HALIFAX COUNTY.
HICKORY CITY	HICKORY CITY IN BURKE COUNTY.
HIGH POINT CITY	HIGH POINT CITY IN DAVIDSON COUNTY.
	GUILFORD COUNTY.
	RANDOLPH COUNTY.
HYDE COUNTY	HYDE COUNTY.
JACKSONVILLE CITY	JACKSONVILLE CITY IN ONSLOW COUNTY.
KANNAPOLIS CITY	KANNAPOLIS CITY IN CABARRUS COUNTY.
	ROWAN COUNTY.
KINSTON CITY	KINSTON CITY IN LENOIR COUNTY.
MARTIN COUNTY	MARTIN COUNTY.
MC DOWELL COUNTY	MC DOWELL COUNTY.
MITCHELL COUNTY	MITCHELL COUNTY.
MONROE CITY	MONROE CITY IN UNION COUNTY.
MONTGOMERY COUNTY	MONTGOMERY COUNTY.
NORTHAMPTON COUNTY	NORTHAMPTON COUNTY.
PERSON COUNTY	PERSON COUNTY.
RICHMOND COUNTY	RICHMOND COUNTY.
ROBESON COUNTY	ROBESON COUNTY.
ROCKINGHAM COUNTY	ROCKINGHAM COUNTY.
ROCKY MOUNT CITY	ROCKY MOUNT CITY IN EDGECOMBE COUNTY.
	NASH COUNTY.
RUTHERFORD COUNTY	RUTHERFORD COUNTY.
SALISBURY CITY	SALISBURY CITY IN ROWAN COUNTY.
SCOTLAND COUNTY	SCOTLAND COUNTY.
SURRY COUNTY	SURRY COUNTY.
SWAIN COUNTY	SWAIN COUNTY.
TRANSYLVANIA COUNTY	TRANSYLVANIA COUNTY.
TYRRELL COUNTY	TYRRELL COUNTY.
VANCE COUNTY	VANCE COUNTY.
WARREN COUNTY	WARREN COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
WASHINGTON COUNTY	WASHINGTON COUNTY.
WILSON CITY	WILSON CITY IN WILSON COUNTY.
YANCEY COUNTY	YANCEY COUNTY.
NORTH DAKOTA	
MC LEAN COUNTY	MC LEAN COUNTY.
PEMBINA COUNTY	PEMBINA COUNTY.
ROLETTE COUNTY	ROLETTE COUNTY.
OHIO	
ADAMS COUNTY	ADAMS COUNTY.
ASHTABULA COUNTY	ASHTABULA COUNTY.
BARBERTON CITY	BARBERTON CITY IN SUMMIT COUNTY.
BROWN COUNTY	BROWN COUNTY.
CANTON CITY	CANTON CITY IN STARK COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CLEVELAND CITY	CLEVELAND CITY IN CUYAHOGA COUNTY.
COLUMBIANA COUNTY	COLUMBIANA COUNTY.
COSHOCTON COUNTY	COSHOCTON COUNTY.
CRAWFORD COUNTY	CRAWFORD COUNTY.
DAYTON CITY	DAYTON CITY IN MONTGOMERY COUNTY.
EAST CLEVELAND CITY	EAST CLEVELAND CITY IN CUYAHOGA COUNTY.
GALLIA COUNTY	GALLIA COUNTY.
GUERNSEY COUNTY	GUERNSEY COUNTY.
HARRISON COUNTY	HARRISON COUNTY.
HOCKING COUNTY	HOCKING COUNTY.
HURON COUNTY	HURON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JEFFERSON COUNTY	JEFFERSON COUNTY.
LIMA CITY	LIMA CITY IN ALLEN COUNTY.
LORAIN CITY	LORAIN CITY IN LORAIN COUNTY
MANSFIELD CITY	MANSFIELD CITY IN RICHLAND COUNTY.
MASSILLON CITY	MASSILLON CITY IN STARK COUNTY.
MEIGS COUNTY	MEIGS COUNTY.
MONROE COUNTY	MONROE COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
BALANCE OF MUSKINGUM COUNTY	MUSKINGUM COUNTY LESS ZANESVILLE CITY.
NOBLE COUNTY	NOBLE COUNTY.
OTTAWA COUNTY	OTTAWA COUNTY.
PERRY COUNTY	PERRY COUNTY.
PICKAWAY COUNTY	PICKAWAY COUNTY.
PIKE COUNTY	PIKE COUNTY.
BALANCE OF RICHLAND COUNTY	RICHLAND COUNTY LESS MANSFIELD CITY.
RIVERSIDE CITY	RIVERSIDE CITY IN MONTGOMERY COUNTY.
ROSS COUNTY	ROSS COUNTY.
SANDUSKY CITY	SANDUSKY CITY.
	ERIE COUNTY.
SCIOTO COUNTY	SCIOTO COUNTY.
SPRINGFIELD CITY	SPRINGFIELD CITY IN CLARK COUNTY.
TOLEDO CITY	TOLEDO CITY IN LUCAS COUNTY.
TROTWOOD CITY	TROTWOOD CITY IN MONTGOMERY COUNTY.
BALANCE OF TRUMBULL COUNTY	TRUMBULL COUNTY LESS WARREN CITY.
VINTON COUNTY	VINTON COUNTY.
WARREN CITY	WARREN CITY IN TRUMBULL COUNTY.
XENIA CITY	XENIA CITY IN GREENE COUNTY.
YOUNGSTOWN CITY	YOUNGSTOWN CITY IN MAHONING COUNTY.
ZANESVILLE CITY	ZANESVILLE CITY IN MUSKINGUM COUNTY.
OKLAHOMA	
ADAIR COUNTY	ADAIR COUNTY.
CHOCTAW COUNTY	CHOCTAW COUNTY.
COAL COUNTY	COAL COUNTY.
HUGHES COUNTY	HUGHES COUNTY.
MC CURTAIN COUNTY	MC CURTAIN COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
MC INTOSH COUNTY	MC INTOSH COUNTY.
MUSKOGEE CITY	MUSKOGEE CITY IN MUSKOGEE COUNTY
OKFUSKEE COUNTY	OKFUSKEE COUNTY.
OKMULGEE COUNTY	OKMULGEE COUNTY.
SEMINOLE COUNTY	SEMINOLE COUNTY.
WOODS COUNTY	WOODS COUNTY.
OREGON	
ALBANY CITY	ALBANY CITY IN LINN COUNTY.
BAKER COUNTY	BAKER COUNTY.
BALANCE OF CLACKAMAS COUNTY	CLACKAMAS COUNTY LESS LAKE OSWEGO CITY.
	OREGON CITY CITY.
	PORTLAND CITY.
CLATSOP COUNTY	CLATSOP COUNTY.
COLUMBIA COUNTY	COLUMBIA COUNTY.
COOS COUNTY	COOS COUNTY.
CROOK COUNTY	CROOK COUNTY.
CURRY COUNTY	CURRY COUNTY.
BALANCE OF DESCHUTES COUNTY	DESCHUTES COUNTY LESS BEND CITY.
DOUGLAS COUNTY	DOUGLAS COUNTY.
EUGENE CITY	EUGENE CITY IN LANE COUNTY.
GRANT COUNTY	GRANT COUNTY.
GRESHAM CITY	GRESHAM CITY IN MULTNOMAH COUNTY.
HARNEY COUNTY	HARNEY COUNTY.
HILLSBORO CITY	HILLSBORO CITY IN WASHINGTON COUNTY.
HOOD RIVER COUNTY	HOOD RIVER COUNTY.
BALANCE OF JACKSON COUNTY	JACKSON COUNTY LESS MEDFORD CITY.
JOSEPHINE COUNTY	JOSEPHINE COUNTY.
KEIZER CITY	KEIZER CITY IN MARION COUNTY.
KLAMATH COUNTY	KLAMATH COUNTY.
LAKE COUNTY	LAKE COUNTY.
BALANCE OF LANE COUNTY	LANE COUNTY LESS EUGENE CITY.
	SPRINGFIELD CITY.
LINCOLN COUNTY	LINCOLN COUNTY.
BALANCE OF LINN COUNTY	LINN COUNTY LESS ALBANY CITY.
MALHEUR COUNTY	MALHEUR COUNTY.
BALANCE OF MARION COUNTY	MARION COUNTY LESS KEIZER CITY.
	SALEM CITY.
MC MINNVILLE CITY	MC MINNVILLE CITY IN YAMHILL COUNTY.
MEDFORD CITY	MEDFORD CITY IN JACKSON COUNTY.
MORROW COUNTY	MORROW COUNTY.
OREGON CITY CITY	OREGON CITY CITY IN CLACKAMAS COUNTY.
BALANCE OF POLK COUNTY	POLK COUNTY LESS SALEM CITY.
PORTLAND CITY	PORTLAND CITY IN CLACKAMAS COUNTY.
	MULTNOMAH COUNTY.
	WASHINGTON COUNTY.
SALEM CITY	SALEM CITY IN MARION COUNTY.
	POLK COUNTY.
SHERMAN COUNTY	SHERMAN COUNTY.
SPRINGFIELD CITY	SPRINGFIELD CITY IN LANE COUNTY.
TILLAMOOK COUNTY	TILLAMOOK COUNTY.
UMATILLA COUNTY	UMATILLA COUNTY.
UNION COUNTY	UNION COUNTY.
WALLOWA COUNTY	WALLOWA COUNTY.
WASCO COUNTY	WASCO COUNTY.
WHEELER COUNTY	WHEELER COUNTY.
BALANCE OF YAMHILL COUNTY	YAMHILL COUNTY LESS MC MINNVILLE CITY.
PENNSYLVANIA	
ALLENTOWN CITY	ALLENTOWN CITY IN LEHIGH COUNTY.
ARMSTRONG COUNTY	ARMSTRONG COUNTY.
BEDFORD COUNTY	BEDFORD COUNTY.
CAMERON COUNTY	CAMERON COUNTY.
CHESTER CITY	CHESTER CITY IN DELAWARE COUNTY.
CLEARFIELD COUNTY	CLEARFIELD COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
ERIE CITY	ERIE CITY IN ERIE COUNTY.
FAYETTE COUNTY	FAYETTE COUNTY.
FOREST COUNTY	FOREST COUNTY.
HAZLETON CITY	HAZLETON CITY IN LUZERNE COUNTY.
HUNTINGDON COUNTY	HUNTINGDON COUNTY.
JOHNSTOWN CITY	JOHNSTOWN CITY IN CAMBRIA COUNTY.
MCKEESPORT CITY	MCKEESPORT CITY IN ALLEGHENY COUNTY.
NEW CASTLE CITY	NEW CASTLE CITY IN LAWRENCE COUNTY.
PHILADELPHIA CITY	PHILADELPHIA CITY IN PHILADELPHIA COUNTY.
POTTER COUNTY	POTTER COUNTY.
READING CITY	READING CITY IN BERKS COUNTY.
SCHUYLKILL COUNTY	SCHUYLKILL COUNTY.
WILKES-BARRE CITY	WILKES-BARRE CITY IN LUZERNE COUNTY.
YORK CITY	YORK CITY IN YORK COUNTY.
PUERTO RICO	
ADJUNTAS MUNICIPIO	ADJUNTAS MUNICIPIO.
AGUADA MUNICIPIO	AGUADA MUNICIPIO.
AGUADILLA MUNICIPIO	AGUADILLA MUNICIPIO.
AGUAS BUENAS MUNICIPIO	AGUAS BUENAS MUNICIPIO.
AIBONITO MUNICIPIO	AIBONITO MUNICIPIO.
ANASCO MUNICIPIO	ANASCO MUNICIPIO.
ARECIBO MUNICIPIO	ARECIBO MUNICIPIO.
ARROYO MUNICIPIO	ARROYO MUNICIPIO.
BARCELONETA MUNICIPIO	BARCELONETA MUNICIPIO.
BARRANQUITAS MUNICIPIO	BARRANQUITAS MUNICIPIO.
CABO ROJO MUNICIPIO	CABO ROJO MUNICIPIO.
CAGUAS MUNICIPIO	CAGUAS MUNICIPIO.
CAMUY MUNICIPIO	CAMUY MUNICIPIO.
CANOVANAS MUNICIPIO	CANOVANAS MUNICIPIO.
CAROLINA MUNICIPIO	CAROLINA MUNICIPIO.
CATANO MUNICIPIO	CATANO MUNICIPIO.
CAYEY MUNICIPIO	CAYEY MUNICIPIO.
CEIBA MUNICIPIO	CEIBA MUNICIPIO.
CIALES MUNICIPIO	CIALES MUNICIPIO.
CIDRA MUNICIPIO	CIDRA MUNICIPIO.
COAMO MUNICIPIO	COAMO MUNICIPIO.
COMERIO MUNICIPIO	COMERIO MUNICIPIO.
COROZAL MUNICIPIO	COROZAL MUNICIPIO.
DORADO MUNICIPIO	DORADO MUNICIPIO.
FAJARDO MUNICIPIO	FAJARDO MUNICIPIO.
FLORIDA MUNICIPIO	FLORIDA MUNICIPIO.
GUANICA MUNICIPIO	GUANICA MUNICIPIO.
GUAYAMA MUNICIPIO	GUAYAMA MUNICIPIO.
GUAYANILLA MUNICIPIO	GUAYANILLA MUNICIPIO.
GURABO MUNICIPIO	GURABO MUNICIPIO.
HATILLO MUNICIPIO	HATILLO MUNICIPIO.
HORMIGUEROS MUNICIPIO	HORMIGUEROS MUNICIPIO.
HUMACAO MUNICIPIO	HUMACAO MUNICIPIO.
ISABELA MUNICIPIO	ISABELA MUNICIPIO.
JAYUYA MUNICIPIO	JAYUYA MUNICIPIO.
JUANA DIAZ MUNICIPIO	JUANA DIAZ MUNICIPIO.
JUNCOS MUNICIPIO	JUNCOS MUNICIPIO.
LAJAS MUNICIPIO	LAJAS MUNICIPIO.
LARES MUNICIPIO	LARES MUNICIPIO.
LAS MARIAS MUNICIPIO	LAS MARIAS MUNICIPIO.
LAS PIEDRAS MUNICIPIO	LAS PIEDRAS MUNICIPIO.
LOIZA MUNICIPIO	LOIZA MUNICIPIO.
LUQUILLO MUNICIPIO	LUQUILLO MUNICIPIO.
MANATI MUNICIPIO	MANATI MUNICIPIO.
MARICAO MUNICIPIO	MARICAO MUNICIPIO.
MAUNABO MUNICIPIO	MAUNABO MUNICIPIO.
MAYAGUEZ MUNICIPIO	MAYAGUEZ MUNICIPIO.
MOCA MUNICIPIO	MOCA MUNICIPIO.
MOROVIS MUNICIPIO	MOROVIS MUNICIPIO.
NAGUABO MUNICIPIO	NAGUABO MUNICIPIO.

Eligible labor surplus areas	Civil jurisdictions included
NARANJITO MUNICIPIO	NARANJITO MUNICIPIO.
OROCOVIS MUNICIPIO	OROCOVIS MUNICIPIO.
PATILLAS MUNICIPIO	PATILLAS MUNICIPIO.
PENUELAS MUNICIPIO	PENUELAS MUNICIPIO.
PONCE MUNICIPIO	PONCE MUNICIPIO.
QUEBRADILLAS MUNICIPIO	QUEBRADILLAS MUNICIPIO.
RINCON MUNICIPIO	RINCON MUNICIPIO.
RIO GRANDE MUNICIPIO	RIO GRANDE MUNICIPIO.
SABANA GRANDE MUNICIPIO	SABANA GRANDE MUNICIPIO.
SALINAS MUNICIPIO	SALINAS MUNICIPIO.
SAN GERMAN MUNICIPIO	SAN GERMAN MUNICIPIO.
SAN JUAN MUNICIPIO	SAN JUAN MUNICIPIO.
SAN LORENZO MUNICIPIO	SAN LORENZO MUNICIPIO.
SAN SEBASTIAN MUNICIPIO	SAN SEBASTIAN MUNICIPIO.
SANTA ISABEL MUNICIPIO	SANTA ISABEL MUNICIPIO.
TOA BAJA MUNICIPIO	TOA BAJA MUNICIPIO.
UTUADO MUNICIPIO	UTUADO MUNICIPIO.
VEGA ALTA MUNICIPIO	VEGA ALTA MUNICIPIO.
VEGA BAJA MUNICIPIO	VEGA BAJA MUNICIPIO.
VIEQUES MUNICIPIO	VIEQUES MUNICIPIO.
VILLALBA MUNICIPIO	VILLALBA MUNICIPIO.
YABUCOA MUNICIPIO	YABUCOA MUNICIPIO.
YAUCO MUNICIPIO	YAUCO MUNICIPIO.
RHODE ISLAND	
CENTRAL FALLS CITY	CENTRAL FALLS CITY. PROVIDENCE COUNTY.
SOUTH CAROLINA	
ABBEVILLE COUNTY	ABBEVILLE COUNTY.
ALLENDALE COUNTY	ALLENDALE COUNTY.
ANDERSON CITY	ANDERSON CITY IN ANDERSON COUNTY.
BAMBERG COUNTY	BAMBERG COUNTY.
BARNWELL COUNTY	BARNWELL COUNTY.
CHEROKEE COUNTY	CHEROKEE COUNTY.
CHESTER COUNTY	CHESTER COUNTY.
CHESTERFIELD COUNTY	CHESTERFIELD COUNTY.
CLARENDON COUNTY	CLARENDON COUNTY.
COLLETON COUNTY	COLLETON COUNTY.
COLUMBIA CITY	COLUMBIA CITY IN RICHLAND COUNTY.
DARLINGTON COUNTY	DARLINGTON COUNTY.
DILLON COUNTY	DILLON COUNTY.
FAIRFIELD COUNTY	FAIRFIELD COUNTY.
FLORENCE CITY	FLORENCE CITY IN FLORENCE COUNTY.
BALANCE OF FLORENCE COUNTY	FLORENCE COUNTY LESS FLORENCE CITY.
GEORGETOWN COUNTY	GEORGETOWN COUNTY.
GREENVILLE CITY	GREENVILLE CITY IN GREENWOOD COUNTY.
GREENWOOD COUNTY	GREENWOOD COUNTY.
HAMPTON COUNTY	HAMPTON COUNTY.
LANCASTER COUNTY	LANCASTER COUNTY.
LAURENS COUNTY	LAURENS COUNTY.
LEE COUNTY	LEE COUNTY.
MARION COUNTY	MARION COUNTY.
MARLBORO COUNTY	MARLBORO COUNTY.
MC CORMICK COUNTY	MC CORMICK COUNTY.
NEWBERRY COUNTY	NEWBERRY COUNTY.
NORTH CHARLESTON CITY	NORTH CHARLESTON CITY IN CHARLESTON COUNTY.
OCONEE COUNTY	OCONEE COUNTY.
ORANGEBURG COUNTY	ORANGEBURG COUNTY.
ROCKHILL CITY	ROCKHILL CITY IN YORK COUNTY.
SALUDA COUNTY	SALUDA COUNTY.
SPARTANBURG CITY	SPARTANBURG CITY IN SPARTANBURTG COUNTY.
SUMTER CITY	SUMTER CITY IN SUMTER COUNTY.
BALANCE OF SUMTER COUNTY	SUMTER COUNTY LESS SUMTER CITY.
UNION COUNTY	UNION COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
WILLIAMSBURG COUNTY	WILLIAMSBURG COUNTY.
SOUTH DAKOTA	
BUFFALO COUNTY	BUFFALO COUNTY.
DEWEY COUNTY	DEWEY COUNTY.
SHANNON COUNTY	SHANNON COUNTY.
TENNESSEE	
BENTON COUNTY	BENTON COUNTY.
BLEDSOE COUNTY	BLEDSOE COUNTY.
CARROLL COUNTY	CARROLL COUNTY.
CLAY COUNTY	CLAY COUNTY.
COCKE COUNTY	COCKE COUNTY.
COLUMBIA CITY	COLUMBIA CITY IN MAURY COUNTY.
CROCKETT COUNTY	CROCKETT COUNTY.
DECATUR COUNTY	DECATUR COUNTY.
FENTRESS COUNTY	FENTRESS COUNTY.
GIBSON COUNTY	GIBSON COUNTY.
GILES COUNTY	GILES COUNTY.
GREENE COUNTY	GREENE COUNTY.
HANCOCK COUNTY	HANCOCK COUNTY.
HARDEMAN COUNTY	HARDEMAN COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HAYWOOD COUNTY	HAYWOOD COUNTY.
HENDERSON COUNTY	HENDERSON COUNTY.
HENRY COUNTY	HENRY COUNTY.
HOUSTON COUNTY	HOUSTON COUNTY.
JACKSON CITY	JACKSON CITY IN MADISON COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
JOHNSON COUNTY	JOHNSON COUNTY.
KINGSPORT CITY	KINGSPORT CITY IN HAWKINS COUNTY.
	SULLIVAN COUNTY.
LAUDERDALE COUNTY	LAUDERDALE COUNTY.
LAWRENCE COUNTY	LAWRENCE COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
MARSHALL COUNTY	MARSHALL COUNTY.
MEIGS COUNTY	MEIGS COUNTY.
MEMPHIS CITY	MEMPHIS CITY IN SHELBY COUNTY.
MONROE COUNTY	MONROE COUNTY.
MORGAN COUNTY	MORGAN COUNTY.
PICKETT COUNTY	PICKETT COUNTY.
SCOTT COUNTY	SCOTT COUNTY.
SMITH COUNTY	SMITH COUNTY.
WAYNE COUNTY	WAYNE COUNTY.
WEAKLEY COUNTY	WEAKLEY COUNTY.
TEXAS	
ANDERSON COUNTY	ANDERSON COUNTY.
ARANSAS COUNTY	ARANSAS COUNTY.
BAYTOWN CITY	BAYTOWN CITY IN HARRIS COUNTY.
BEAUMONT CITY	BEAUMONT CITY IN JEFFERSON COUNTY.
BEE COUNTY	BEE COUNTY.
BALANCE OF BRAZORIA COUNTY	BRAZORIA COUNTY LESS LAKE JACKSON CITY.
	PEARLAND CITY.
BROOKS COUNTY	BROOKS COUNTY.
BROWNSVILLE CITY	BROWNSVILLE CITY IN CAMERON COUNTY.
CALHOUN COUNTY	CALHOUN COUNTY.
BALANCE OF CAMERON COUNTY	CAMERON COUNTY LESS BROWNSVILLE CITY.
	HARLINGEN CITY.
CASS COUNTY	CASS COUNTY.
CLEBURNE CITY	CLEBURNE CITY IN JOHNSON COUNTY.
COCHRAN COUNTY	COCHRAN COUNTY.
CONROE CITY	CONROE CITY IN MONTGOMERY COUNTY.
COPPERAS COVE CITY	COPPERAS COVE CITY IN CORYELL COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
CORSICANA CITY	CORSICANA CITY IN NAVARRO COUNTY.
CRANE COUNTY	CRANE COUNTY.
DALLAS CITY	DALLAS CITY IN COLLIN COUNTY.
	DALLAS COUNTY.
	DENTON COUNTY.
DAWSON COUNTY	DAWSON COUNTY.
DEL RIO CITY	DEL RIO CITY IN VAL VERDE COUNTY.
DELTA COUNTY	DELTA COUNTY.
DIMMIT COUNTY	DIMMIT COUNTY.
DUVAL COUNTY	DUVAL COUNTY.
EDINBURG CITY	EDINBURG CITY IN HIDALGO COUNTY.
EL PASO CITY	EL PASO CITY IN EL PASO COUNTY.
BALANCE OF EL PASO COUNTY	EL PASO COUNTY LESS EL PASO CITY.
	SOCORRO CITY.
FANNIN COUNTY	FANNIN COUNTY.
FLOYD COUNTY	FLOYD COUNTY.
FRIO COUNTY	FRIO COUNTY.
FT WORTH CITY	FT WORTH CITY IN TARRANT COUNTY.
GALVESTON CITY	GALVESTON CITY IN GALVESTON COUNTY.
BALANCE OF GALVESTON COUNTY	GALVESTON COUNTY LESS FRIENDSWOOD CITY.
	GALVESTON CITY.
	LEAGUE CITY.
	TEXAS CITY.
GRAND PRAIRIE CITY	GRAND PRAIRIE CITY IN DALLAS COUNTY.
	TARRANT COUNTY.
GREENVILLE CITY	GREENVILLE CITY IN HUNT COUNTY.
GRIMES COUNTY	GRIMES COUNTY.
HARDIN COUNTY	HARDIN COUNTY.
HARLINGEN CITY	HARLINGEN CITY IN CAMERON COUNTY.
BALANCE OF HIDALGO COUNTY	HIDALGO COUNTY LESS EDINBURG CITY.
	MC ALLEN CITY.
	MISSION CITY.
	PHARR CITY.
	SAN JUAN CITY.
	WESLACO CITY.
HOUSTON CITY	HOUSTON CITY IN FORT BEND COUNTY.
	HARRIS COUNTY.
HOUSTON COUNTY	HOUSTON COUNTY.
HUDSPETH COUNTY	HUDSPETH COUNTY.
JASPER COUNTY	JASPER COUNTY.
KARNES COUNTY	KARNES COUNTY.
KAUFMAN COUNTY	KAUFMAN COUNTY.
KILLEEN CITY	KILLEEN CITY IN BELL COUNTY.
LA SALLE COUNTY	LA SALLE COUNTY.
LANCASTER CITY	LANCASTER CITY IN DALLAS COUNTY.
LIBERTY COUNTY	LIBERTY COUNTY.
LONGVIEW CITY	LONGVIEW CITY IN GREGG COUNTY.
	HARRISON COUNTY.
LUFKIN CITY	LUFKIN CITY IN ANGELINA COUNTY.
MATAGORDA COUNTY	MATAGORDA COUNTY.
MAVERICK COUNTY	MAVERICK COUNTY.
MISSION CITY	MISSION CITY IN HIDALGO COUNTY.
MITCHELL COUNTY	MITCHELL COUNTY.
MORRIS COUNTY	MORRIS COUNTY.
NEWTON COUNTY	NEWTON COUNTY.
BALANCE OF NUECES COUNTY	NUECES COUNTY LESS CORPUS CHRISTI CITY.
ORANGE COUNTY	ORANGE COUNTY.
PARIS CITY	PARIS CITY IN LAMAR COUNTY.
PASADENA CITY	PASADENA CITY IN HARRIS COUNTY.
PHARR CITY	PHARR CITY IN HIDALGO COUNTY.
POLK COUNTY	POLK COUNTY.
PORT ARTHUR CITY	PORT ARTHUR CITY IN JEFFERSON COUNTY.
PRESIDIO COUNTY	PRESIDIO COUNTY.
RED RIVER COUNTY	RED RIVER COUNTY.
REEVES COUNTY	REEVES COUNTY.
ROSENBERG CITY	ROSENBERG CITY IN FORT BEND COUNTY.
SABINE COUNTY	SABINE COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
SAN JUAN CITY	SAN JUAN CITY IN HIDALGO COUNTY.
SAN MARCOS CITY	SAN MARCOS CITY IN HAYS COUNTY.
SAN PATRICIO COUNTY	SAN PATRICIO COUNTY.
SHERMAN CITY	SHERMAN CITY IN GRAYSON COUNTY.
SOCORRO CITY	SOCORRO CITY IN EL PASO COUNTY.
STARR COUNTY	STARR COUNTY.
TEXARKANA CITY TEX	TEXARKANA CITY TEX IN BOWIE COUNTY.
TEXAS CITY	TEXAS CITY IN GALVESTON COUNTY.
TYLER COUNTY	TYLER COUNTY.
UVALDE COUNTY	UVALDE COUNTY.
BALANCE OF VAL VERDE COUNTY	VAL VERDE COUNTY LESS DEL RIO CITY.
WACO CITY	WACO CITY IN MC LENNAN COUNTY.
WARD COUNTY	WARD COUNTY.
BALANCE OF WEBB COUNTY	WEBB COUNTY LESS LAREDO CITY.
WESLACO CITY	WESLACO CITY IN HIDALGO COUNTY.
WILLACY COUNTY	WILLACY COUNTY.
WINKLER COUNTY	WINKLER COUNTY.
ZAPATA COUNTY	ZAPATA COUNTY.
ZAVALA COUNTY	ZAVALA COUNTY.
UTAH	
CARBON COUNTY	CARBON COUNTY.
EMERY COUNTY	EMERY COUNTY.
GARFIELD COUNTY	GARFIELD COUNTY.
GRAND COUNTY	GRAND COUNTY.
OGDEN CITY	OGDEN CITY IN WEBER COUNTY.
SAN JUAN COUNTY	SAN JUAN COUNTY.
WEST VALLEY CITY	WEST VALLEY CITY IN SALT LAKE COUNTY.
VERMONT	
KILLINGTON TOWN	KILLINGTON TOWN IN RUTLAND COUNTY.
VIRGINIA	
BRUNSWICK COUNTY	BRUNSWICK COUNTY.
DANVILLE CITY	DANVILLE CITY.
DICKENSON COUNTY	DICKENSON COUNTY.
EMPORIA CITY	EMPORIA CITY.
HALIFAX COUNTY	HALIFAX COUNTY.
HENRY COUNTY	HENRY COUNTY.
MARTINSVILLE CITY	MARTINSVILLE CITY.
MECKLENBURG COUNTY	MECKLENBURG COUNTY.
PATRICK COUNTY	PATRICK COUNTY.
PETERSBURG CITY	PETERSBURG CITY.
SUSSEX COUNTY	SUSSEX COUNTY.
WILLIAMSBURG CITY	WILLIAMSBURG CITY.
WASHINGTON	
ADAMS COUNTY	ADAMS COUNTY.
ASOTIN COUNTY	ASOTIN COUNTY.
AUBURN CITY	AUBURN CITY IN KING COUNTY.
BELLINGHAM CITY	BELLINGHAM CITY IN WHATCOM COUNTY.
BALANCE OF BENTON COUNTY	BENTON COUNTY LESS KENNEWICK CITY. RICHLAND CITY.
BREMERTON CITY	BREMERTON CITY IN KITSAP COUNTY.
BALANCE OF CHELAN COUNTY	CHELAN COUNTY LESS WENATCHEE CITY.
CLALLAM COUNTY	CLALLAM COUNTY.
BALANCE OF CLARK COUNTY	CLARK COUNTY LESS VANCOUVER CITY.
COLUMBIA COUNTY	COLUMBIA COUNTY.
BALANCE OF COWLITZ COUNTY	COWLITZ COUNTY LESS LONGVIEW CITY.
DES MOINES CITY	DES MOINES CITY IN KING COUNTY.
DOUGLAS COUNTY	DOUGLAS COUNTY.
EVERETT CITY	EVERETT CITY IN SNOHOMISH COUNTY.
FERRY COUNTY	FERRY COUNTY.

Eligible labor surplus areas	Civil jurisdictions included
GRANT COUNTY	GRANT COUNTY.
GRAYS HARBOR COUNTY	GRAYS HARBOR COUNTY.
ISLAND COUNTY	ISLAND COUNTY.
KENT CITY	KENT CITY IN KING COUNTY.
KLICKITAT COUNTY	KLICKITAT COUNTY.
LAKEWOOD CITY	LAKEWOOD CITY IN PIERCE COUNTY.
LEWIS COUNTY	LEWIS COUNTY.
LONGVIEW CITY	LONGVIEW CITY IN COWLITZ COUNTY.
MASON COUNTY	MASON COUNTY.
MOUNT VERNON CITY	MOUNT VERNON CITY IN SKAGIT COUNTY.
OKANOGAN COUNTY	OKANOGAN COUNTY.
PACIFIC COUNTY	PACIFIC COUNTY.
PASCO CITY	PASCO CITY IN FRANKLIN COUNTY.
PEND OREILLE COUNTY	PEND OREILLE COUNTY.
BALANCE OF PIERCE COUNTY	PIERCE COUNTY LESS LAKEWOOD CITY.
	PUYALLUP CITY.
	TACOMA CITY.
	UNIVERSITY PLACE CITY.
SEA TAC CITY	SEA TAC CITY IN KING COUNTY.
BALANCE OF SKAGIT COUNTY	SKAGIT COUNTY LESS MOUNT VERNON CITY.
SKAMANIA COUNTY	SKAMANIA COUNTY.
SPOKANE CITY	SPOKANE CITY IN SPOKANE COUNTY.
STEVENS COUNTY	STEVENS COUNTY.
TACOMA CITY	TACOMA CITY IN PIERCE COUNTY.
VANCOUVER CITY	VANCOUVER CITY IN CLARK COUNTY.
WAHKIAKUM COUNTY	WAHKIAKUM COUNTY.
WALLA WALLA CITY	WALLA WALLA CITY IN WALLA WALLA COUNTY.
WENATCHEE CITY	WENATCHEE CITY IN CHELAN COUNTY.
YAKIMA CITY	YAKIMA CITY IN YAKIMA COUNTY.
BALANCE OF YAKIMA COUNTY	YAKIMA COUNTY LESS YAKIMA CITY.
WEST VIRGINIA	
CALHOUN COUNTY	CALHOUN COUNTY.
CLAY COUNTY	CLAY COUNTY.
GRANT COUNTY	GRANT COUNTY.
JACKSON COUNTY	JACKSON COUNTY.
LINCOLN COUNTY	LINCOLN COUNTY.
MASON COUNTY	MASON COUNTY.
MC DOWELL COUNTY	MC DOWELL COUNTY.
MINGO COUNTY	MINGO COUNTY.
RITCHIE COUNTY	RITCHIE COUNTY.
ROANE COUNTY	ROANE COUNTY.
TYLER COUNTY	TYLER COUNTY.
WETZEL COUNTY	WETZEL COUNTY.
WIRT COUNTY	WIRT COUNTY.
WYOMING COUNTY	WYOMING COUNTY.
WISCONSIN	
BELOIT CITY	BELOIT CITY IN ROCK COUNTY.
GREEN BAY CITY	GREEN BAY CITY IN BROWN COUNTY.
IRON COUNTY	IRON COUNTY.
KENOSHA CITY	KENOSHA CITY IN KENOSHA COUNTY.
MANITOWOC CITY	MANITOWOC CITY IN MANITOWOC COUNTY.
MARQUETTE COUNTY	MARQUETTE COUNTY.
MENOMINEE COUNTY	MENOMINEE COUNTY.
MILWAUKEE CITY	MILWAUKEE CITY IN MILWAUKEE COUNTY.
RACINE CITY	RACINE CITY IN RACINE COUNTY.

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Federal Register

Wednesday,
January 11, 2006

Part IV

Department of Labor

Employee Benefits Security Administration

29 CFR Part 2520

Annual Funding Notice for Multiemployer Defined Benefit Pension Plans; Final Rule

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2520

RIN 1210–AB00

Annual Funding Notice for Multiemployer Defined Benefit Pension Plans

AGENCY: Employee Benefits Security Administration, DOL.

ACTION: Final regulation.

SUMMARY: This document contains a final regulation implementing the notice requirement in section 101(f) of the Employee Retirement Income Security Act of 1974. Section 103 of the Pension Funding Equity Act of 2004 (PFEA '04) amended section 101 of ERISA by adding a new subsection (f), which requires the administrator of a multiemployer defined benefit plan to provide participants, beneficiaries, and certain other parties, including the Pension Benefit Guaranty Corporation, with an annual funding notice indicating, among other things, whether the plan's funded current liability percentage is at least 100 percent. This document also contains a model notice that may be used by plan administrators in discharging their duties under section 101(f).

DATES: *Effective Date:* This rule is effective February 10, 2006.

Applicability Date: The requirements of this rule shall apply to plan years beginning after December 31, 2004.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Ward, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

A. Background

Section 103(a) of the Pension Funding Equity Act of 2004, Public Law 108–218 (PFEA '04), which was enacted on April 10, 2004, added section 101(f) to the Employee Retirement Income Security Act of 1974, as amended (ERISA or the Act). Section 101(f) provides that the administrator of a multiemployer defined benefit plan shall for each plan year furnish a plan funding notice to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the Pension Benefit Guaranty Corporation. Section 103(b) of PFEA '04 amended section 502(c)(1) of ERISA to provide that any administrator who fails to meet the requirements of section 101(f) with respect to a participant or beneficiary may, in a court's discretion, be personally liable to such participant or beneficiary in the amount of up to $100 a day from the date of such failure or refusal and the court may in its discretion order such other relief as it deems proper. Section 103(c) of PFEA '04 provides that the Secretary of Labor shall, not later than 1 year after the date of enactment of PFEA '04, issue regulations (including a model notice) necessary to implement the amendments made by section 103. Section 103(d) of PFEA '04 provides that the amendments made by section 103 of PFEA '04 shall apply to plan years beginning after December 31, 2004.

On February 4, 2005, the Department published in the **Federal Register** (70 FR 6306) a proposed rule (and model notice), designated as § 2520.101–4 of title 29, to implement the new notice requirement. The Department received seven comment letters from representatives of employers, plans, and others. Copies of these comments are posted on the Department's Web site. After careful consideration of the issues raised by the written comments, the Department is publishing in this notice, in final form, regulation § 2520.101–4 of title 29. The final regulation is substantially similar to the proposal. Set forth below is an overview of the final regulation, with a discussion of the comments received on the proposal and changes made in response to the comments.

B. Overview of Final Regulation

1. In General

The final regulation requires the administrator of a multiemployer defined benefit pension plan to furnish annually a notice of the plan's funded status to the plan's participants and beneficiaries and other specified interested parties (each labor organization representing such participants or beneficiaries, each employer that has an obligation to contribute under the plan, and the Pension Benefit Guaranty Corporation (PBGC)). See § 2520.101–4(a)(1). Like the proposal, the final regulation includes a limited exception to the requirement to furnish the annual funding notice. Under the exception, the administrator of a plan receiving financial assistance from the PBGC is not required to furnish the annual funding notice to the parties otherwise entitled to such notice. See § 2520.104–4(a)(2). One commenter recommended eliminating this exception on the basis that the need for information about the financial condition of a plan actually increases when the plan becomes financially distressed. After consulting with the PBGC on this issue, the Department has decided to retain the exception for the reasons stated in the preamble of the proposal.[1]

Another commenter recommended the development of an exception for plans whose only contributing employers are contractors or subcontractors of the United States Government. The commenter argues that funding notices are not necessary in this context given that, pursuant to the contractual relationship between each contributing employer and the Federal government under Federal acquisition rules, the Federal government is ultimately required to meet the applicable minimum funding requirements under the law. The Department has decided against developing an exception along the lines requested by this commenter. Section 101(f)(2) of ERISA requires all multiemployer defined benefit pension plans to disclose their funding level even in cases where the plan is 100 percent funded (on a funded current liability basis). This provision, in the Department's view, suggests strongly that Congress intends for disclosure without regard to how well a plan is funded or how secure its ultimate source of funding. Because the disclosure requirement in section 101(f) is not conditioned on a plan's funding level or source, the Department did not adopt this suggestion.

This commenter also suggested that the regulation should provide a mechanism by which a plan administrator could incorporate information from the annual funding notice into other documents already being distributed by the plan. More

[1] The Department is of the view that the annual funding notice would be of little, if any, value to recipients in light of the PBGC's authority and responsibility under title IV of ERISA with respect to insolvent multiemployer plans. The provisions of title IV of ERISA that apply in the context of a plan's receipt of financial assistance from the PBGC (§§ 4245(e) and 4281(d)) ensure that participants and beneficiaries of insolvent plans are adequately informed of, among other things, their plan's funding status (including, for participants in pay status, their individual benefit levels), and PBGC's benefit guarantees. In addition, PBGC receives plan financial information before providing financial assistance. Inasmuch as the foregoing title IV provisions are largely duplicative of the requirements in section 101(f) of ERISA, an exception from the requirements of section 101(f) for plans receiving financial assistance necessarily would reduce administrative costs to these plans, thereby increasing the plan's available resources for benefit payments. See 70 FR 6306.

specifically, under the commenter's approach all of the required information under section 101(f) of ERISA would be put into the plan's summary annual report and summary plan description, thereby eliminating the need to distribute a stand alone annual funding notice. The commenter believes this approach would reduce compliance costs. The Department has decided not to adopt this suggestion. Dispersing the annual funding notice information among a plan's summary annual report and summary plan description, in the Department's view, is not consistent with the requirements of section 101(f) of ERISA, for the following two reasons. First, under section 101(f), the information in the annual funding notice must be furnished on an annual basis, but under section 104(b)(1) of ERISA, some participants and beneficiaries might receive a summary plan description only every 10 years. Second, under section 101(f) of ERISA, the annual funding notice must be furnished to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, to each employer that has an obligation to contribute under the plan, and to the PBGC, but section 104(b)(3) requires plan administrators to furnish a summary annual report only to each participant and beneficiary receiving benefits. The Department also notes that the commenter's suggestion may be contrary to the requirements relating to the summary annual report in that some or all annual funding notice information might not be information that, as required by section 104(b)(3) of ERISA, fairly summarizes a plan's latest annual report.[2]

2. Content of Notice

Paragraph (b) of the final regulation sets forth the content requirements of the annual funding notice. Like the proposal, paragraph (b) of the final regulation requires that the identification and financial information included in the notice should be consistent with the information included in the plan's Annual Return/Report Form 5500 filed for the plan year to which the notice relates. Paragraph (b)(1)–(4) of the final regulation provides that the notice shall include: The name of the plan; the address and phone number of the plan administrator and the plan's principal administrative officer (if different from the plan administrator); the plan sponsor's employer identification number (currently line 2(b) of the Annual Return/Report Form 5500); and the plan number (currently line 1(b) of the Annual Return/Report Form 5500). Because there were no comments on these provisions, they were adopted from the proposal without modification. See § 2520.101–4(b)(1)–(4).

Paragraph (b)(5)–(8) of the final regulation provides that the notice shall include information relevant to the plan's funding. Paragraph (b)(5) requires a statement as to whether the plan's funded current liability percentage for the plan year to which the notice relates is at least 100 percent (and, if not, the actual percentage). A plan's funded current liability percentage is calculated by dividing the actuarial value of the plan's assets (currently line 1b(2) of the Schedule B of the Annual Return/Report Form 5500) by the current liability (currently line 1d(2)(a) of the Schedule B of the Annual Return/Report Form 5500).[3]

Paragraph (b)(6) of the final regulation requires a statement of the market value (same as current value) of the plan's assets (currently line 2a of the Schedule B of the Annual Return/Report Form 5500) and the valuation date (first day of the plan year), the amount of benefit payments for the plan year to which the notice relates (currently line 2e(4) of the Schedule H of the Annual Return/Report Form 5500), and the ratio of the assets to the benefit payments for the plan year to which the notice relates.

Paragraph (b)(7) of the final regulation requires a summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan). Lastly, paragraph (b)(8) requires a general description of the benefits under the plan that are eligible to be guaranteed by the PBGC, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply. See § 2520.101–4(b)(5)–(8).

With respect to calculating a plan's funded current liability percentage under paragraph (b)(5) of the regulation, one commenter suggested that the final regulation might allow plans to use generally applicable actuarial assumptions to establish the plan's current liability, rather than the assumptions specifically required under the definition of ''current liability'' in section 412(l)(7) of the Internal Revenue Code. The Department was unable to accommodate this suggestion, taking into account the clear and specific directive in section 101(f) of ERISA. Section 101(f) states that a plan's funded current liability percentage is ''as defined in section 302(d)(8)(B)'' of ERISA. The Internal Revenue Service advised the Department that it interprets section 302(d)(8)(B) of ERISA to include the requirements of section 412(l)(7) of the Code.[4] Accordingly, the final regulation does not permit plan administrators to depart from mandatory assumptions under section 412(l)(7) of the Code when calculating the funded current liability percentage for purposes of section 101(f) of ERISA.

One commenter took issue with the requirement in paragraph (b)(6) of the proposal that each annual funding notice must include a statement of the market value of the plan's assets. The commenter argued that plans should have a choice whether to state the value of their assets on an actuarial or market basis. In the Department's view, however, a market value approach is more appropriate for this particular statement. A market value approach is more likely to increase the transparency of a plan's financial condition for all parties interested in the financial viability of the plan. Actuarially derived figures, on the other hand, may be contrary to increased transparency, thereby diminishing the likelihood that participants and others will be able to engage in a meaningful monitoring process. Accordingly, the Department rejected this comment, and paragraph (b)(6) the final regulation continues to require that each annual funding notice include a statement of the market value of the plan's assets.

In connection with the statement of the market value of the plan's assets, as required in paragraph (b)(6) of the final regulation, one commenter suggested

[2] Regarding the commenter's cost argument, any cost savings that might be realized as a result of not having to distribute a stand alone annual funding notice to each participant and beneficiary would seem to be reduced, if not entirely negated, by having to distribute the summary annual report and summary plan description to the wider set of recipients set forth in section 101(f) of ERISA.

[3] The preamble to the proposal explained that a plan's funded current liability percentage is to be calculated by dividing the actuarial value of the plan's assets (currently line 1b(2) of the Schedule B of the Annual Return/Report Form 5500) by the current liability (currently line 2b(4), column (3), of the Schedule B of the Annual Return/Report Form 5500). The second Schedule B reference was changed from ''line 2b(4), column (3)'' to ''line 1d(2)(a).'' This change was to ensure that the same valuation date would be used for the plan's assets and current liability.

[4] Under Reorganization Plan No. 4 of 1978 (43 FR 47713; October 17, 1978), the Department's authority to issue interpretations and opinions under part 2 (relating to minimum participation, vesting and benefit accrual standards for pension plans) and part 3 (relating to minimum funding standards for pension plans) of title I of ERISA, including section 302(d)(8)(B), has been transferred to the Department of the Treasury.

that plan administrators might also be required to include a description of the plan's contribution stream, defined by this commenter as new money coming into the plan, so that interested individuals could better assess the financial strength of the plan. The Department decided against this suggestion on the basis that such a requirement is beyond the scope of this regulatory project. However, the Department notes that ERISA already requires pension plans, as part of their summary annual report, to disclose similar information to participants and beneficiaries. See 29 CFR 2520.104b–10(d)(3).

Paragraph (b)(8) of the proposed regulation mandated a general description of the benefits eligible to be guaranteed by the PBGC. One commenter suggested that plans with a funded current liability percentage of 75 percent or greater should be exempt from the requirements of paragraph (b)(8). As indicated above, the Department is of the view that the structure and requirements of section 101(f)(2)(B) of ERISA suggest that Congress intended for plans to disclose all of the information set forth in section 101(f)(2), including a general description of the benefits under the plan that are eligible to be guaranteed by the PBGC, without regard to the plan's actual funding percentage. Accordingly, this commenter's recommendation was not accepted, and paragraph (b)(8) of the final regulation requires that each annual funding notice include a general description of the benefits under the plan that are eligible to be guaranteed by the PBGC.

Paragraph (b)(9) of the proposal contained a provision allowing a plan administrator to add to the notice information in addition to the information mandated by the regulation, provided that the additional information is ''necessary or helpful'' to explaining the mandatory information. One commenter representing plans objected to this standard on the basis that it might be too restrictive. This commenter was concerned that the proposed standard might hamper an administrator's ability to add desirable explanatory or contextual information to notices, such as why the plan has a funding shortfall. This commenter requested that the Department replace the proposed standard with a standard that permits the inclusion of any additional information so long as the information is not designed to mislead or confuse recipients of the notice. While the Department believes that plan administrators have substantial discretion to determine whether additional information might be appropriate to add to a plan's notice, taking into account the unique circumstances of that plan, the Department, nevertheless, is of the view that such additional information must be relevant to the information Congress requires in these notices. Because this commenter's suggestion, in the view of the Department, lacks an acceptable standard of relevance, the suggestion was not adopted in the final regulation.

A different commenter objected to the ''necessary or helpful'' standard on the basis that it might be too permissive. This commenter was concerned that additional information might have the unintended effect, either due to placement or quantity, of obscuring the prescribed information. This commenter recommended that information in addition to prescribed information should be allowed only on a separate page and after the prescribed information. The Department shares the concern raised by this commenter. Accordingly, under paragraph (b)(9) of the final regulation, plan administrators are free to add to their notices any additional information they elect, provided that such information is necessary or helpful to understanding the mandatory information in the notice, and that such additional information is added at the end of the notice under the heading ''Additional Explanation.'' See § 2520.101–4(b)(9).

3. When To Furnish Notice

Paragraph (d) of the proposal provided that notices shall be furnished within nine months after the close of the plan year, unless the Internal Revenue Service has granted an extension of time to file the annual report, in which case the notice shall be furnished within two months after the close of the extension period. Since there were no negative comments regarding this aspect of the proposal, this provision was adopted in the final regulation without modification. See § 2520.101–4(d). The Department notes that the deadline established under paragraph (d) is the same deadline for furnishing the summary annual report, see § 2520.104b–10(c), and that nothing in this regulation precludes a plan administrator from furnishing simultaneously both notices in the same mailing.

4. Persons Entitled to Notice

Paragraph (f) of the proposal delineated the persons to whom funding notices would have to be furnished. While there were no comments on the other provisions in paragraph (f), one commenter made several comments regarding the breadth of paragraph (f)(4) of the proposal. Paragraph (f)(4) of the proposed regulation, in relevant part, provided that notification must be furnished to each employer that, as of the last day of the plan year to which the notice relates, is a party to the collective bargaining agreement(s) pursuant to which the plan is maintained or who otherwise may be subject to withdrawal liability pursuant to section 4203 of ERISA.

In the preamble to the proposed regulation, the Department explained that the phrase ''or who otherwise may be subject to withdrawal liability'' is intended to make it clear that, in the case of plans that cover employees in the building and construction industry, entertainment industry, or trucking, household goods moving and public warehousing industries, notice is required for any employer that, as of the last day of the plan year to which the notice relates, has ceased to have an obligation to contribute under the plan, but who has continued exposure to withdrawal liability pursuant to section 4203(b), (c), or (d) of ERISA. This ''special industry rule'' is intended to ensure that all employers who have a direct financial interest in a plan's funding status will receive a notice.

The commenter opposed the special industry rule for two reasons. First, the commenter argued that a requirement to provide notification to employers based solely on continued exposure to withdrawal liability is beyond the Department's regulatory authority under section 101(f) of the Act. Second, the commenter argued that the information provided by this notice is irrelevant to these employers given that the amount of their withdrawal liability is fixed as of the last day of the plan year preceding the cessation of the contribution obligation. On the first argument, the Department disagrees with the commenter's assessment of the Department's scope of regulatory authority under section 101(f) of the Act. Section 103(c) of PFEA '04 expressly grants the Department authority to establish regulations necessary to implement the notice requirement in section 101(f) of the Act. On the second argument, after consulting with the PBGC on the special industry rule, the Department disagrees with the commenter that the information in the notice would be irrelevant to special-industry employers who are exposed to withdrawal liability after the cessation of their obligation to contribute. The Department is of the view that the information provided by this notice might be relevant to an employer's decision, particularly in the

construction and entertainment industries, whether to renew its obligation and resume covered operations prior to the expiration of the 5-year or 3-year period, as applicable, set forth in section 4203(b) of ERISA. Accordingly, the Department has adopted paragraph (f)(4) of the proposal without modification.

This commenter also requested clarification regarding whether plans would have to furnish notification to each entity within the same controlled group as the participating employer, as well as to employers that have withdrawn but are in the process of making annual withdrawal liability payments to the plan. The Department agrees clarification would be helpful on these two issues. With respect to whether a plan administrator is required to provide notification to controlled group members, it is the Department's view that, for purposes of section 101(f) of the Act, a plan administrator is not required to provide annual notices to entities in the same controlled group as an employer otherwise eligible to receive a notice under paragraph (f)(4) of the regulation. With respect to withdrawn employers, notification under section 101(f) of the Act, and this implementing regulation, is not required in the case of any employer that has withdrawn under any provision in section 4203 of the Act.

5. Model Notice

A number of commenters offered suggestions on improving the language in the proposed model notice. Most, if not all, of the suggestions were elaborations on concepts significant to the particular commenter in light of the uniqueness of the commenter's own plan. Given that the final regulation permits plan administrators to augment plan notices with any additional information they elect, provided that such information is necessary or helpful to understanding the mandatory information in the notice, see § 2520.101–4(b)(9), the Department decided against most of the suggestions for improving the language in the model notice. The Department, however, changed the model notice in two noteworthy respects. First, language was added to the section entitled *Plan's Funding Level* to provide a more helpful context for understanding the significance of a plan's funded current liability percentage. Second, the section entitled *Rules Governing Insolvent Plans* was expanded to provide for a fuller explanation of the rules relating to insolvent plans. These and other changes to the language in the model notice are intended to clarify the proposal and should not be viewed as substantive changes to the content requirements in the proposed regulation.

Although not specifically the subject of any particular comment letter, the Department believes it might be helpful to clarify whether there would be any impact on the relief otherwise accorded by paragraph (g) of the regulation to a plan administrator that elects to include in the notice, pursuant to paragraph (b)(9) of the final regulation, information in addition to prescribed information. Paragraph (g) of the final regulation, in relevant part, provides that, although use of the model notice is not mandatory under the regulation, its use will be deemed to satisfy the requirements of paragraphs (b) (content requirements) and (c) (style and format requirements) of the regulation, with respect to the prescribed information in paragraph (b)(1)–(8). The Department is of the view that the forgoing relief is not affected by an administrator's decision to add supplementary information to a model notice, provided that the administrator complies with requirements of paragraph (b)(9) of the regulation with respect to the additional information.

C. Regulatory Impact Analysis

Summary

This final regulation contains a model notice and other guidance necessary to implement the amendments made by new section 101(f) of ERISA, as enacted by section 103(a) of PFEA '04. The regulation offers a model notice to administrators of multiemployer defined benefit plans, which is expected to mitigate burden and contribute to the efficiency of compliance.

The multiemployer defined benefit plan funding notice provision of PFEA '04 was enacted amid concerns about persisting low interest rates and declines in equity values, each of which has a deleterious effect on contribution requirements and funding levels of defined benefit plans, increasing the former and decreasing the latter. More complete and timelier disclosures were considered an important element of measures enacted in PFEA '04 to strengthen the long-term health of the defined benefit pension system. Increasing the transparency of information about the funding status of multiemployer plans for participants and beneficiaries, the labor organizations representing them, contributing employers, and PBGC will afford all parties interested in the financial viability of these plans greater opportunity to monitor their funding status.

According to a March 2004 report by the General Accounting Office (GAO) [5] the regulatory framework within which multiemployer plans operate shifts certain financial risks away from the government and, by implication, the taxpayer. Contributing employers to multiemployer plans share the risk of funding benefits for all participants, not just those in their employment, and face specific liabilities if they withdraw from the plans. Participants in multiemployer plans face lower benefit guaranties than those in single-employer plans. According to the GAO report, these factors create incentives for participants and employers to work together constructively to find solutions to plans' financial difficulties. These notices will provide timely disclosure of information concerning the funding status of these plans to support the effort of all interested parties to monitor their financial condition and take action where necessary.

The regulation would further afford plan administrators greater certainty that they have discharged their notice obligation under section 101(f). The regulation is also intended to clarify certain terms used in section 101(f) for the general purpose of delineating those persons entitled to receive the notice. The benefits of greater efficiency, certainty, and clarity are expected to be substantial, but cannot be specifically quantified.

The cost of the multiemployer defined benefit plan notices is expected to amount to $1,301,000 in the year of implementation, and $644,000 in each subsequent year. The total estimated cost includes the one-time development of a notice by each plan, the annual preparation and mailing by the administrators of all multiemployer defined benefit plans of the required notices to plan participants and beneficiaries, specified labor organizations, employers that have an obligation to contribute to these plans, and to the Pension Benefit Guaranty Corporation, and the planning of a one-time informational meeting which plan administrators may hold for labor and employer representatives, to help them better understand the information contained in the notices. The first year estimate is higher to account for the time required for plan administrators to adapt and review the model notice, and

[5] See GAO–04–423 Private Pensions. Multiemployer Plans Face Short and Long-Term Challenges. U.S. General Accounting Office, March 2004. General Accounting Office name changed to Government Accountability Office effective July 7, 2004.

the time required to plan the informational meeting.

In this regulation, the Department has attempted to provide guidance to assist administrators to meet this objective in the most economically efficient way possible. Because the costs of this regulation arise from notice provisions in PFEA '04, the data and methodology used in developing these estimates are more fully described in the Paperwork Reduction Act section of this analysis of regulatory impact.

Executive Order 12866

Under Executive Order 12866 (58 FR 51735), the Department must determine whether a regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB). Section 3(f) of the Executive Order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. It has been determined that this action is significant under section 3(f)(4) of the Executive Order. OMB has, therefore, reviewed this regulatory action pursuant to the Executive Order.

Paperwork Reduction Act

As part of its continuing effort to reduce paperwork and respondent burden, the Department of Labor conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

On February 4, 2005, the Department published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (70 FR 6306) concerning the Annual Funding Notice for Multiemployer Defined Benefit Pension Plans, which included a request for comments on its information collection provisions. The Office of Management and Budget (OMB) approved the information collection requirements included in the NPRM (OMB Control Number 1210–0126) in an OMB Notice of Action dated March 17, 2005. No program changes have been made to the regulation that would affect these information collection requirements. In response to two comments on the burden analysis published in the NPRM, the Department has, however, adjusted the hourly rate for attorneys preparing the notice from $83 per hour in the NPRM to $275 in the notice of final rulemaking and included two hours for preparation in order to account for plan administrators who may hold briefing meetings to educate employers and union representatives about the notice in the first year of implementation, as further described below. The Department will submit these minor adjustments to the paperwork burden under Control Number 1210–0126 to OMB for review.

The information collection provisions of this regulation are found in section 2520.101–4. A model notice is provided in the Appendix to section 2520.101–4 to facilitate compliance and moderate the burden attendant to supplying notices to participants and beneficiaries, labor organizations, contributing employers, and PBGC as required by PFEA '04 and the final regulation. Use of the model notice is not mandatory; however, use of the model will be deemed to satisfy the requirements for content, style, and format of the notice, except with respect to any other information the plan administrator elects to include. This final regulation is also intended to clarify certain of the PFEA '04 requirements as to content, style and format, manner of furnishing, and persons entitled to receive notice.

Increasing the transparency of information about the funding status of multiemployer plans for participants and beneficiaries, the labor organizations representing them, contributing employers, and PBGC will afford all parties interested in the financial viability of these plans greater opportunity to monitor their funding status.

In order to estimate the potential costs of the notice provisions of section 101(f) of ERISA and this final regulation, the Department estimated the number of multiemployer defined benefit plans, and the numbers of participants, beneficiaries receiving benefits, labor organizations representing participants, and employers that have an obligation to contribute to these plans. The PBGC Pension Insurance Data Book 2003 indicates that as of September 30, 2003, there were 1,623 multiemployer defined benefit plans with 9.7 million participants and beneficiaries receiving benefits. These estimates are based on premium filings with PBGC for 2002, projected by PBGC to 2003, generally the most recent information currently available. This total has been adjusted to 1,595 to reflect the exception from the requirement to furnish a funding notice for years in which a plan is receiving financial assistance from PBGC.

The Department is not aware of a direct source of information as to the number of labor organizations that represent participants of multiemployer defined benefit plans and that would be entitled to receive notice under section 101(f). As a proxy for this number, the Department has relied on information supplied by the Department's Employment Standards Administration, Office of Labor Management Standards, as to the number of labor organizations that filed required annual reports for their most recent fiscal year, generally 2002, at this time. The Department adjusted the number provided by excluding labor organizations that appeared to represent only state, local, and Federal governmental employees to account for the fact that such employees are generally unlikely to be participants in plans covered under Title I of ERISA. The resulting estimate of labor organizations entitled to receive notice is 21,000. Although this number has been used for purposes of this analysis, it is believed that this number is an upper bound for the actual number of labor organizations that will receive notice because it is likely that some labor organizations do not represent participants in defined benefit plans, or that some labor organizations represent only participants in single employer plans not subject to section 101(f).

The Department is also unaware of a source of information for the current number of employers obligated to contribute to multiemployer defined benefit plans. PBGC assisted with development of an estimate of this number by providing the Department with a tabulation on their 1987 premium filings of the number of employers contributing to multiemployer defined benefit plans at that time. This was the last year this data element was required to be reported. The Department has attempted

to validate that 1987 figure by dividing the number of participants in multiemployer defined benefit plans in the industries in which these plans are most concentrated, such as construction, trucking, and retail food sales,[6] by the average number of employees per firm in those industries based on data published by the Office of Advocacy, U.S. Small Business Administration for 2001. This computation resulted in a figure that was similar in magnitude, but somewhat higher than the 277,600 employers reported in the PBGC premium filing data. As a result, the Department has used 300,000 for its estimate of the number of contributing employers to whom the required notice will be sent.

For purposes of its estimates of regulatory impact, then, the Department has assumed that each plan will develop a notice, and that each year the multiemployer defined benefit plan notices will be prepared and sent by the administrators of 1,595 plans to 9.7 million participants and beneficiaries, 21,000 labor organizations, 300,000 contributing employers, and to PBGC, for a total of about 10 million notices.

It is assumed that the availability of a model notice as provided in paragraph (f) will lessen the time otherwise required by a plan administrator to draft a required notice. In developing burden estimates, the Department has included one hour for reviewing and adapting the model notice, 30 minutes for completing the notice, and two hours to prepare for and hold briefing meetings for each plan.

Reviewing and adapting the notice is expected to be performed by service providers, specifically by legal counsel at an hourly rate of $275. This accounts for the estimated burden of developing the notice, which amounts to about $438,625 for the 1,595 plans. Completing the notice by adding information relevant to each year is expected to take 30 minutes in the first year of implementation, as well as in subsequent years, and it is expected to be performed by the same professionals who are accounted for as preparing the Summary Annual Report (SAR) for plans, namely financial professionals at the rate of $68 per hour. Preparing for, and holding, briefing sessions that explain the purpose and content of the notice for union and employer representatives, is expected to take 2 hours, on average, in the first year of implementation. Preparing for, and holding, a briefing session, is expected to be carried out by the same professionals who are accounted for as completing the notice for plans, namely financial professionals at the rate of $68 per hour.

The assumed preparation cost to plans to complete the notice is therefore about $54,525 per year. The total cost to plans to develop, complete, and explain the notice in the year of implementation is about $711,000. This estimate has been adjusted upwards from the $187,000 outlined in the NPRM. The increase of $523,830 is the result of an adjustment in the hourly rate for the attorney developing the notice in the year of implementation from $83 per hour to $275 per hour, and the addition of time to prepare for, and hold, a briefing meeting explaining the notice to union and employer representatives. These adjustments are the result of comments received in response to the NPRM.

Two commentators indicated that the hourly rate the Department estimated in the NPRM for attorneys who work with multiemployer retirement plans was too low. The revised hourly rate is derived from the Altman Weil 2004 Survey of Law Firm Economics,[7] and represents the average hourly rate for ERISA attorneys, the type of attorney assumed most likely to develop the notice.

In the NPRM, the Department did not include a cost burden for planning or holding briefing meetings for union and employer representatives. However, one commentator indicated that the notice might provoke inquiries, particularly from employers who are not accustomed to receiving such notices. The Department has taken this comment into consideration, and has concluded that it supports an adjustment of the hour and cost burdens originally estimated for the first year after implementation. The Department has included two hours for preparation in order to allow plan administrators to hold briefing meetings in the first year of implementation.

The estimated distribution costs for the notices are based on separate assumptions for participant and beneficiary notices versus the labor organization, contributing employer, and PBGC notices. The distribution cost for the notices to participants and beneficiaries is relatively modest compared to the number of notices because it is assumed that these notices will be provided at the same time and as part of the same mailing as the SAR. The mailing costs for the SAR are already accounted for in the ICR for the SAR, currently approved under OMB Control Number 1210–0040. Therefore, only an additional materials cost is accounted for in the estimate of distribution costs for participant and beneficiary notices, which totals $292,000.

Distribution cost estimates for the notices to labor organizations, employers, and PBGC include $0.40 for materials and postage, and two minutes at a clerical wage rate of about $17 for each notice. Total distribution costs to labor organizations, contributing employers, and PBGC, therefore, are expected to total about $316,000. Distribution costs for all notices are estimated at $608,000.

In order to estimate the hour burden of preparation and distribution of the notices, the Department has generally relied on the same assumptions used for estimates of the burden of SAR preparation and distribution. Specifically, it is assumed that 100% of notices are developed by service providers, and that 90% of notices are prepared and distributed by service providers. Those activities are appropriately accounted for as cost burden, for which plans pay service providers. The remaining 10% of notices prepared and distributed in house by plan administrators are appropriately accounted for as hour burden. Materials and mailing costs are considered direct cost burden, as well. The Department has not accounted here for reductions in mailing and material costs that might arise from the electronic distribution of some notices. Although such distribution may be deemed to satisfy the requirements of section 2520.104b–1(b)(1) with respect to fulfilling the disclosure obligation if conditions of section 2520.104b–1(c) are satisfied, it is assumed for purposes of these estimates that these funding notices are less likely to be provided electronically due to the nature of the industries involved and the relationships of the parties affected by this requirement because the active workers affected often do not have access to e-mail at their workplaces.

The Department received one comment suggesting that multiemployer plans do not necessarily send regular mail to contributing employers and many may need additional data collection and systems work to do so. The Department believes that plan administrators should currently have the ability to mail correspondence to all contributing employers, and therefore no adjustments have been made to address the commenter's concern.

[6] Multiemployer Plans Face Short and Long-Term Challenges. U.S. General Accounting Office, March 2004. General Accounting Office name changed to Government Accountability Office effective July 7, 2004. See GAO–04–423 Private Pensions.

[7] Altman Weil 2004 Survey of Law Firm Economics, pages 83 & 114. The Department made further tabulations of data.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and are likely to have a significant economic impact on a substantial number of small entities. Unless an agency certifies that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires that the agency present a final regulatory flexibility analysis at the time of the publication of the notice of final rulemaking describing the impact of the rule on small entities and seeking public comment on such impact. Small entities include small businesses, organizations and governmental jurisdictions.

For purposes of analysis under the RFA, the Employee Benefits Security Administration (EBSA) proposes to continue to consider a small entity to be an employee benefit plan with fewer than 100 participants. The basis of this definition is found in section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants. Under section 104(a)(3), the Secretary may also provide for exemptions or simplified annual reporting and disclosure for welfare benefit plans. Pursuant to the authority of section 104(a)(3), the Department has previously issued at 29 CFR 2520.104–20, 2520.104–21, 2520.104–41, 2520.104–46 and 2520.104b-10 certain simplified reporting provisions and limited exemptions from reporting and disclosure requirements for small plans, including unfunded or insured welfare plans covering fewer than 100 participants and which satisfy certain other requirements.

Further, while some large employers may have small plans, in general small employers maintain most small plans. Thus, EBSA believes that assessing the impact of this rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of ''small entity'' considered appropriate for this purpose differs, however, from a definition of ''small business'' that is based on size standards promulgated by the Small Business Administration (SBA) (13 CFR 121.201) pursuant to the Small Business Act (15 U.S.C. 631 *et seq.*). EBSA therefore requested comments on the appropriateness of the size standard used in evaluating the impact of the proposal on small entities, but received none.

EBSA has determined that this rule will not have a significant economic impact on a substantial number of small entities. In support of this determination, EBSA has prepared the following final regulatory flexibility analysis.

Section 103(c) of PFEA '04 provides that the Secretary of Labor shall issue regulations (including a model notice) necessary to implement the amendments made by new section 101(f) of ERISA, as enacted by section 103(a) of PFEA '04. Section 101(f) of ERISA requires the administrator of a multiemployer defined benefit pension plan to furnish annually a notice of the plan's funded status to the plan's participants and beneficiaries and other specified interested parties (each labor organization representing such participants and beneficiaries, each employer that has an obligation to contribute under the plan, and the PBGC).

The conditions set forth in this regulation are intended to satisfy the PFEA '04 requirement that the Secretary prescribe regulations (including a model notice) necessary to implement the amendments made by section 103.

The regulation will affect only small plans that are multiemployer defined benefit pension plans. It is expected that the regulation will affect approximately 10 small plans, and 800 participants in small plans.

The initial cost of the funding notice for small plans is expected to be about $275 per plan. Preparation of this information is in most cases accomplished by professionals that provide services to employee benefit plans. Administrators of some small plans may choose to hold briefing meetings to educate employers and union representatives about the notice. The Department estimates that, on average, small plans will spend two hours preparing for, and holding briefing meetings at an estimated cost of $138 per plan, or $1,380 for all plans the Department estimates to be impacted by the notice requirement.

Congressional Review Act

The Notice of Final Rulemaking being issued here is subject to the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801, *et seq.*) (SBREFA) and has been transmitted to Congress and the Comptroller General for review. The rule is not a ''major rule'' as that term is defined in 5 U.S.C. 804 because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Order 12875, this regulation does not include any Federal mandate that may result in expenditures by State, local, or tribal governments, and does not impose an annual burden exceeding $100 million on the private sector.

Federalism Statement

Executive Order 13132 (August 4, 1999) outlines fundamental principles of federalism, and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have substantial direct effects on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. This final rule does not have federalism implications because it has no substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Section 514 of ERISA provides, with certain exceptions specifically enumerated, that the provisions of Titles I and IV of ERISA supersede any and all laws of the States as they relate to any employee benefit plan covered under ERISA. The requirements implemented in this final rule do not alter the fundamental reporting and disclosure requirements of the statute with respect to employee benefit plans, and as such have no implications for the States or the relationship or distribution of power between the national government and the States.

List of Subjects in 29 CFR Part 2520

Accounting, Employee benefit plans, Pensions, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, the Department of Labor amends 29 CFR part 2520 as follows:

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

■ 1. The authority citation for part 2520 is revised to read as follows:

Authority: 29 U.S.C. 1021–1025, 1027, 1029–31, 1059, 1134 and 1135; and Secretary of Labor's Order 1–2003, 68 FR 5374 (Feb. 3, 2003). Sec. 2520.101–2 also issued under 29 U.S.C. 1132, 1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Secs. 2520.102–3, 2520.104b–1 and 2520.104b–3 also issued under 29 U.S.C. 1003,1181–1183, 1181 note, 1185, 1185a–b, 1191, and 1191a–c. Secs. 2520.104b–1 and 2520.107 also issued under 26 U.S.C. 401 note, 111 Stat. 788. Sec. 2520.101–4 also issued under sec. 103 of Pub. L. 108–218.

■ 2. Add § 2520.101–4 to subpart A to read as follows:

§ 2520.101–4 Annual funding notice for multiemployer defined benefit pension plans.

(a) *In general.* (1) Except as provided in paragraph (a)(2) of this section, pursuant to section 101(f) of the Act, the administrator of a defined benefit, multiemployer pension plan shall furnish annually to each person specified in paragraph (f) of this section a funding notice that conforms to the requirements of this section.

(2) A plan administrator shall not be required to furnish a funding notice for any plan year for which the plan is receiving financial assistance from the Pension Benefit Guaranty Corporation pursuant to section 4261 of ERISA.

(b) *Content of notice.* A funding notice shall, consistent with the information included in the plan's Annual Return/Report Form 5500 filed for the plan year to which the funding notice relates, include the following information:

(1) The name of the plan;

(2) The address and phone number of the plan administrator and the plan's principal administrative officer (if different from the plan administrator);

(3) The plan sponsor's employer identification number;

(4) The plan number;

(5) A statement as to whether the plan's funded current liability percentage (as defined in section 302(d)(8)(B) of ERISA) for the plan year to which the notice relates is at least 100 percent (and, if not, the actual percentage);

(6) A statement of the market value of the plan's assets (and valuation date), the amount of benefit payments, and the ratio of the assets to the payments for the plan year to which the notice relates;

(7) A summary of the rules governing insolvent multiemployer plans, including the limitations on benefit payments and any potential benefit reductions and suspensions (and the potential effects of such limitations, reductions, and suspensions on the plan);

(8) A general description of the benefits under the plan which are eligible to be guaranteed by the Pension Benefit Guaranty Corporation, along with an explanation of the limitations on the guarantee and the circumstances under which such limitations apply; and

(9) Any additional information that the plan administrator elects to include, provided that such information:

(i) Is necessary or helpful to understanding the mandatory information in the notice, and

(ii) Is set forth following the information prescribed by paragraphs (b)(1) through (b)(8) of this section and shall be headed, ''Additional Explanation.''

(c) *Style and format of notice.* Funding notices shall be written in a manner that is consistent with the style and format requirements of 29 CFR 2520.102–2.

(d) *When to furnish notice.* A funding notice shall be furnished within 9 months after the close of the plan year, unless the Internal Revenue Service has granted an extension of time to file the annual report, in which case such furnishing shall take place within 2 months after the close of the extension period.

(e) *Manner of furnishing notice.* (1) Except as provided in paragraph (e)(2) of this section, funding notices shall be furnished in any manner consistent with the requirements of § 2520.104b–1 of this chapter, including paragraph (c) of that section relating to the use of electronic media.

(2) Notice shall be furnished to the Pension Benefit Guaranty Corporation in a manner consistent with the requirements of part 4000 of this title.

(f) *Persons entitled to notice.* Persons entitled to notice under this section include:

(1) Each participant covered under the plan on the last day of the plan year to which the notice relates;

(2) Each beneficiary receiving benefits under the plan on the last day of the plan year to which the notice relates;

(3) Each labor organization representing participants under the plan on the last day of the plan year to which the notice relates;

(4) Each employer that, as of the last day of the plan year to which the notice relates, is a party to the collective bargaining agreement(s) pursuant to which the plan is maintained or who otherwise may be subject to withdrawal liability pursuant to section 4203 of the Act; and

(5) The Pension Benefit Guaranty Corporation.

(g) *Model notice.* The appendix to this section contains a model notice that is intended to assist plan administrators in discharging their notice obligations under this section. Use of the model notice is not mandatory. However, use of the model notice will be deemed to satisfy the requirements of paragraphs (b) and (c), except with respect to information referenced in paragraph (b)(9) of this section.

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APPENDIX TO § 2520.101-4

ANNUAL FUNDING NOTICE
For
[Insert name of pension plan]

Introduction

This notice, which federal law requires all multiemployer plans to send annually, includes important information about the funding level of [insert name, number, and EIN of plan] (Plan). This notice also includes information about rules governing insolvent plans and benefit payments guaranteed by the Pension Benefit Guaranty Corporation (PBGC), a federal agency. This notice is for the plan year beginning [insert beginning date] and ending [insert ending date] (Plan Year).

Plan's Funding Level

The Plan's "funded current liability percentage" for the Plan Year was [insert percentage—see instructions below]. In general, the higher the percentage, the better funded the plan. The funded current liability percentage, however, is not indicative of how well a plan will be funded in the future or if it terminates. Whether this percentage will increase or decrease over time depends on a number of factors, including how the plan's investments perform, what assumptions the plan makes about rates of return, whether employer contributions to the fund increase or decline, and whether benefits payments from the fund increase or decline.

(Instructions: For purposes of computing the "funded current liability percentage," insert ratio of actuarial value of assets to current liability, as of the valuation date, expressed as a percentage. If the percentage is equal to or greater than 100 percent, you may insert "at least 100 percent.")

Plan's Financial Information

The market value of the Plan's assets as of [insert valuation date] was [insert amount]. The total amount of benefit payments for the Plan Year was [enter amount]. The ratio of assets to benefit payments is [enter amount calculated by dividing the value of plan assets by the total benefit payments]. This ratio suggests that the Plan's assets could provide for approximately [enter amount calculated above] years of benefit payments in annual amounts equal to what was paid out in the Plan Year. However, the ratio does not take into account future changes in total benefit payments or plan assets.

Rules Governing Insolvent Plans

Federal law has a number of special rules that apply to financially troubled multiemployer plans. Under so-called "plan reorganization rules," a plan with adverse financial experience may need to increase required contributions and may, under certain circumstances, reduce benefits that are not eligible for the PBGC's guarantee (generally, benefits that have been in effect for less than 60 months). If a plan is in reorganization status, it must provide notification that the plan is in reorganization status and that, if contributions are not increased, accrued benefits under the plan may be reduced or an excise tax may be imposed (or both). The law requires the plan to furnish this notification to each contributing employer and the labor organization.

Despite the special plan reorganization rules, a plan in reorganization nevertheless could become insolvent. A plan is insolvent for a plan year if its available financial resources are not sufficient to pay benefits when due for the plan year. An insolvent plan must reduce benefit payments to the highest level that can be paid from the plan's available financial resources. If such resources are not enough to pay benefits at a level specified by law (see Benefit Payments Guaranteed by the PBGC, below), the plan must apply to the PBGC for financial assistance. The PBGC, by law, will loan the plan the amount necessary to pay benefits at the guaranteed level. Reduced benefits may be restored if the plan's financial condition improves.

A plan that becomes insolvent must provide prompt notification of the insolvency to participants and beneficiaries, contributing employers, labor unions representing participants, and PBGC. In addition, participants and beneficiaries also must receive information regarding whether, and how, their benefits will be reduced or affected as a result of the insolvency, including loss of a lump sum option. This information will be provided for each year the plan is insolvent.

Benefit Payments Guaranteed by the PBGC

The maximum benefit that the PBGC guarantees is set by law. Only vested benefits are guaranteed. Specifically, the PBGC guarantees a monthly benefit payment equal to 100 percent of the first $11 of the Plan's monthly benefit accrual rate, plus 75 percent of the next $33 of the accrual rate, times each year of credited service. The PBGC's maximum guarantee, therefore, is $35.75 per month times a participant's years of credited service.

Example 1: If a participant with 10 years of credited service has an accrued monthly benefit of $500, the accrual rate for purposes of determining the PBGC guarantee would be determined by dividing the monthly benefit by the

participant's years of service ($500/10), which equals $50. The guaranteed amount for a $50 monthly accrual rate is equal to the sum of $11 plus $24.75 (.75 x $33), or $35.75. Thus, the participant's guaranteed monthly benefit is $357.50 ($35.75 x 10).

Example 2: If the participant in Example 1 has an accrued monthly benefit of $200, the accrual rate for purposes of determining the guarantee would be $20 (or $200/10). The guaranteed amount for a $20 monthly accrual rate is equal to the sum of $11 plus $6.75 (.75 x $9), or $17.75. Thus, the participant's guaranteed monthly benefit would be $177.50 ($17.75 x 10).

In calculating a person's monthly payment, the PBGC will disregard any benefit increases that were made under the plan within 60 months before the earlier of the plan's termination or insolvency. Similarly, the PBGC does not guarantee pre-retirement death benefits to a spouse or beneficiary (e.g., a qualified pre-retirement survivor annuity) if the participant dies after the plan terminates, benefits above the normal retirement benefit, disability benefits not in pay status, or non-pension benefits, such as health insurance, life insurance, death benefits, vacation pay, or severance pay.

Where to Get More Information

For more information about this notice, you may contact [enter name of plan administrator and, if applicable, principal administrative officer], at [enter phone number and address]. For more information about the PBGC and multiemployer benefit guarantees, go to PBGC's website, www.pbgc.gov, or call PBGC toll-free at 1-800-400-7242 (TTY/TDD users may call the Federal relay service toll free at 1-800-877-8339 and ask to be connected to 1-800-400-7242).

Signed at Washington, DC, this 3rd day of January, 2006.

Ann L. Combs,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 06–194 Filed 1–10–06; 8:45 am]

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H.R. 1815/P.L. 109–163

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