

# **federal register**

**FRIDAY, AUGUST 29, 1975**



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**PART V:**

## **VARIOUS AGENCIES**



**PRIVACY ACT OF 1974**

**Regulations**

## Title 46—Shipping

## CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 22, Amdt. 6; Docket No. 75-26]

## PART 503—PUBLIC INFORMATION

## Privacy Act Regulations

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552(a), Pub. L. 93-579), the Federal Maritime Commission on July 17, 1975, published in the FEDERAL REGISTER (40 FR 30128) proposed regulations dealing with public information (46 CFR Part 503). These regulations establish procedures for the protection of personal privacy of individuals identified in records maintained by the Commission.

Interested parties were afforded the opportunity to submit comments on the proposed regulations. No comments were received.

Therefore, it is ordered, That pursuant to the Privacy Act of 1974 (5 U.S.C. 552 (a), Pub. L. 93-579), Part 503 of Title 46 CFR, is hereby amended by adding a new Subpart G as set forth below:

## Subpart G—Access to Any Record of Identifiable Personal Information

Sec.

- 503.60 Definitions.
- 503.61 Conditions of disclosure.
- 503.62 Accounting of disclosures.
- 503.63 Request for information.
- 503.64 Commission procedure on requests for information.
- 503.65 Request for access to records.
- 503.66 Amendment of a record.
- 503.67 Appeals from denial of request for amendment of a record.
- 503.68 Exemptions.
- 503.69 Fees.

AUTHORITY: Privacy Act of 1974 (Sec. (f), Pub. L. 93-579, 88 Stat. 1897 (5 U.S.C. 552 (a) 1).

## Subpart G—Access to any record of identifiable personal information

## § 503.60 Definitions.

For the purpose of this subpart:

(a) "Agency" means each authority of the government of the United States as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) "Commission" means the Federal Maritime Commission.

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) "Maintain" includes maintain, collect, use, or disseminate.

(e) "Person" means any person not an individual and shall include, but is not limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(f) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Federal Maritime Commission including but not limited to his education, financial

transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol or other identifying particular assigned to the individual such as a finger or voice print, or a photograph.

(g) "Routine use" means [with respect to the disclosure of a record], the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual but shall not include matter pertaining to the Census as defined in 13 U.S.C. § 8.

(i) "System of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

## § 503.61 Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Commission shall not disclose any record which is contained in a system of records, by any means of communication to any person or other agency who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Commission may disclose any such record to any person or other agency.

(c) In the absence of a written consent from the individual to whom the record pertains, the Commission may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Commission with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law, provided the head of the agency or in-

strumentality has made a prior written request to the Assistant Managing Director of the Commission specifying the particular record and the law enforcement activity for which it is sought;

(8) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress;

(9) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the GAO; or

(10) Under an order of a court of competent jurisdiction.

## § 503.62 Accounting of disclosures.

(a) The Assistant Managing Director shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C.A. 552a(c) (1) and (2).

(b) Except for a disclosure made under § 503.61(c) (7) of this subpart the Assistant Managing Director shall make the accounting described in paragraph (a) of this section available to any individual upon written request made in accordance with section 503.63 (b) or (c) of this subpart.

(c) The Assistant Managing Director shall make reasonable efforts to notify an individual when any record which pertains to him is disclosed to any person under compulsory legal process when such process becomes a matter of public record.

## § 503.63 Request for information.

(a) Upon request in person or by mail made in accordance with the provisions of paragraph (b) or (c) of this section, any individual shall be informed whether or not any Commission system of records contains a record pertaining to him.

(b) Any individual requesting such information in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall:

(1) Provide information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth, etc.;

(2) Provide identification acceptable to the Assistant Managing Director to verify the individual's identity; e.g. driver's license, employee identification card or medicare card;

(3) Complete and sign the appropriate form provided by the Assistant Managing Director.

(c) Any individual requesting such information by mail shall address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall include in such request the following:

(1) Information sufficient in the opinion of the Assistant Managing Director to identify the record, e.g. the individual's own name, date of birth, place of birth, etc.;

(2) A signed notarized statement to verify his identity.

**§ 503.64 Commission procedure on requests for information.**

Upon request for information made in accordance with § 503.63 of this subpart, the Assistant Managing Director or his delegate shall within a reasonable period of time furnish in writing to the requesting party notice of the existence or non-existence of any records described in such request.

**§ 503.65 Request for access to records.**

(a) *General.* Upon request by any individual made in accordance with the procedures set forth in paragraph (b) of this section, such individual shall be granted access to any record pertaining to him which is contained in a Commission system of records. However, nothing in this section shall allow an individual access to any information compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding.

(b) *Procedures for requests for access to records.* Any individual may request access to a record pertaining to him in person or by mail in accordance with paragraph (b) (1) and (2) of this section.

(1) Any individual making such request in person shall present himself at the Office of the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall:

(i) Provide identification acceptable to the Assistant Managing Director to verify the individual's identity, e.g. driver's license, employee identification card, or medicare card; and

(ii) Complete and sign the appropriate form provided by the Assistant Managing Director.

(2) Any individual making a request for access to records by mail shall address such request to the Assistant Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 and shall include therein a signed notarized statement to verify his identity.

(3) Any individual requesting access to records under this section in person may be accompanied by a person of his own choosing while reviewing the record requested. If an individual elects to be so accompanied, he shall notify the Assistant Managing Director of such election in his request and shall provide a written statement authorizing disclosure of the record in the presence of the accompanying person. Failure to so notify the Assistant Managing Director in a request for access shall be deemed to be a decision by the individual not to be accompanied.

(c) *Commission determination of requests for access.* (1) Upon request made in accordance with this section, the Assistant Managing Director or his delegate shall:

(i) Determine whether or not such request shall be granted;

(ii) Make such determination and provide notification within a reasonable period of time after receipt of such request;

(iii) Notify the individual that fees for reproducing copies of records will be made in accordance with § 503.69.

(2) If access to a record is denied because such information has been compiled by the Commission in reasonable anticipation of a civil or criminal action or proceeding the Assistant Managing Director shall notify the individual of such determination and his right to judicial appeal under 5 U.S.C.A. 552a(g).

(d) *Manner of providing access.* (1) If access is granted, the individual making such request shall notify the Assistant Managing Director whether the records requested are to be copied and mailed to the individual.

(2) If records are to be made available for personal inspection, the individual shall arrange with the Assistant Managing Director a mutually agreeable time and place for inspection of the record.

(3) Fees for reproducing and mailing copies of records will be made in accordance with § 503.69 of this subpart.

**§ 503.66 Amendment of a record.**

(a) *General.* Any individual may request amendment of a record pertaining to him according to the procedure in paragraph (b) of this section.

(b) *Procedure to request amendment of a record.* After inspection of a record pertaining to him, an individual may file a request, in person or by mail, with the Assistant Managing Director for amendment of a record. Such request shall specify the particular portions of the record to be amended, the desired amendments and the reasons therefor.

(c) *Commission procedure on request for amendment of a record.* (1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of a request made in accordance with this section to amend a record in whole or in part, the Assistant Managing Director or his delegate shall:

(i) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely or complete and thereafter inform the individual of such correction; or

(ii) Inform the individual, by certified mail return receipt requested, of refusal to amend the record setting out the reasons therefor, and notify the individual of his right to appeal that determination to the Chairman of the Commission under § 503.67 of this subpart.

(2) The Assistant Managing Director shall inform any person or other agency to whom a record has been disclosed of any correction or notation of dispute made by the Assistant Managing Director with respect to such records in accordance with 5 U.S.C.A. 552a(c) (4) referring to amendment of a record, if an accounting of such disclosure has been made.

**§ 503.67 Appeals from denial of request for amendment of a record.**

(a) *General.* An individual whose request for amendment of a record pertaining to him is denied, may further request a review of such determination in accordance with paragraph (b) of this section.

(b) *Procedure for appeal.* Not later than 30 days (excluding Saturdays, Sundays and legal public holidays) following receipt of notification of refusal to amend, an individual may file an appeal to amend the record. Such appeal shall:

(1) Be addressed to the Chairman, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573; and

(2) Specify the reasons for which the refusal to amend is challenged.

(c) *Commission procedure on appeal.*

(1) Upon appeal from a denial to amend a record, the Chairman of the Commission or the officer designated by the Chairman to act in his absence, shall make a determination whether or not to amend the record and shall notify the individual of that determination by certified mail return receipt requested not later than 30 days (excluding Saturdays, Sundays and legal public holidays) after receipt of such appeal, unless extended pursuant to paragraph (d) of this section.

(2) The Chairman shall also notify the individual of the provisions of 5 U.S.C.A. 552a(g) (1) (A) regarding judicial review of the Chairman's determination.

(3) If on appeal the refusal to amend the record is upheld, the Commission shall permit the individual to file a statement setting forth the reasons for his disagreement with the Commission's determination.

(d) The Chairman or his delegate in his absence may extend up to 30 days the time period prescribed in paragraph (c) (1) of this section within which to make a determination on an appeal from refusal to amend a record for the reason that a fair and equitable review cannot be completed within the prescribed time period.

**§ 503.68 Exemptions.**

The Chairman of the Commission reserves the right to promulgate rules in accordance with the requirements of 5 U.S.C. 553(b) (1), (2) and (3), (c), and (e) (Administrative Procedure Act—Rulemaking) to exempt any system of records maintained by the Commission in accordance with the provisions of 5 U.S.C.A. 552a(k).

**§ 503.69 Fees.**

(a) *General.* The following Commission services are available, with respect to requests made under the provisions of this subpart, for which fees will be charged as provided in paragraphs (b) and (c) of this section:

(1) Copying records/documents.

(2) Certification of copies of documents.

(b) *Fees for services.* The fees set forth below provide for documents to be mailed with ordinary first-class postage prepaid. If a copy is to be transmitted by registered certified, air, or special delivery mail, postage therefor will be added to the basic fee. Also, if special handling or packaging is required, costs thereof will be added to the basic fee.

(1) The copying of records and documents will be available at the rate of 30

## RULES AND REGULATIONS

cents per page (one side), limited to size 8 1/4" x 14" or smaller.

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at \$2.00 for each certification.

(c) *Payment of fees and charges.* The fees charged for special services may be paid by check, draft or postal money order, payable to the Federal Maritime Commission.

*Effective date.* These regulations shall be effective as of September 27, 1975.

By the Commission.

[SEAL]           JOSEPH C. POLKING,  
                    Assistant Secretary.

[FR Doc.75-22930 Filed 8-28-75;8:45 am]



DEPARTMENT OF LABOR

Office of the Secretary

[ 29 CFR Part 70a ]

PROTECTION OF PRIVACY IN RECORD SYSTEMS

Proposed Rulemaking

Upon the findings: (1) that the privacy of an individual is directly affected by the collection, maintenance, use and dissemination of personal information collected by Federal agencies; (2) that the increasing use of computers and sophisticated information technology, while essential to the efficient operation of the Government, has greatly magnified the potential harm to an individual's privacy; and (3) that an individual's right to due process as well as other legal protections afforded to him by the Constitution are endangered by the misuse of certain information systems, the Congress determined that it was necessary to regulate personal information acquired by Federal agencies. Consequently, it enacted the Privacy Act of 1974, Pub. L. 93-579 (88 Stat. 1896, 5 U.S.C. 552a).

The purpose of the Privacy Act of 1974 (hereinafter referred to as "the Act") is, among other things, to assure that the collection of personal information by Federal agencies is limited to that which is necessary and authorized by law, and that where information is within the possession of an agency, it is maintained and used in a manner which precludes unwarranted intrusions upon an individual's privacy. The Act places the principal responsibility for compliance with its provisions upon Federal agencies. In order to carry out these provisions, section 3(f) of the Act requires each agency that maintains a system of records subject to the Act's requirements to promulgate rules and regulations which establish:

1. Procedures for requesting personal information contained within a system of records;
2. Requirements for identification by an individual who makes such a request;
3. Procedures for the disclosure of a record to an individual upon request; and
4. Procedures for reviewing requests for amendments to records and appeals therefrom.

In accordance with this congressional mandate, it is proposed to amend Title 29, Code of Federal Regulations, by establishing rules and regulations governing the manner by which the requirements of the Privacy Act of 1974 are to be carried out by the Department of Labor. These proposed regulations have been drafted with major reliance on the guidelines published by the Office of Management and Budget in the FEDERAL REGISTER on July 9, 1975 (40 FR 28949). Any persons interested in participating in this rulemaking proceeding may submit written data, views and arguments concerning the proposed rules. Comments should be submitted not later than September 29, 1975 to:

Solicitor of Labor, Attention: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Room N2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Comments received by the Department will be available for public inspection at the above address.

Therefore, pursuant to section 3(f) of the Privacy Act of 1974 (88 Stat. 1896, 1900, 5 U.S.C. 552a(f)) and 5 U.S.C. 553, it is hereby proposed to amend Title 29, Code of Federal Regulations, by adding a new part, Part 70a, to read as follows:

**PART 70a—PROTECTION OF INDIVIDUAL PRIVACY IN RECORDS**

- Sec. Purpose and scope.
- 70a.1 Definitions.
- 70a.2 Conditions of disclosure of information.
- 70a.3 Required procedure with regard to a request by an individual for a record contained within a system of records.
- 70a.4 Requirements for identification of individuals making requests.
- 70a.5 Disclosure of requested information to individuals.
- 70a.6 Request for correction or amendment to record.
- 70a.7 Agency review of request for correction or amendment of record.
- 70a.8 Appeal of initial adverse agency determination.
- 70a.9 [Reserved]
- 70a.10 Fees.
- 70a.11 Penalties.
- 70a.12 Exemptions.
- 70a.13

**§ 70a.1 Purpose and scope.**

(a) *Purpose.* This Part sets forth the basic criteria which are to be used for implementing the provisions of the Privacy Act of 1974 (Pub. L. 93-579) as it applies to the Department of Labor. The purpose of the Act is to assure that: (1) personal information about an individual collected by any Federal agency is limited to that which is necessary and authorized by law; and (2) where personal information about an individual is within the possession of an agency, it is maintained and used in a manner calculated to preclude unwarranted intrusions upon any individual's privacy. To achieve this end, the Privacy Act requires, among other things, that an "agency" permit an individual to ascertain what information, which is personal to him and to which access is made by the use of some individual identifier, is collected, maintained, used or disseminated by that agency. In addition, it requires Federal agencies: (i) to establish procedures whereby an individual can (A) request a copy, or otherwise have access to such a record, (B) request an accounting of the disclosure of such a record, (C) request that the record be amended, and (D) appeal an initial adverse determination of a request; and (ii) to publish in the FEDERAL REGISTER notice of the existence of all "systems of records" under the control of the agency. In order for the Department to meet its obligations under the Act, it is essential that interested members of the public, and every agency within the Department, understand their respective

responsibilities. This part, Part 70a, sets out these responsibilities.

(b) *Scope.* (1) Unless a system of records has been otherwise exempt from provisions of this regulation, as provided in § 70a.13, the procedures set forth in this Part apply whenever a record containing personal information is maintained within a system of records which is under the control of the Department and such records are retrieved by reference to a personal identifier.

(2) Requests for notification, access or amendment to personnel records maintained by the Department which are contained within systems of records of which notice has been given by the Civil Service Commission, are governed by Part 297 of the Commission's regulations (5 CFR Part 297), and internal Department directives established pursuant to the Commission's regulations. Information concerning these procedures may be obtained from the Director, Office of Personnel, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**§ 70a.2 Definitions.**

For purposes of this Part:

(a) "Agency" means an agency as that term is defined in 5 U.S.C. 552(e). This definition of "agency" is the same as that used in the Administrative Procedure Act as modified by the 1974 amendments to the Freedom of Information Act (Pub. L. 93-502). It means "each authority of the Government of the United States, whether or not it is within or subject to review by another agency \* \* \*" (5 U.S.C. 551(1)), but it does not include an advisory committee.

(b) The term "individual" means a citizen of the United States (as defined in 8 U.S.C. 1401) or an alien lawfully admitted for permanent residence. This definition is intended to distinguish between the rights which are given to a citizen as an individual under this Act and the rights of proprietorships, businesses, and corporations, which are not intended to be covered by the Act. A distinction can also be made between an individual acting in a personal capacity and an individual acting as an entrepreneur (e.g., as a sole proprietor). Since this definition embraces only the former, a determination must be made as to whether in fact the information is personal in nature, and for what purpose it is being used. Records relating solely to nonresident aliens are excluded from the requirements of this Part. However, where a system of records relates to both citizens and nonresident aliens, those portions of the system which relate to citizens or resident aliens must comply with the provisions set forth in these regulations.

(c) The term "maintain" includes the maintenance, collection, use, or dissemination of records, or any combination of these recordkeeping functions. The term "maintain" also connotes control over, and consequently, responsibility and ac-

countability for a system of records. Effective control of a system of records does not necessarily require physical control of the system (e.g., the Civil Service Commission has control over personnel records not physically within its possession). Furthermore, records on loan from one agency to another may not necessarily be under the control of the latter depending upon the circumstances attendant to, and the conditions of the transfer. Systems of records operated under contract, or in some instances, operated by State or local governments under Federal mandates "by or on behalf of the agency \* \* \* to accomplish an agency function" are, for purposes of this Part, under the control of the agency for which the services are being performed, and consequently subject to the requirements set forth in this Part. The qualifying phrase "to accomplish an agency function" limits the applicability of section 3(m) of the Act to those systems directly related to the performance of Federal agency functions by excluding from its coverage systems which are financed, in whole or in part, with Federal funds, but which are managed by State or local governments for the benefit of State or local governments.

(d) The term "record" means a tangible or documentary record, as opposed to an intangible record, such as information contained in a person's memory. It is any item of information, or any grouping of such items of information, about an individual that includes an identifying particular (i.e., an individual identifier). An "identifying particular" is any element of data (name, number, etc.) or other descriptor (finger print, voice print, photograph) which can be used to identify an individual. A record, by this definition, can be part of another record. Therefore, prohibitions on the disclosure of a record, for example, apply not only to the entire record in the conventional sense (such as a record in a computer system), but also to any item or grouping of items from a record provided that such groupings includes an individual identifier.

(e) The term "system of records" means a group of any records under the control of an agency from which information is retrieved by reference to the name of an individual or by some identifying particular assigned to an individual. A "system of records" for purposes of this Part is a group of records which:

(1) Consists of records as that term is defined in this section,

(2) Are "under the control of" an agency, and

(3) Are retrieved by reference to an individual name or some other personal identifier.

Caution must be exercised in distinguishing "agency records" from those which, although in the physical possession of agency employees and used by them in performing official functions, are not, in fact, agency records. Uncirculated personal notes, papers and records which are retained or discarded at the author's discretion and over which the agency exercises no dominion or control (e.g.,

personal telephone lists) are not "agency records" for purpose of this Part. The criteria "are retrieved by" implies that groupings of records under the control of an agency are, in fact, accessed by use of a personal identifier, not merely that a capability or potential capability exists for retrieving the information in such a manner. For example, if an agency maintains a recordkeeping system on firms which it regulates and the system contains "records" (i.e., personal information) about officers of the firms incident to its evaluation of the firm's performance, even though such information would clearly constitute record under the control of an agency, it would not be considered part of a system of records for purposes of this Part unless the agency actually retrieves this information by reference to a personal identifier (e.g., name, etc.). Thus, if these hypothetical "records" are never retrieved except by reference to a company identifier or some other nonpersonal indexing scheme (e.g., type of firm), they are not a part of a system of records.

(f) The term "statistical record" means a record contained within a system of records which is maintained for statistical research or reporting purposes only, and not used, in whole or in part, in making any determination about an identifiable individual. For a record to qualify as a "statistical record," it must be maintained within a system of records which is separated from other systems of records where such other systems contain records that are used to assist in making determinations about the rights, benefits, or entitlements of an identifiable individual. The term "identifiable individual" distinguishes determinations about specific individuals, in which case the records in question would not be statistical records, from determinations about aggregates of individuals. An example of the latter would be the application of census data for the apportionment of funds based upon population. Consistent with this definition, records frequently referred to as "research records" which are only used for analytic purposes, qualify as "statistical records" for purposes of this Part, provided such records are not used in making any determination about the rights, benefits or entitlements of an identifiable individual.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. One of the primary objectives of the Privacy Act is to restrict the use of information to such purposes. However, the term "routine use" was introduced recognizing that there are practical limitations of restricting the use of information to the explicit and expressed purposes for which it was collected. It is recognized that there are corollary purposes "compatible with the purpose for which the information was collected" that are appropriate and necessary for the efficient conduct of government, and are in the best interest of both the individual and the public. In this regard, the term "routine use" does not restrict

the use of records to common and ordinary applications for which such records are generally collected, but, in addition, includes all proper and necessary applications of records without regard to the frequency of such applications. The purpose of the Act is not to prohibit the necessary exchange of information, but is instead to prohibit the gratuitous, ad hoc, dissemination of records for private or otherwise irregular purposes.

(h) "Disclosure officer," "responsible official" and "officer authorized to disclose information from Department records" are the same Department officials referred to in § 70.2(c).

#### § 70a.3 Conditions of disclosure of information.

(a) Nothing in this Part shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(b) Except as provided in paragraphs (d) through (f) of this section, neither the Department, nor its component units, shall disclose any record which is contained within a system of records subject to the requirements of this Part, to any person or agency other than to the individual who is the subject of the record, unless the disclosure is to such person's parent or guardian as provided in § 70a.5(c) of this Part, or to the representative designated by such individual in accordance with the requirement contained in § 70a.5(b).

(c) If a requester satisfies the requirements set forth in §§ 70a.4 and 70a.5 of this Part, and the record described in paragraph (b) of this section does in fact exist, and is not otherwise exempt from disclosure by any other provision contained in this Part, the record shall be made available to the requester in accordance with § 70a.6.

(d) Upon the notarized written consent of an individual to whom a record described in paragraph (b) of this section pertains, the Department, or any of its component units, may disclose the subject record to the extent that the individual to whom the record pertains has so consented.

(e) (1) In the absence of written consent from the individual to whom a record described in paragraph (b) of this section pertains, the Department may disclose any such record provided such disclosure is:

(i) To those officers and employees of the component unit within the Department that maintains the record, and who have a need for the information in the performance of their duties;

(ii) Required under the Freedom of Information Act (5 U.S.C. 552);

(iii) For a "routine use" as published in the annual notice in the FEDERAL REGISTER;

(iv) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code;

(v) To a recipient who has provided the Department with adequate advance written assurance that the record will be

used solely as a statistical research or reporting record, and that the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law, provided the head of the agency or instrumentality has made a prior written request to the Department, or a unit component thereof, specifying the particular record and the law enforcement activity for which it is sought;

(viii) To either House of Congress, or, to the extent that a matter is within its jurisdiction, any committee or subcommittee thereof; or to any joint committee of Congress or a subcommittee of any such joint committee;

(ix) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office;

(x) Under an order of a court of competent jurisdiction, in which case the Department shall make reasonable efforts to notify the subject individual of the subpoenaed record when the subpoena of such material becomes a matter of public record; or

(xi) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual (not necessarily the individual to whom the record pertains), if upon such disclosure notification is transmitted to the last known address of the individual to whom the record pertains.

(2) Records shall not be disclosed to a third party simply because such a disclosure is permitted by paragraph (e) (1) of this section. The Department, and the unit components thereof, shall continue to consider all relevant factors before authorizing the disclosure of information, including where appropriate, the likely effect that disclosure would have upon the individual who is the subject of the record.

(f) The Department is required to make available a record to a person or agency, other than the person to whom the record pertains, when a previously disseminated record, of which an accounting is required to be maintained, has been either amended or a requested amendment thereto has been denied, and the requester has submitted a memorandum of disagreement, in which case the record, or the memorandum of disagreement, must be transmitted to such prior recipients in accordance with 5 U.S.C. 552a(d) (4) and § 70a.9(f).

(g) Except as prescribed in paragraphs (b) and (f) of this section, and other provisions of this Part related thereto, the regulations contained in

this Part do not require the disclosure of a record to anyone other than the individual to whom the record pertains.

**§ 70a.4 Required procedure with regard to a request by an individual for a record contained within a system of records.**

(a) (1) Where a system of records under the control of the Department of Labor contain records which are retrieved by reference to an individual identifier, and an individual, without regard to his or her age, seeks to: (i) ascertain whether the Department maintains a record pertaining to that person in such system of records, (ii) ascertain whether, and to whom, the Department has disclosed such a record for which an accounting of disclosure is required to be maintained and made available to that person, (iii) obtain a copy of a record pertaining to that person, or (iv) review or amend a record pertaining to that person, then such person should direct a request to the appropriate Department official as prescribed in § 70.43. However, in lieu of the requirements contained in § 70.35(b), when a person is uncertain as to whom the request should be directed, it should be sent to: Director of Records Management, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(2) Requests made in person shall be presented during the Department's normal working hours. When the request is made by mail, a notation should be made on the envelope and conspicuously on the letter indicating that the communication involves a request under the Privacy Act (i.e., "Request Pursuant to Privacy Act").

(b) Each request shall be in writing. It shall state the nature of the action desired and shall be reasonably detailed to permit identification and location of the record in question. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details. The requester should also indicate whether he or she wishes to review the record in person or obtain a copy by mail.

(c) (1) The disclosure officer who is responsible for acting upon a request, shall, upon receipt thereof, have the date and time the request was received immediately inscribed thereon, and within 10 working days thereafter, acknowledge such receipt to the requester. In addition, the acknowledgement shall indicate the time within which it is anticipated that a determination of the request will be made. Such an acknowledgement, however, is not required when the requirements set forth in § 70a.6 can be satisfied within the 10-day period.

(2) If the description contained in the request is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of

effort, the officer processing the request shall notify the applicant and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist an applicant in the identification and location of the record or records sought.

**§ 70a.5 Requirements for identification of individuals making requests.**

(a) To avoid disclosure of information to unauthorized individuals, when an individual requests personal information about himself or herself, and such information is retrieved from a system of records by means of a personal identifier, and the record(s) requested are excluded from mandatory disclosure under the Freedom of Information Act, the following requirements must be met before the disclosure officer is required to release the relevant information:

(1) When a request is submitted by mail, the signature of the requester shall be notarized;

(2) When a request is made in person, an official photograph accurately depicting the requester, and indicating the requester's name shall be presented to the disclosure officer or his authorized representative, or if an official photograph is not available, a photograph accompanied by a notarization certifying the name of the individual in the photograph.

(b) When a person requests access to a record about an individual other than himself, or herself, then in addition to meeting the requirements set forth in paragraphs (a) (1) and (a) (2) of this section, as applicable, the requester must also provide a notarized letter of consent signed by the individual to whom the record pertains which explicitly authorizes the requester to receive the record. However, a notarized letter of consent is not required where the requester is a parent or legal guardian, and such person satisfies the requirements set forth in paragraph (c) of this section.

(c) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either paragraph (a) (1) or (2) of this section. In addition, such other individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. A parent or legal guardian may act only for a living individual, not for a decedent.

(d) The disclosure officer may waive the requirements set forth in paragraphs (a) (1) and (a) (2) of this section when he deems such action to be appropriate, and may substitute in lieu thereof, other reasonable means of identification.



### § 70.6 Disclosure of requested information to individuals.

(a) *Period within which action on request shall be taken.* (1) As soon as possible, and within a period not to exceed 30 working days after receipt of a request made for in accordance with §§ 70a.4 and 70a.5, the officer responsible for acting on the request shall determine that such request is to be granted or denied in whole or in part, and shall thereupon immediately notify the requester of his or her determination and the reasons therefor. The provisions of paragraphs (a) (2), (3), and (4) of this section are applicable when a final determination to grant or deny the request cannot be made within the 30-day period.

(2) (i) When an extension of the 20-day period for action on a request appears to be necessary because of unusual circumstances, the officer responsible for acting on the request shall notify the requester in writing within such 30-day period of the desired extension, the reasons therefor, and the date on which the determination to grant or deny the request is expected to be dispatched. Such an extension is not to exceed 10 working days.

(ii) "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultation with other agencies having a substantial interest in the determination of the request is necessary.

(3) If the disclosure officer is unable to make a determination with respect to all or part of a request within the 30-day period specified in paragraph (a) (1) of this section, or such extended period as may be permitted under paragraph (a) (2) of this section, because some or all of the records have not been located or made available for examination and consideration in time to make an informed determination, the officer may, within such period, respond to the request by denying the request at that time, with notification to the requester of the reasons therefor, and of the right to appeal the denial pursuant to § 70a.9. In such an event, the officer shall further advise the requester that the search or examination will be continued and that the denial will be subject to withdrawal, modification, or confirmation by a supplementary determination to be made as soon as processing of the request can be completed. If an appeal is filed from the initial denial, the Solicitor shall act thereon as provided in § 70a.9.

(b) *Procedure for disclosure of information.* (1) When a determination has been made to grant a request, the requested information shall be made available to the individual within the time period prescribed in paragraph (a) of this section. The record shall be made available to the individual in the manner requested, that is, either by forwarding a

copy of the information to him or her, or by making it available for review, unless: (i) it is impracticable to provide the requester with a copy of a record, in which case the requester shall be so notified, and, in addition, will be informed of the procedures set forth in paragraph (b) (2) of this section, or (ii) the responsible official has reason to believe that the cost of a copy of a record is considerably more expensive than anticipated by the requester, in which case he or she shall notify the requester of the estimated cost, and ascertain whether the requester still wishes to be provided with a copy of the information.

(2) Where a record is to be reviewed by the requester in person, the disclosure officer shall inform the requester in writing of: (i) the date on which the record will become available for review, the location at which it may be reviewed, and the hours for inspection; (ii) the type of identification that will be required in order for him or her to review the record; (iii) such person's right to have a person of his or her own choosing accompany him or her to review the record, provided that there is furnished to the disclosure officer a written statement signed by the person to whom the record pertains authorizing the presence of such other person while reviewing the record; and (iv) such person's right to have a person other than himself or herself review the record, provided that there is furnished to the disclosure officer a notarized letter signed by the person to whom the record pertains authorizing such person to review the record.

(3) The record shall be made available for review for as long as the disclosure officer deems appropriate, but in no event for less than 30 days.

(4) Inspection of original records shall be made in the presence of the disclosure officer or such officer's designee.

(c) *Denial of request.* Where it has been determined to deny a request in whole or in part, the individual shall be notified in writing of such a determination. Such notification shall specify the reasons therefor, the name and title or position of the person(s) responsible for the denial, and shall advise the requester of the procedure for appealing such an adverse determination to the Solicitor of Labor as specified in § 70a.9.

(d) *Disclosure of medical records.* The Act recognizes the fact that disclosure of certain medical records to an individual, who is the subject of such a record, may have a detrimental effect on that person. Where medical records have been requested, and the requirements of this Part have otherwise been met, the records shall be disclosed in accordance with the provisions of this section unless the responsible official has substantial grounds for believing that disclosure of such records to the individual to whom the records pertain may adversely affect such person, in which case the records may be withheld.

(e) *Computerized records.* Where information is stored within one of the Department's computer systems, and it

can only be retrieved by creating a new computer program, or modifying an existing program in a manner in which it would not otherwise be modified, thus producing a record not currently in existence, such a record is not required to be furnished under the Act.

(f) *Alternative Method for transmitting information.* Whenever a record containing personal information about an individual is to be mailed in response to a request under this Part, and the information is of such a nature that the disclosure officer has reasonable grounds for believing that the unauthorized dissemination of such information may be potentially harmful to the subject of the record, then such a record shall be sent "Certified Mail, Return Receipt Requested."

### § 70a.7 Request for correction or amendment to a record.

An individual, without regard to his or her age, may request the correction or amendment of any record pertaining to him or her, which is contained within a system of records subject to the requirements set forth in this Part, by mailing or delivering a written request in conformity with the requirements set forth in §§ 70a.4 and 70a.5. In addition, the request must state the information in the record which the requester believes to be unnecessary, inaccurate, irrelevant, untimely, or incomplete, the nature of the amendment desired, and a concise statement of the reasons therefor. All available supporting documents and materials which substantiate the requester's position should be included with the request.

### § 70a.8 Agency review of request for correction or amendment to a record.

(a) Upon receipt of a request to correct or amend a record, which is contained within a system of records subject to the requirements set forth in this Part, a determination whether to grant the request shall be made by the proper authority charged with the responsibility of acting upon such requests within the time limits prescribed in § 70a.6.

(b) Where it is determined that the request shall be granted: (1) the record shall be amended in accordance with the request within the time limits prescribed in section 70a.6 of this Part, and, in no event, is the record to be disclosed to any party until the amendments are so incorporated; (2) the requester shall be informed that the record has been so amended, and the record shall be made available for his or her review within the time limits prescribed in § 70.6, and (3) all prior recipients of the record, of which an accounting is required to be kept, shall be notified as soon as possible of the amendments made to the record.

(c) Where it is determined that the request is to be denied, in whole or in part, the requester shall be so notified in accordance with § 70a.6(c).

### § 70a.9 Procedures for appeal for initial adverse determination.

(a) *Time within which appeal must be filed.* An applicant whose request has been denied pursuant to either § 70a.6 or

§ 70a.8, may file an appeal within 90 days from the date of the denial to the Solicitor of Labor. The appeal shall state, in writing, the grounds for appeal and shall include any supporting statements or arguments. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. To expedite the processing of the appeal, each such appeal should clearly indicate on the envelope and on the appeal the following: "Privacy Act: Appeal."

(b) *Receipt by Solicitor of appeal acknowledgment.* Each appeal when received by the Solicitor, shall have the date and time of such receipt inscribed thereon. The Solicitor shall immediately acknowledge in writing the receipt of such appeal and shall indicate to the appellant when a final determination on the appeal may be expected.

(c) *Action on appeal.* (1) Action on an appeal shall be taken promptly subsequent to receipt by the Solicitor, and a determination shall be made within the time limits set forth in paragraph (d) of this section. On appeal, the Solicitor is authorized to determine de novo, whether the denial of appellant's initial request was proper and in accord with the applicable provisions of the statute and the pertinent regulations. In the event that the denial appealed from is one made by reason of the inability of the responsible official to make an informed determination within the specified time limits, the Solicitor's decision shall take into consideration any supplementary determination made by that official.

(2) In the event that a requester seeks review by a court of the denial of a request without first filing an appeal to the Solicitor as provided in this Part, the Solicitor shall, unless otherwise ordered by the court, consider such action as the filing of an appeal and issue a decision thereon in accordance with the provisions of paragraphs (c)(1) and (d) of this section.

(d) *Period within which action on appeal shall be taken.* (1) Within a period not to exceed 30 working days from the date on which an appeal is received, or such extended period as may be authorized pursuant to paragraph (e) of this section, the Solicitor shall issue a decision on the appeal as provided in paragraph (f) of this section.

(2) If a decision on an appeal is not made by the Solicitor within the normal or extended period, as applicable under paragraph (d)(1) of this section, the requester shall be deemed to have exhausted his administrative remedies and may seek relief as provided in 5 U.S.C. 552a(g). Processing of the appeal shall continue however, until a decision is made thereon, irrespective of whether the requester has invoked such judicial relief.

(e) *Extension of period for Solicitor to decide appeal.* The Solicitor may, to the extent necessary for making a proper determination, extend the period for deciding an appeal beyond the normal 30-day limit by giving written notice to

the appellant, but in no event shall such an extension be for more than 10 additional working days.

(f) *Procedure upon determination on appeal.* The Solicitor shall issue a decision in writing granting or denying the appeal, in whole or in part.

(1) *Decision to grant request.* (i) When the Solicitor determines that any portion of a prior request, which has been previously denied, should be granted, he shall indicate to the requester the extent to which he has decided to grant the previously denied request, and shall order the responsible official(s) to take the necessary action consistent with his decision.

(ii) If the Solicitor's decision provides for making available information which had been previously withheld, and the Solicitor has within his possession such information, he shall forward a copy of it to the requester together with his decision, unless the requester has indicated that he or she prefers to review the record in person, in which case the Solicitor shall forward the record to the appropriate official who shall make the record available to the requester within the time limits prescribed in paragraph (b)(1)(iii)(A) of this section.

(iii) If the action required by the Solicitor's decision must necessarily be carried out by a responsible official other than the Solicitor, such action shall be carried out within the following time limits:

(A) If the Solicitor's decision requires a record to be made available for review without amendments thereto, such record shall be made available in the manner initially requested, except as provided in §§ 70a.6(b)(1)(i) and (ii), within 10 working days of the Solicitor's decision.

(B) If the Solicitor's action requires the amendment of a record, the requester shall be given an opportunity to review the amended record within 15 working days of the Solicitor's decision, and all previous recipients of the record, for which an accounting is required, shall be immediately informed of the amendments.

(iv) Whenever a record is to be made available to an appellant at the direction of the Solicitor, the responsible agency official shall notify the appellant when the record is available for review.

(2) *Decision to uphold denial.* Where the Solicitor determines that the denial of request, or a portion thereof, should be upheld, the requester shall be notified: (i) of the extent to which the denial has been upheld and the reasons therefor; (ii) of his right to file with the agency in possession of the relevant record, a memorandum setting forth the fact that such person believes the record to be erroneous and the reasons therefor; and (iii) that the decision of the Solicitor constitutes the final action by the Department of Labor for purposes of judicial review, and that the Solicitor's decision may be appealed to the District Court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or

in the District Court for the District of Columbia (See 5 U.S.C. 552a(g)).

(3) *Disclosure of record where request to amend has been denied on appeal.* Where a request to amend a record has been denied by the Solicitor, and the requester has filed a memorandum pursuant to paragraph (f)(2)(ii) of this section taking exception to the Solicitor's decision, upon receipt of such memorandum the responsible agency official shall include the memorandum with the relevant record and, in addition, may also include with such record a memorandum indicating that a request to amend the particular record has been denied both by the agency and by the Solicitor, and the reasons therefor.

(i) In addition, previous recipients of a record, where a request to amend has been denied by the Solicitor, and of which an accounting is required by 5 U.S.C. 552a(c), shall be provided with a copy of the requester's memorandum taking exception to the Solicitor's determination, and a copy of the agency memorandum in support of the determination, if such a memorandum has been prepared.

(ii) Any subsequent disclosure of the subject record shall also be accompanied by the requester's excepting memorandum, and the Government's supportive memorandum, if one has been filed.

#### § 70a.10 [Reserved]

#### § 70a.11 Fees.

(a) *General.* (1) Pursuant to authority granted by the Privacy Act, the payment of standard charges as set forth in paragraph (b) of this section will, except as otherwise provided in this section, be required of the requester to cover the direct costs of duplicating records requested under this Part. No fee shall be assessed to any requester for any cost attributed to the search for and the review of any record.

(2) Circumstances under which copying facilities or services may be made available to a requester without charge, or at a reduced charge, are delineated in paragraph (e) of this section. Where a requester desires the agency to provide such services as certification, authentication, or other special services not required under the Privacy Act, with respect to requested records, fees in addition to those required for copying will be assessed as set forth in § 70.68, and as authorized by the general user-charge statute, section 483a of Title 31, United States Code.

(b) *Copying charges—(1) Fee schedule for copying of records.* The fees payable pursuant to this section for obtaining requested copies of records which have been made available under this Part will be computed on the following basis and subject to the following conditions:

(i) *Standard copying fee.* It has been determined that a fee of \$.10 per page for the reproduction of a record is a reasonable standard charge to cover direct costs to the Department where the number of pages furnished is not extraordinary. The standard fee is applicable both where the copies are reproduced by the person de-



siring them, using Government-furnished reproduction equipment, such as coin-operated machines, or where, in the absence of availability of such facilities, the copies are reproduced by agency personnel. This standard fee is also applicable to the furnishing of copies of computer printouts as stated in paragraph (c) of this section.

(ii) *Voluminous material.* If the volume of page copy desired by the requester is such that the reproduction charge at the standard page rate would be in excess of \$200, the person desiring reproduction may request a special rate quotation from the Office of the Assistant Secretary for Administration and Management.

(iii) *Limit of service.* Not more than 10 copies of any document will be furnished.

(iv) *Manual copying by requester.* The Department shall provide facilities for manual copying, without charge, during normal working hours.

(c) *Computerized records.* (1) Information maintained, in whole or in part, in computerized form which is required to be made available under this Part, shall be made available as follows:

(i) When there is an existing computer printout, the material shall be made available at the per page rate stated in paragraph (b) of this section for each 8½- by 11-inch page.

(ii) When there is no existing printout of information required to be made available under this Part, then a printout shall be created and made available to the requester in accordance with paragraph (b) of this section.

(d) *Payment of fees—(1) Medium of payment.* Payment of the applicable fees as set forth in paragraph (b) of this section shall be made in cash, by U.S. postal money order, or by check payable to the Secretary of Labor. Postage stamps will not be accepted. Cash should not be sent by mail.

(2) *Advance payment or assurance.* Payment of the known and officially estimated copying fees shall be made or assured to the satisfaction of the disclosure officer prior to the performance of substantial copying services. Where the requester does not know and has no official estimate of the copying costs at the time the request is made, the request should specifically state that whatever costs will be involved pursuant to paragraph (b) of this section will be acceptable, or will be acceptable up to an amount not exceeding a named figure. When it becomes apparent that the duplication cost is going to exceed such named figure, the disclosure office shall notify the requester as required by § 70a.6.

(3) *Adjustment of fees.* Where an estimated fee, paid by the requester in advance, exceeds the fee chargeable under the applicable schedule for the copying services actually performed, the balance will be refunded by the Department. Where the actual fees due for the services are in excess of the estimate, the requester will be required to remit the difference. In cases where the estimated costs required under the fee schedule for

responding to a request are such that an advance deposit is deemed necessary, the disclosure officer shall advise the requester of the estimated costs and the need for an advance deposit. In addition, where it appears that the information sought by the requester might be made available at less cost by revision of the request, the disclosure officer shall indicate to the requester that he or she may confer with knowledgeable Department personnel, if he or she so desires, in order to reformulate the request in a manner which will reduce the fees and meet the needs of the requester.

(4) *Post-copying costs.* The scheduled fees for furnishing copies of records made available pursuant to the Act cover the costs of furnishing the copies at the place of duplication. Where the volume of page copy, or the method of transmittal requested, is such that transmittal charges incurred by the Department are in excess of \$1, then the transmittal costs will be added to the copying fees set forth in paragraph (b) of this section, unless, appropriate stamps or stamped envelopes are furnished with the request, or authorization is given for collection of shipping charges on delivery.

(e) *Waiver or reduction of fees by disclosure officer.* (1) When the disclosure officer granting a request for a record determines that the waiver or reduction of the standard charge would be in the public interest, he or she may make the requested record available at no charge or at a reduced charge, whichever he or she deems to be appropriate.

(2) (i) Where a record is requested for the first time, and in order for the requester to review the record, it is necessary to produce a copy of it, then the disclosure officer shall not assess the applicable fee.

(ii) In addition, where it is determined that a person, because of special circumstances, is unable to pay the fees prescribed in paragraph (b) of this section, and it is clear that the public interest would be served by providing the requested information free of charge, then no fee shall be charged for such information.

(f) *Authentication of copies.* Requirements pertaining to the certification or attestation under seal of copies of records required to be made available under this Part are the same as the requirements for authentication of copies of records under the Freedom of Information Act as set forth in § 70.68.

#### § 70a.12 Penalties.

(a) *General.* (1) This section sets forth criminal sanctions for three possible violations of the Act:

(i) Unauthorized disclosure.

(ii) Failure to publish a public notice of a system of records subject to the requirements of this Part, and

(iii) Obtaining access to information under false pretenses.

(2) Paragraphs (a) (1) (i) and (ii) of this section apply to employees of the Department, and pursuant to 5 U.S.C. 552a(m), certain contractor personnel for contracts agreed to on or after September 27, 1975.

(b) *Unauthorized disclosure.* (1) Any officer or employee of the Department, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information, the disclosure of which is prohibited by this Part, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) It is a criminal violation of the Privacy Act if an employee of the Department, knowing that the disclosure of an agency record, as described in paragraph (b) (1) of this section, is prohibited, willfully discloses such a record without the written consent of the individual to whom it pertains, or otherwise discloses the record contrary to the provisions set forth in § 70a.3.

(c) *Failure to give public notice of a system of records.* (1) Any officer or employee of the Department who willfully maintains a system of records without meeting the notice requirements of section 3(e) (4) of the Act shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) (i) The Department, and each unit component thereof, is required to give public notice pursuant to section 3(e) (4) of the Act about each system of records it maintains. It is a criminal violation of the Act to willfully maintain a system of records and not publish the prescribed public notice. The exemption provisions set forth in section 70a.13 of this Part only exempt the designated systems of records from certain requirements set forth in this Part, and in the Act, but not from the requirement to publish notice of the existence of such systems of records.

(ii) Since the individual who maintains the system of records may not be the person responsible for publishing notification thereof, it is the former's responsibility to notify such person of any system of records under his or her control for which public notice is required to be given. Similarly, the individual responsible for publishing the notice, once notified of the existence of a system or records, shall inform the public in accordance with paragraph (e) (4) of 5 U.S.C. 552a.

(d) *Obtaining access to information under false pretenses.* Any person who knowingly and willfully requests or obtains any record concerning an individual from the Department of Labor under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

#### § 70a.13 Exemptions.

(a) *General exemption—(1) General.* Section (j) of 5 U.S.C. 552a permits certain agencies within the Department to promulgate rules in accordance with the requirements of sections 553(b) (1), (2), and (3) (c) and (e) of Title 5, United States Code, to exempt certain systems of records from all the requirements of

the Privacy Act except those set forth in paragraph (a) (3) of this section.

(2) *Systems of records which may be exempt pursuant to the general exemption.* Those systems of records which may be exempt from certain provisions of the Privacy Act by virtue of section (j) of 5 U.S.C. 552a are those systems which:

(i) Are maintained by an agency, or a component thereof, which performs as its principal function any activity pertaining to the enforcement of criminal laws, and

(ii) Contain information compiled for the purpose of: (A) a criminal investigation, including reports of informants and investigators associated with an identifiable individual, or (B) identifying individual criminal offenders and alleged offenders, and consists only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status.

(3) *Requirements from which systems are exempt under the general exemption.* Those systems of records which qualify for the general exemption are not subject to any provisions of the Privacy Act, nor any of the provisions set forth in this Part, except for the following:

(i) The conditions of disclosure requirements set forth in paragraph (b) of 5 U.S.C. 552a and § 70a.3;

(ii) The requirements to account for the disclosure of records and maintain an accounting of such disclosures as set forth in paragraphs (c) (1) and (c) (2) of 5 U.S.C. 552a;

(iii) The requirements prescribed in paragraph (e) (4) of 5 U.S.C. 552a to publish annually in the FEDERAL REGISTER notice of the existence and character of systems of records, except that the procedures for: (A) identifying a record, (B) gaining access to it, (C) contesting its accuracy, and (D) identifying the source of a record, need not be included in such notice;

(iv) The obligation set forth in paragraph (e) (6) of 5 U.S.C. 552a to check for the accuracy, relevance, timeliness, and completeness of records before disclosing such records to any person other than an agency, or to the public pursuant to the Freedom of Information Act;

(v) The requirement restricting the maintenance of records pertaining to an individual's exercise of his First Amendment rights (See paragraph (e) (7) of 5 U.S.C. 552a);

(vi) The requirement to establish rules governing the development, maintenance and safeguarding of systems of records as prescribed in paragraphs (e) (9) and (e) (10) of 5 U.S.C. 552a;

(vii) The requirement to give notice of any new use or intended use of the information contained within a system of records prior to publication pursuant to paragraph (e) (4) (D) of 5 U.S.C. 552a (See paragraph (e) (11) of 5 U.S.C. 552a); and

(viii) The criminal penalties set forth in paragraph (i) of 5 U.S.C. 552a.

(4) *Procedure required to exempt system of records under general exemption.*

In order to exempt a system of records described in paragraph (a) (2) of this section from all of the provisions of the Privacy Act, excluding those provisions set forth in paragraph (a) (3) of this section, a notice must be published in the FEDERAL REGISTER in accordance with the rulemaking provisions set forth in paragraph (a) (1) of this section. Such notice shall include at least the following:

(i) The name of the system of records (i.e., the same name used in the annual notice published pursuant to paragraph (e) (4) of 5 U.S.C. 552a), and

(ii) The specific provisions of the Act, and the regulations, from which it is proposed to exempt the system, and the reasons therefor.

(b) *Special exemptions—(1) General.* The Department, or its component units, may promulgate rules in accordance with sections 553(b) (1), (2) and (3) (c) and (e) of Title 5, United States Code, to exempt those systems of records described in paragraph (b) (2) of this section from the requirements of the Privacy Act, and the regulations of this Part, set forth in paragraph (b) (3) of this section.

(2) *Systems of records which may be exempt under special exemptions.* The following systems of records may be exempt from those provisions of the Privacy Act, and the corresponding provisions of this Part, set forth in paragraph (b) (3) of this section.

(i) *Investigatory material compiled for law enforcement purposes.* (a) Systems of records containing solely investigatory material compiled for law enforcement purposes, other than systems within the scope of paragraph (a) (2) of this section, may be exempt to the extent indicated in paragraph (b) (1) of this section. However, if any individual is denied any right, privilege, or benefit, that he would otherwise be entitled to by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(B) The phrase "investigatory material compiled for law enforcement purposes" is similar to the phrase used in exemption (b) (7) of the Freedom of Information Act. In determining whether a system of records qualifies for this exemption, the case law under the Freedom of Information Act which has interpreted the terms "investigatory", "compiled" and "law enforcement purposes" should be used as guidelines for properly categorizing the system of records.

(C) (1) The phrase "to the extent that the disclosure of such material would reveal the identity of a source \* \* \*" is particularly important. If a record can be disclosed in such a way as to conceal its source, a promise of confidentiality to the source is not sufficient grounds for

withholding such a record. However, it is recognized that in certain cases the contents of records may be such that the identity of the source would be revealed even if the name of the source or other identifying particulars were removed (e.g., where a record contains information that could only have been furnished by one individual known to the subject). Only in those cases may the substance of the record be withheld to protect the identity of a source and then only to the extent necessary to do so. It is also recognized that in some instances it may be very difficult to determine whether the content of a record would, in and of itself, reveal its source. In light of the intent underlying this exemption, when any reasonable doubt exists as to whether the disclosure of a record, or a portion thereof, would reveal the identity of a confidential source, then such record, or the applicable portions thereof, may be withheld.

(2) In no instance is paragraph (b) (2) (i) (C) (1) of this section to be applied in a manner which deprives an individual from learning of the existence of information maintained in a record about him, even though the information may have been received from a "confidential source". The fact of the record's existence and, to the maximum extent feasible, a general characterization of that record must be made known to the individual in every case. Furthermore, this section in no way precludes an individual from ascertaining the substance and source of confidential information, should that information be used to deny him a promotion in a Government job, access to classified information, or some other right, benefit or privilege for which he is entitled to bring legal action, when the Government chooses to base any part of its legal case on that information.

(ii) *Records maintained to provide protective services.* Systems of records maintained in connection with providing protective services to the President of the United States, or to other individuals pursuant to section 3056 of Title 18, United States Code, may be exempt as indicated in paragraph (b) (1) of this section. This exemption pertains to systems, the compilation of which are necessary for assuring the safety of individuals protected pursuant to 18 U.S.C. 3056, but are not within the scope of the law enforcement records exemption set forth in paragraph (b) (2) (i) of this section.

(iii) *Statistical records.* Systems of records consisting of statistical records which are required by statute to be maintained and used solely for statistical research or reporting purposes, and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 18, United States Code, may be exempt as indicated in paragraph (b) (1) of this section. The language, "required by statute to be maintained \* \* \* solely", suggests that systems of records which qualify for this exemption are those composed exclusively of records,

that by statute, are prohibited from being used in any manner associated with the making of a determination about an individual to whom a particular record pertains, not merely that the agency does not use the information for such purposes.

(iv) *Investigatory material compiled for determining suitability for Federal employment.* (A) Systems of records containing only investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information may be exempt as indicated in paragraph (b)(1) of this section, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(B) Paragraph (b)(2)(iv)(A) of this section permits, among other things, the exemption of systems of records from the individual access provisions of the Act, and the corresponding provisions of this Part, §§ 70a.4 through 70a.9, when disclosure of the records contained therein would cause the identity of a confidential source to be revealed. In order to employ this exemption, however, the following conditions must exist:

(1) The material must be maintained only for purposes of determining an individual's qualifications, eligibility or suitability for employment in the Federal civilian service, or on a Federal contract, or for access to classified material. By implication, employment would include appointments to Federal advisory committees or to membership agencies, whether or not salaried;

(2) The material must be relevant and necessary for making a judicious deter-

mination as to qualifications, eligibility or suitability of an individual for a particular position, and the information must be of such a nature that it can only be obtained by providing assurance to the source that his or her identity will not be revealed to the subject of the record (e.g., for "critically sensitive positions"); and

(3) The contents of the record, even with the removal of individual identifiers, would reveal the identity of the source.

(C) Regulations issued by the Civil Service Commission establishing procedures for when a pledge of confidentiality is to be made in order to obtain the information described in paragraph (b)(2)(iv)(A) of this section shall be complied with before this exemption is to be employed.

(D) The compilation of investigatory material with regard to Federal contracts pertains not only to investigatory material collected about individuals being considered for employment on an existing Federal contract, but also to investigatory material compiled to evaluate the capabilities of firms competing for Federal contracts.

(c) *Requirements from which systems of records may be exempt under special exemptions.* A system of records which meets the requirements of paragraph (b)(2) of this section need not comply with the following provisions of the Privacy Act and the corresponding requirements set forth in this Part:

(1) The requirement to make an accounting of a record available to the individual to whom it pertains at his or her request. (See paragraph (c)(3) of 5 U.S.C. 552a);

(2) The requirements for access to records as set forth in paragraph (d) of 5 U.S.C. 552a and §§ 70a.3 through 70a.9;

(3) The provisions of paragraph (e)(1) of 5 U.S.C. 552a which restricts the contents of records to only such information about an individual as is relevant and

necessary to accomplish the purpose of the agency; and

(4) The provisions of paragraphs (e)(4)(G), (H) and (I) of 5 U.S.C. 552a, which require the annual notice of system of records published in the FEDERAL REGISTER to set forth:

(i) The procedures whereby an individual can be notified at his request:

(A) If a system of records contains a record pertaining to him, and

(B) How that person can gain access to any record pertaining to him contained in a system of records, and how he can contest its contents; and

(ii) The categories of sources of records in the system.

(d) *Procedure required to exempt a system of records under special exemptions.* In order to exempt a system of records described in paragraph (b)(2) of this section from the provisions of the Privacy Act set forth in paragraph (b)(3) of this section, and the corresponding provisions of this Part, notice of intention to exempt must be published in the FEDERAL REGISTER, and such notice shall meet the requirements prescribed in paragraph (a)(4) of this section.

(e) *Segregation of systems of records.* Systems of records which may be exempt under paragraphs (a) or (b) of this section shall, to the extent practicable: (1) be separated from systems of records which are not so exempt, and (2) when it is practicable to exempt only a portion of a system of records, rather than the entire system, then only such portion shall be exempted.

*Inflationary impact.* The Department has concluded the inflationary impact associated with these proposed regulations is inconsequential.

Signed at Washington, D.C. this 25th day of August 1975.

JOHN T. DUNLOP,  
Secretary of Labor.

[FR Doc.75-22881 Filed 8-28-75;8:45 am]



**BOARD FOR INTERNATIONAL BROADCASTING**

[ 1 CFR Part 415 ]

**PRIVACY ACT OF 1974**

**Proposed Regulations for Implementation**

The following Proposed Regulations, drafted in accordance with Section (f) of the Privacy Act of 1974, are hereby offered for public comment. Interested parties have until September 21, 1975, to submit comments, which should be addressed to The Executive Director, Board for International Broadcasting, Suite 430, 1030 Fifteenth Street NW., Washington, D.C. 20005.

Signed this 21st day of August 1975, by

DAVID M. ABSHIRE,  
*Chairman.*

It is proposed to add the following Part 415 to Title 1 of the CFR:

**PART 415—PRIVACY ACT IMPLEMENTATION**

- Sec. 415.1 Purpose and scope.
- 415.2 Definitions.
- 415.3 Procedures for requests pertaining to individual records in a record system.
- 415.4 Times, places, and requirements for the identification of the individual making a request.
- 415.5 Disclosure of requested information to the individual.
- 415.6 Request for correction or amendment to the record.
- 415.7 Agency review of request for correction or amendment of the record.
- 415.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
- 415.9 Disclosure of record to a person other than the individual to whom the record pertains.
- 415.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

**§ 415.1 Purpose and scope.**

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the Board for International Broadcasting (hereafter known as the Board) maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

**§ 415.2 Definitions.**

For the purpose of these regulations—

- (a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Board, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

**§ 415.3 Procedures for requests pertaining to individual records in a record system.**

An individual shall submit a request to the Special Assistant to the Executive Director of the Board to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Special Assistant to the Executive Director of the Board which states the individual's desire to review his or her record.

**§ 415.4 Times, places, and requirements for the identification of the individual making a request.**

An individual making a request to the Special Assistant to the Executive Director of the Board pursuant to § 415.3 shall present the request at the Board offices, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request should present himself or herself at the Board's offices with a form of identification which will permit the Board to verify that the individual is the same individual as contained in the record requested.

**§ 415.5 Disclosure of requested information to the individual.**

Upon verification of identity the Board shall disclose to the individual the information contained in the record which pertains to that individual.

**§ 415.6 Request for correction or amendment to the record.**

The individual should submit a request to the Special Assistant to the Executive Director of the Board which states the individual's desire to correct or to amend his or her record. This request is

to be made in accord with the provisions of § 415.4.

**§ 415.7 Agency review of request for correction or amendment of the record.**

Within ten working days of the receipt of the request to correct or to amend the record, the Special Assistant to the Executive Director of the Board will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Board for the individual to request a review of that refusal.

**§ 415.8 Appeal of an initial adverse agency determination on correction or amendment of the record.**

An individual who disagrees with the refusal of the Special Assistant to the Executive Director of the Board to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director of the Board for International Broadcasting, Suite 430, 1030 Fifteenth Street, NW., Washington, D.C. 20005. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Board a concise statement setting forth the reasons for his or her disagreement with the refusal of the Board and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

**§ 415.9 Disclosure of record to a person other than the individual to whom the record pertains.**

The Board will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Board's notices of its systems of records.

**§ 415.10 Fees.**

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

BOARD FOR INTERNATIONAL BROADCASTING

BOARD FOR INTERNATIONAL  
BORADCASTING  
PRIVACY ACT OF 1974

Proposed Notices of Record Systems

The following Notices of Record Systems were drafted as prescribed by section e(4) of the Privacy Act of 1974, and the routine uses thereof are hereby offered for public comment. These three (3) Record Systems are the only ones in our inventory period. Interested parties have until September 11, 1975, to submit comments, which should be addressed to the Special Assistant to the Executive Director, Board for International Broadcasting, 1030 Fifteenth Street, N.W., Suite 430, Washington, D.C. 20005.

Signed this 11th day of August, 1975.

David M. Abshire  
Chairman

BIB-1

System name: GENERAL FINANCIAL RECORDS-BIB

System location: GENERAL SERVICES ADMINISTRATION, CENTRAL OFFICE; COPIES HELD BY THE BOARD (GSA HOLDS RECORDS FOR THE BOARD UNDER CONTRACT).

Categories of individuals covered by the system: BOARD MEMBERS, STAFF AND CONSULTANTS, PAST AND PRESENT.

Categories of records in the system: SF-1038 APPLICATION AND ACCOUNT FOR ADVANCE OF FUNDS; VENDOR REGISTER AND VENDOR PAYMENT TAPE.

Authority for maintenance of the system: 31 U.S.C., GENERALLY; PUBLIC LAW 93-129, OCTOBER 19, 1973

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: SEE APPENDIX. RECORDS ARE ALSO RELEASED TO GAO FOR AUDITS; TO THE IRS FOR INVESTIGATION; AND TO PRIVATE ATTORNEYS, PURSUANT TO A POWER OF ATTORNEY.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: PAPER AND TAPE.

Retrievability: MANUAL AND AUTOMATED BY NAME.

Safeguards: STORED IN GUARDED BUILDING; RELEASED ONLY TO AUTHORIZED PERSONNEL.

Retention and disposal: DISPOSITION OF RECORDS SHALL BE IN ACCORDANCE WITH THE HB GSA RECORDS MAINTENANCE AND DISPOSITION SYSTEM (OAD P 1820.2).

System manager(s) and address: SPECIAL ASSISTANT TO THE EXECUTIVE DIRECTOR, BOARD FOR INTERNATIONAL BROADCASTING, SUITE 430, 1030 FIFTEENTH STREET, N. W., WASHINGTON, D. C. 20005.

Notification procedure: CONTACT SYSTEM MANAGER LISTED ABOVE.

Record access procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Contesting record procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Record source categories: THE SUBJECT INDIVIDUAL; THE BOARD.

BIB-2

System name: PAYROLL RECORDS-BIB

System location: GENERAL SERVICES ADMINISTRATION; REGION THREE OFFICE; COPIES HELD BY THE BOARD (GSA HOLDS RECORDS FOR BOARD UNDER CONTRACT).

Categories of individuals covered by the system: BOARD MEMBERS, STAFF AND CONSULTANTS, PAST AND PRESENT.

Categories of records in the system: VARIED PAYROLL RECORDS, INCLUDING, AMONG OTHER DOCUMENTS, TIME AND ATTENDANCE CARDS; PAYMENT VOUCHERS; COMPREHENSIVE LISTING OF EMPLOYEES; HEALTH BENEFITS RECORDS; REQUESTS FOR DEDUCTIONS; TAX FORMS; W2 FORMS; OVERTIME REQUESTS; LEAVE DATA; RETIREMENT RECORDS.

Authority for maintenance of the system: 31 U.S.C., GENERALLY; PUBLIC LAW 93-129, OCTOBER 19, 1973

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: SEE APPENDIX. RECORDS ALSO ARE RELEASED TO GAO FOR AUDITS; TO THE IRS FOR INVESTIGATION; AND TO PRIVATE ATTORNEYS, PURSUANT TO A POWER OF ATTORNEY.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: PAPER AND TAPE.

Retrievability: SOCIAL SECURITY NUMBER.

Safeguards: STORED IN GUARDED BUILDING; RELEASED ONLY TO AUTHORIZED PERSONNEL.

Retention and disposal: DISPOSITION OF RECORDS SHALL BE IN ACCORDANCE WITH THE HB GSA RECORDS MAINTENANCE AND DISPOSITION SYSTEM (OAD P 1820.2).

System manager(s) and address: SPECIAL ASSISTANT TO THE EXECUTIVE DIRECTOR, BOARD FOR INTERNATIONAL BROADCASTING, SUITE 430, 1030 FIFTEENTH STREET, N.W., WASHINGTON, D. C. 20005.

Notification procedure: CONTACT THE SYSTEM MANAGER LISTED ABOVE.

Record access procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Contesting record procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Record source categories: THE SUBJECT INDIVIDUAL; THE BOARD.

BIB-3

System name: GENERAL PERSONNEL FILES-BIB

System location: GENERAL SERVICES ADMINISTRATION, CENTRAL OFFICE; COPIES HELD BY THE BOARD (GSA HOLDS RECORDS FOR THE BOARD UNDER CONTRACT).

Categories of individuals covered by the system: BOARD MEMBERS, STAFF AND CONSULTANTS, PAST AND PRESENT.

Categories of records in the system: SF-171 PERSONNEL QUALIFICATIONS STATEMENTS, PERSONNEL ACTION REQUESTS AND NOTIFICATIONS, OATHS OF OFFICE, CONSULTANT AND/OR EXPERT CERTIFICATIONS, DELEGATIONS OF AUTHORITY, BACKGROUND INFORMATION FOR SECURITY CLEARANCES (NON-SENSITIVE AND CRITICAL-SENSITIVE), STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS, TRAINING MATERIALS, CORRESPONDENCE WITH THE BOARD.

Authority for maintenance of the system: 31 U.S.C., GENERALLY; PUBLIC LAW 93-129, OCTOBER 19, 1973

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: SEE APPENDIX. RECORDS ARE ALSO RELEASED TO GAO FOR AUDITS; TO THE IRS FOR INVESTIGATION; AND TO PRIVATE ATTORNEYS, PURSUANT TO A POWER OF ATTORNEY.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: PAPER AND TAPE.

Retrievability: MANUAL AND AUTOMATED BY NAME.

Safeguards: STORED IN GUARDED BUILDING; RELEASED ONLY TO AUTHORIZED PERSONNEL.

Retention and disposal: DISPOSITION OF RECORDS SHALL BE IN ACCORDANCE WITH THE HB GSA RECORDS MAINTENANCE AND DISPOSITION SYSTEM (OAD P 1820.2).

System manager(s) and address: SPECIAL ASSISTANT TO THE EXECUTIVE DIRECTOR, BOARD FOR INTERNATIONAL BROADCASTING, SUITE 430, 1030 FIFTEENTH STREET N. W., WASHINGTON, D. C. 20005.

Notification procedure: CONTACT THE SYSTEM MANAGER LISTED ABOVE.

Record access procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Contesting record procedures: SEE BOARD ACCESS REGULATIONS IN TITLE I CFR IV PART 415.

Record source categories: THE SUBJECT INDIVIDUAL; THE BOARD.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: APPENDIX-BIB



IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THIS AGENCY TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, AND WHETHER ARISING BY GENERAL STATUTE OR PARTICULAR PROGRAM STATUTE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL, STATE, LOCAL OR FOREIGN, CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATIONS OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO.

A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED AS A "ROUTINE USE" TO A FEDERAL, STATE OR LOCAL AGENCY MAINTAINING CIVIL, CRIMINAL OR OTHER RELEVANT ENFORCEMENT INFORMATION OR OTHER PERTINENT INFORMATION, SUCH AS CURRENT LICENSES, IF NECESSARY TO OBTAIN INFORMATION RELEVANT TO AN AGENCY DECISION CONCERNING THE HIRING OR RETENTION OF AN EMPLOYEE, THE ISSUANCE OF A SECURITY CLEARANCE, THE LETTING OF A CONTRACT OR THE ISSUANCE OF A LICENSE, GRANT OR OTHER BENEFIT.

A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED TO A FEDERAL AGENCY, IN RESPONSE TO ITS REQUEST, IN CONNECTION WITH THE HIRING OR RETENTION OF AN EMPLOYEE, THE ISSUANCE OF A

SECURITY CLEARANCE, THE REPORTING OF AN INVESTIGATION OF AN EMPLOYEE, THE LETTING OF A CONTRACT, OR THE ISSUANCE OF A LICENSE, GRANT OR OTHER BENEFIT BY THE REQUESTING AGENCY, TO THE EXTENT THAT THE INFORMATION IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION IN THE MATTER.

A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED TO AN AUTHORIZED APPEAL GRIEVANCE EXAMINER, FORMAL COMPLAINTS EXAMINER, EQUAL EMPLOYMENT OPPORTUNITY INVESTIGATOR, ARBITRATOR OR OTHER DULY AUTHORIZED OFFICIAL ENGAGED IN INVESTIGATION OR SETTLEMENT OR A GRIEVANCE, COMPLAINT, OR APPEAL FILED BY AN EMPLOYEE. A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED TO THE UNITED STATES CIVIL SERVICE COMMISSION IN ACCORDANCE WITH THE AGENCY'S RESPONSIBILITY FOR EVALUATION AND OVERSIGHT OF FEDERAL PERSONNEL MANAGEMENT.

A RECORD FROM THIS SYSTEM OF RECORDS MAY BE DISCLOSED TO OFFICERS AND EMPLOYEES OF A FEDERAL AGENCY FOR PURPOSES OF AUDIT.

THE INFORMATION CONTAINED IN THIS SYSTEM OF RECORDS WILL BE DISCLOSED TO THE OFFICE OF MANAGEMENT AND BUDGET IN CONNECTION WITH THE REVIEW OF PRIVATE RELIEF LEGISLATION AS SET FORTH IN OMB CIRCULAR NO. A-19 AT ANY STAGE OF THE LEGISLATIVE COORDINATION AND CLEARANCE PROCESS AS SET FORTH IN THAT CIRCULAR.

[FR Doc.75-22837 Filed 8-28-75;8:45 am]

## INTERNATIONAL TRADE COMMISSION

[ 19 CFR Part 201 ]

### SAFEGUARDING INDIVIDUAL PRIVACY Proposed Rule Making

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and to implement the provisions of that act, the Commission proposes to amend Title 19, Part 201, of the Code of Federal Regulations by adding a new Subpart D.

Written comments concerning these proposed regulations are invited from interested persons. Comments may be presented in writing to the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. All comments received not later than September 22, 1975, will be considered.

These amendments to Title 19, Part 201 of the Code of Federal Regulations add a new subpart D thereto. The purpose of these amendments is to implement the Privacy Act of 1974, 5 U.S.C. 552a, and they are made pursuant thereto.

It is proposed to make the regulations adopted effective on September 27, 1975, the effective date of the Privacy Act, 5 U.S.C. 552a. The proposed regulations are set forth in tentative form below:

#### Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

Sec.	
201.22	Purpose and Scope.
201.23	Definitions.
201.24	Procedures for requests pertaining to individual records in a records system.
201.25	Times, places, and requirements for identification of individuals making requests.
201.26	Disclosure of requested information to individuals.
201.27	Special Procedures: Medical records.
201.28	Request for correction or amendment of record.
201.29	Commission review of request for correction or amendment to record.
201.30	Commission disclosure of record to person other than the individual to whom it pertains.
201.31	Fees.
201.32	Specific exemptions.

AUTHORITY: 5 U.S.C. 552a.

#### Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

##### § 201.22 Purpose and scope.

The purpose of these regulations is to provide certain safeguards for an individual against an invasion of personal privacy by the United States International Trade Commission. These regulations are promulgated pursuant to the requirements for all Federal Agencies contained in 5 U.S.C. 552a (f).

##### § 201.23 Definitions.

For the purpose of these regulations,

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use, or disseminate;

(c) The term "record" means any item, collection, or grouping of information

about an individual that is maintained by the Commission, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual;

(e) The term "Director of Personnel" refers to the Director, Office of Personnel and Management Systems, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, or his or her designee.

##### § 201.24 Procedures for requests pertaining to individual records in a records system.

(a) A request by an individual to gain access to his or her record or to any information pertaining to him or her which is contained in the systems of records maintained by the Commission shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall indicate clearly both on the envelope and in the letter that it is a Privacy Act request.

(b) In order to facilitate location of requested records, the request of the individual shall name the systems of records maintained by the Commission which he or she believes contain records pertaining to him or her, or shall reasonably describe the requested record.

(c) The Director of Personnel shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual. Thereupon the Director of Personnel shall: (1) notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and (2) notify the individual of the procedures as prescribed in §§ 201.25 and 201.26 by which the individual may gain access to those records maintained by the Commission which pertain to him or her.

##### § 201.25 Times, places, and requirements for identification of individuals making requests.

(a) It shall be the responsibility of the individual requester to arrange an appointment with the Director of Personnel for the purpose of inspecting individual records. The time of inspection shall be during the regular office hours of the Commission, 8:45 a.m. to 5:15 p.m., Monday through Friday. The time arranged should be mutually convenient to the requester and to the Commission.

(b) The place where an individual may gain access to records maintained by the Commission which pertain to him or her shall be at the United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. The Director of Personnel shall inform the individual requester of the specific room wherein inspection will take place.

(c) An individual who requests to gain access to those records maintained by the Commission which pertain to him or her shall not be granted access to those records without first presenting adequate identification to the Director of Personnel. Adequate identification includes, but is not limited to, a government identification card, a driver's license, medicare card, a birth certificate, or a passport.

(d) Where the nature of the record or system of records permits and where the individual cannot view the records pertaining to him in person, the Director of Personnel may dispense with the requisites of §§ 201.25(a) and 201.25(b) and provide the individual with a copy of the record by certified mail.

##### § 201.26 Disclosure of requested information to individuals.

(a) Assuming that the individual requester has met the adequate identification criterion of § 201.25(c), the Director of Personnel shall permit the individual to review the pertinent records and to have a copy made of all or any portion of them. Where specific exemptions within the purview of § 201.32(c) would render such records or portions thereof incomprehensible, the Director of Personnel shall furnish an abstract in addition to an actual copy.

(b) The individual has the right to have a person of his or her own choosing accompany him or her to review his or her records. The Director of Personnel shall permit a person of the individual requester's choosing to accompany the individual during inspection.

(c) When the individual requests the Director of Personnel to permit a person of the individual's choosing to accompany him or her during the inspection of his or her records, the Director of Personnel shall require the individual requester to furnish a written statement authorizing discussion of the records in the accompanying person's presence.

(d) The Director of Personnel shall take all necessary steps to insure that individual privacy is protected while the individual requester is inspecting his or her records or while those records are being discussed. Only the Director of Personnel shall accompany the individual as representative of the Commission during the inspection of the individual's records. The Director of Personnel shall be authorized to discuss the pertinent records with the individual.

##### § 201.27 Special procedures: Medical records.

(a) While an individual has an unqualified right of access to the records in systems of records maintained by the Commission which pertain to him or her, medical and psychological records merit special treatment because of the possibility that disclosure will have an adverse physical or psychological effect upon the requesting individual. Accordingly, therefore, in those instances where an individual is requesting the medical and/or psychological records which pertain to him or her, he or she shall, in his or her Privacy Act request to the Director of Personnel as called for in § 201.24

(a), specify a physician to whom the medical and/or psychological records may be released.

(b) It shall be the responsibility of the individual requesting medical or psychological records to specify a physician to whom the requested records may be released. If an individual refuses to name a physician and insists on inspecting his or her medical or psychological records in the absence of a doctor's discussion and advice, the individual shall so state in his Privacy Act request to the Director of Personnel as called for in § 201.24(a) and the Director of Personnel shall provide access to or transmit such records directly to the individual.

**§ 201.28 Request for correction or amendment of record.**

(a) If, upon viewing his or her records, the individual disagrees with a portion thereof or feels sections thereof to be erroneous, the individual may request amendment(s) of the records pertaining to him or her. The individual should request such an amendment in writing. The request for amendment of records shall be addressed to the Director of Personnel, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act request for amendment of records.

(b) Not later than 10 days (Saturdays, Sundays and Federal legal public holidays excluded) after the date of receipt of a Privacy Act request for amendment of records, the Director of Personnel shall acknowledge such receipt in writing. Thereupon the Director of Personnel shall promptly either: (1) Make any correction of any portion of the record which the individual believes is not accurate, relevant, timely, or complete; or (2) inform the individual of the Director of Personnel's refusal to amend the record in accordance with the individual's request and give the reasons for the refusal. In cases where the Director of Personnel has refused to amend in accordance with an individual's request, he or she also shall advise the individual of the procedures under § 201.29 for the individual to request a review of that refusal by the full Commission or by an officer designated by the Commission.

**§ 201.29 Commission review of request for correction or amendment to record.**

(a) The individual who disagrees with the refusal of the Director of Personnel to amend the record may request a review of the refusal by the Commission. All requests for review of refusals to amend records should be addressed to the Chairman, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and shall

clearly indicate both on the envelope and in the letter that it is a Privacy Act review request.

(b) Not later than 30 days (Saturdays, Sundays, and Federal legal public holidays excluded) from the date on which the Commission receives a request for review of the Director of Personnel's refusal to amend the record, the Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

(c) After the individual's request to amend his or her records has been reviewed by the Commission, if the Commission agrees with the Director of Personnel's refusal to amend the record in accordance with the individual's request, the Commission shall: (1) Notify the individual in writing of the Commission's decision; (2) advise the individual that he or she has the right to file a concise statement of disagreement with the Commission which sets forth his or her reasons for disagreement with the refusal of the Commission to amend the records; and (3) notify the individual of his or her legal right to judicial review of the Commission's final determination.

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement, the Director of Personnel shall clearly note any portion of the record which is disputed and shall provide copies of the statement and, if the Commission deems it appropriate, copies of a concise statement of the reasons of the Commission for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

**§ 201.30 Commission disclosure of record to person other than the individual to whom it pertains.**

(a) Except as is permitted under 5 U.S.C. 552a(b) (1)-(b) (11), it is the policy of the Commission not to disclose any record which is contained in any system of records maintained by the Commission to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) Except for disclosures to those officers and employees of the Commission who have a need for the record in the performance of their duties and any disclosure required by 5 U.S.C. 552, the Director of Personnel shall keep an accurate accounting of: (1) The date, nature, and purpose of each disclosure of a record to any person or to another agency under subsection (a) of this section; and (2) the name or address of the person or agency to whom the disclosure is made.

(c) The Director of Personnel shall retain the accounting required by § 201.30 (b) for at least five years or the life of

the record, whichever is longer, after such disclosure.

(d) Except for disclosures made to other agencies for civil or criminal law enforcement purposes pursuant to 5 U.S.C. 552a(b) (7), the Director of Personnel shall make any accounting made under § 201.30(b) available to the individual named in the record at the individual's request.

(e) Where the Commission has provided any person or other agency with an individual record and such accounting as required by § 201.30(b) has been made, the Director of Personnel shall inform all such persons or other agencies of any correction, amendment, or notation of dispute concerning said record.

**§ 201.31 Fees.**

(a) The Commission shall not charge any fee for the cost of searching for and reviewing an individual's records.

(b) Reproduction, duplication or copying of records by the Commission shall be at the rate of 10 cents per page. There shall be no charge, however, when the total amount does not exceed 50 cents.

**§ 201.32 Specific exemptions.**

(a) A system of records or a record which is specifically required by Executive order to be kept secret in the interest of national defense or foreign policy, pursuant to 5 U.S.C. 552(b) (1), shall be exempt from this subpart and from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I) and (f) of Section 3 of the Privacy Act.

(b) Systems of records required by statute to be maintained and used solely as statistical records shall be exempt from this subpart and shall be exempt from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I) and (f) of Section 3 of the Privacy Act.

(c) Personnel investigations records in the custody of the Security Officer of the Commission, which are compiled solely for the purpose of determining suitability, eligibility, or qualifications for Commission employment or access to classified information shall be exempt from this subpart and from subsections (c) (3), (d), (e) (4) (G), (H), and (I) and (f) of section 3 of the Privacy Act, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to government investigators under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

By order of the Commission.

Issued: August 22, 1975.

KENNETH R. MASON,  
Secretary.

[FR Doc.75-22758 Filed 8-28-75; 8:45 am]



## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[45 CFR Part 1115]

### PRIVACY ACT REGULATIONS

#### Proposed Regulations

The proposed addition implements 5 U.S.C. 552a(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records under the Privacy Act of 1974.

Interested persons are invited to submit written comments on these proposed regulations to the Chairman, National Endowment for the Arts, Attn: Office of General Counsel (Privacy Act), 2401 E Street, NW., Washington, D.C. 20506 by September 1, 1975 or to the Chairman, National Endowment for the Humanities, Attn: Office of General Counsel (Privacy Act), 806 15th Street, NW., Washington, D.C. 20506, by September 1, 1975.

Proposed § 1115.7 exercises the Foundation's right to exempt certain investigatory materials from disclosure. The Foundation is claiming an exemption under 5 U.S.C. 552a(k)(5) with respect to the identity of person's supplying references for applicants for various types of Foundation fellowships or grants. Fellowships and grants are considered to fall within the class of activities described in 5 U.S.C. 552a(k)(5), and it is considered imperative that reference reports compiled solely for determining suitability, eligibility or qualifications of applicants be provided on a confidential basis. In practice, the exercise of this exemption will often require the withholding of the actual reference and evaluation reports since the comments will in many cases reflect the identity of the reference. Confidentiality is needed to ensure that references are given, and evaluations are made, with complete candor.

The Foundation is also claiming an exemption with respect to the identity of references of persons seeking employment with the Foundation. The reasons for this are substantially the same as maintaining fellowship and grant references in confidence—the need for candor in response.

It is proposed that Chapter XI of Title 45 of the Code of Federal Regulations be amended as follows:

1. The table of parts is proposed to be revised to add the following entry: "Part 1115 Privacy Act Regulations".

2. Part 1115 is proposed to be added to read as follows:

#### PART 1115—PRIVACY ACT REGULATIONS

Sec.	
1115.1	Purpose and scope.
1115.2	Definitions.
1115.3	Procedures for notification of existence of records pertaining to individuals.
1115.4	Procedures for requests for access to or disclosure of records pertaining to individuals.
1115.5	Correction of records.

Sec.	
1115.6	Disclosure of records to agencies or persons other than the individual to whom the record pertains.
1115.7	Exemptions.

AUTHORITY: 5 U.S.C. 552a(f).

#### § 1115.1 Purpose and scope.

This part sets forth the National Foundation on the Arts and the Humanities' procedures under the Privacy Act of 1974 as required by 5 U.S.C. 552a(f). Internal guidance for Foundation staff and other regulations implementing the Privacy Act are contained or will be contained in Foundation circulars.

#### § 1115.2 Definitions.

For purposes of this Part:

(a) "Foundation" means the National Foundation on the Arts and the Humanities.

(b) "Act" means the Privacy Act of 1974 (Pub. L. 93-579).

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) "Maintain", used with reference to a record means to collect, to use, to disseminate, to have control over and responsibility for such record.

(e) "Record" means any item, collection or grouping of information about an individual that is maintained by the Foundation and that is retrievable by his or her name or an identifying particular, such as a number, symbol, fingerprint, or photograph of the individual. Information maintained by the Foundation includes, but is not limited to, education, financial transactions, medical history, employment history and criminal history.

(f) "Routine use" means, with respect to the disclosure of a record, the use of such a record for a purpose which is compatible with the purpose for which it was collected. The routine uses of record systems maintained by the Foundation were established pursuant to notice in the FEDERAL REGISTER.

(g) "System of records" means a group of any records under the control of the Foundation from which information about an individual is retrievable by his or her name or by some identifying particular.

#### § 1115.3 Procedures for notification of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the National Foundation on the Arts and the Humanities are listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may appear in person at the National Endowment for the Arts, Room 1338, 2401 E Street NW., Washington, D.C. 20506 or the National Endowment for the Humanities, Room 1000, 806 15th Street NW., Washington, D.C. 20506, on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506. It is recom-

mended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requestor is other than the individual to whom the record pertains, the relationship of the requestor to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction).

(c) The Foundation will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

#### § 1115.4 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the National Endowment for the Arts, Room 1338, 2401 E Street, NW., Washington, D.C. 20506, or the National Endowment for the Humanities, Room 1000, 806 15th Street, NW., Washington, D.C. 20506 on work days between the hours of 9:00 a.m. and 5:30 p.m. or by writing to the Office of the General Counsel, National Endowment for the Arts, or National Endowment for the Humanities, Washington, D.C. 20506. (See paragraphs (b) and (c) of this section for identification requirements.) The request should specifically identify the systems or records involved. The Foundation will strive either to make the record available within 15 working days of the request or to inform the requestor of the need for additional identification or the tendering of fees (as specified in paragraph (d) of this section) within 15 working days.

(b) In the case of persons making requests by appearing at the Foundation, the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except as indicated below, reasonable identification such as employment identification cards, drivers licenses, and credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are considered to contain relatively sensitive and/or detailed personal information—

GRANT APPLICATIONS—NEA.  
GRANT APPLICATIONS—NEH.  
GRANTS TO INDIVIDUALS—NEA.  
GRANTS TO INDIVIDUALS AND INSTITUTIONS—NEH.  
EQUAL EMPLOYMENT OPPORTUNITY CASE FILE—NFAH NEA/NEH.  
EMPLOYEE PAYROLL—NFAH.  
PERSONNEL RECORDS—NFAH.

Accordingly, with respect to requests for records in these systems the Foundation reserves the rights to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, -----, do hereby  
(Printed name)  
certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 U.S.C. 552a(h).

-----  
Signature

-----  
Date

In the County of -----  
State of ----- On this  
day of -----

(Name of individual)  
who is personally known to me, did appear before me and sign the above certificate.

-----  
Signature

-----  
Date

(s) My Commission expires -----

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction, the identity of the requestor.

(d) Charges for copies of records will be at the rate of \$0.10 per photography of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3.00 for each request or related series of requests. If a fee in excess of \$25.00 would be required, the requestor shall be notified and the fee must be tendered before the records will be copied.

§ 1115.5 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552 a(d) (2). Such a request shall be made in writing and addressed to the Office of the General Counsel, National Endowment for the Arts or National Endowment for the Humanities, Washington, D.C. 20506.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the General Counsel, National Endowment for the Arts or the General Counsel, National Endowment for the Humanities becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the General Counsel's office shall acknowledge receipt of the request.

(c) The General Counsel's office upon receipt of such a request shall promptly confer with the office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the Deputy Chairman of the Endowment involved. If, after review by the Deputy Chairman of the involved Endowment and discussion with the request or, if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Deputy Chairman's office to the requestor denying his request and/or explaining what correction might be made if agreeable to the requestor. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d) of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section to the Assistant Chairman/Management, National Endowment for the Arts or the Chairman, National Endowment for the Humanities. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal, and shall be before the Assistant Chairman/Management, National Endowment for the Arts, the Chairman, National Endowment for the Humanities, or an appointed designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Assistant Chairman or Chairman before whom the appeal is taken shall render his decision within thirty working days after receipt of the written appeal at the Foundation, unless the Assistant Chairman or Chairman before whom the appeal is taken, for good cause shown, extends the 30-day period and the appellant is advised in

writing of such extension. If a hearing is requested, the Foundation will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Assistant Chairman or Chairman shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Assistant Chairman or Chairman in an appeal shall be in writing, and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of this right to appeal the decision under 5 U.S.C. 552a(g) (1) (A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

§ 1115.6 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with Foundation regulations found at 45 CFR Part 1100.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a(b)(1) or (3)-(11).

§ 1115.7 Exemptions.

(a) *Fellowships and grants.* Pursuant to 5 U.S.C. 552a(k) (5), the Foundation hereby exempts from the application of section 552 a(d) any materials which would disclose the identity of references for fellowship or grant applicants contained in any of the Foundation's systems of records.

(b) *Applicants for employment.* Pursuant to 5 U.S.C. 552a(k) (5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(d) any materials which would disclose the identity of references of applicants for employment at the Foundation contained in the system of records entitled "Official Personnel Folders".

ROBERT KINGSTON,  
*Deputy Chairman, National  
Endowment for the Humanities.*

LIVINGSTON BIDDLE,  
*Acting Chairman, National  
Endowment for the Arts.*



## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES PRIVACY ACT OF 1974

### Notice of Existence and Character of Systems of Records

The Privacy Act of 1974, Pub. L. 93-579, an Act to provide certain safeguards for an individual against invasion of personal privacy, amends Title 5, United States Code, by adding after section 552 a new section 552a, effective September 27, 1975. 5 U.S.C. 552a(e)(4) requires that each agency publish at least annually a notice of the existence and character of each "system of records," as that term is defined in 5 U.S.C. 552a(a)(5), which it maintains, such notice to contain, inter alia, a description of each routing use of the records contained in the system. 5 U.S.C. 552a(e)(11) requires that each agency, at least 30 days prior to publication of a routine use description, publish notice of any new use or intended use of information in the system.

Pursuant to these provisions, the Chairman, National Endowment for the Arts, and Chairman, National Endowment for the Humanities, submit the following notices of the existence and character of systems of records maintained by the National Foundation on the Arts and the Humanities. Interested persons are invited to submit written comments on the notices in general and written data, views or arguments concerning the routine use portions of the notices. Comments, data views and arguments received on or before September 15, 1975, will be considered prior to final publication of the notices.

Livingston Biddle  
*Acting Chairman,*

*National Endowment for the Arts*

Robert Kingston  
*Deputy Chairman*

*National Endowment for the Humanities*

#### ALPHABETICAL LIST OF SYSTEMS NAMES

CONSULTANTS—NFAH—1  
CONTRACTS—NFAH—2  
EMPLOYEE PAYROLL AND LEAVE AND  
ATTENDANCE RECORDS AND  
FILES—NFAH—3  
EQUAL EMPLOYMENT OPPORTUNITY CASE  
FILE—NFAH 4  
GRANT APPLICATIONS—NFAH/NEA—5  
GRANT APPLICATIONS—NFAH/NEH—6  
GRANTS TO INDIVIDUALS—NFAH/NEA—7  
GRANTS TO INDIVIDUALS AND  
INSTITUTIONS—NFAH/NEH—8  
PERSONNEL RECORDS—NFAH—9

#### NFAH—1

**System name:** Consultants—NFAH—1.

**System location:** NEA—2401 E St. NW, Washington, D.C. 20506.

**System location:** NEH—806 15th St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Past and present members of the National Council on the Arts, the National Council on the Humanities, Advisory Panels to the Arts Endowment and Advisory Panels to the Humanities Endowment.

**Categories of records in the system:** Contains name, address and telephone number of individual. Contains compensation claims, travel dairies, notification of personnel actions, correspondence. May contain curriculum vitae and press clippings.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Identification of Foundation consultants and their activities.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 9 inch by 12 inch folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are maintained in lockable drawers or file cabinets.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:** Director, Program Offices—NEA/NEH, Director, Program Information—NEA, Director, Public Information—NEH, Director, Planning—NEA, Secretary to the National Council on the Arts—NEA, Office of the General Counsel—NEH.

NEA—2401 E St. NW, Washington, D.C. 20506.

NEH—806 15th St. NW, Washington, D.C. 20506

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom record is maintained, newspapers and journals, Foundation employees.

#### NFAH—2

**System name:** Contracts—NFAH—2

**System location:** NEA—Office of General Counsel, Room 1338, 2401 E St. NW, Washington, D.C. 20506.

**System location:** NEH—Office of the General Counsel, Room 1000, 806 15th St. NW, Washington, D. C. 20506.

**Categories of individuals covered by the system:** Individuals who have entered into contracts with the Foundation.

**Categories of records in the system:** Contains contract, including name and address of contractor, specific and general contract provisions, contract amendments, correspondence, relevant back-up material.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General Accounting Office audits, general Congressional oversight.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 12 inch by 10 inch folders.

**Retrievability:** Indexed by name and number

**Safeguards:** Records are maintained in a lockable file cabinet.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:** General Counsel—NEA, Room 1338, 2401 E St. NW, Washington, D. C. 20506. General Counsel—NEH, Room 1000, 806 15th St. NW, Washington, D. C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained. Foundation employees involved in contract development, administration, and execution.

#### NFAH—3

**System name:** Employee payroll and leave and attendance records and files—NFAH—3

**System location:** Finance Office, NFAH, 806 15th St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Foundation Employees.

**Categories of records in the system:** Recds consist of manual files containing payroll-related information for Foundation employees. Payroll and leave and attendance records and information includes many records or information also maintained in employee's official personnel folder and related files maintained in accordance with Civil Service Commission regulations and of which notice has been given by the Commission in its notice of Government-wide systems of personnel records. Payroll and related information consists of various forms which disclose on a biweekly, year-to-date, and in some cases an annual basis, payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments; savings bond and charity deductions; mailing addresses and home addresses.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951

et seq.), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to prepare payroll and to meet Government payroll record-keeping and reporting requirements, and for retrieving and supplying payroll and leave information as required for agency needs. Civil Service Commission Notice of Government-wide Systems of Personnel Records: "C.S.C.—General Personnel Records (Official Personnel folder and records related thereto)."

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Time and attendance files maintained on 8 inch by 5 inch cards included with other information maintained in 9 inch by 12 inch folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are maintained in a lockable file cabinet.

**Retention and disposal:** Records maintained for three years or until audited by the General Accounting Office.

**System manager(s) and address:** Finance Manager, Room 807, Shoreham Building, 806 15th St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### NFAH—4

**System name:** Equal Employment Opportunity Case File—NFAH—4.

**System location:** Room 812, 806 15th St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Foundation employees and job applicants.

**Categories of records in the system:** Contains transcripts, documentation concerning pre-complaint counseling activities, documentation concerning filing of complaint, written records of terms of adjustment and disposition of complaint.

**Authority for maintenance of the system:** Title 5 CFR Chapter I, Part 713.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Implementation of Foundation program for equal opportunity in employment and personnel operations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 9 inch by 12 inch folders.

**Retrievability:** Retrievable by name.

**Safeguards:** Maintained in lockable filing cabinets.

**Retention and disposal:** Retained indefinitely.

**System manager(s) and address:** Equal Employment Opportunity Officer, Room 812, 806 15th St. NW, Washington, D. C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained. Foundation employees involved in the claim or proceeding.

#### NFAH/NEA—5.

**System name:** Grant Applications—NFAH/NEA—5.

**System location:** 2401 E St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Individuals applying to the National Endowment for the Arts for financial assistance.

**Categories of records in the system:** Grant application, sample of work where appropriate.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General Administration of grant review process; statistical research; Congressional oversight and analysis of trends.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 9 inch by 12 inch folders.

**Retrievability:** Indexed by name and number.

**Safeguards:** Records are maintained in a lockable file cabinet.

**Retention and disposal:** After receipt of final reports, retired to National Archives. Retained in National Archives for three years. Then shipped to St. Louis, Mo.

**System manager(s) and address:** Grants Officer, Room 1101, 2401 E St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### NFAH/NEH—6.

**System name:** Grant Applications—NFAH/NEH—6.

**System location:** 806 15th St. NW, Washington, D. C. 20506.

**Categories of individuals covered by the system:** Individuals and institutions applying to the National Endowment for the Humanities for financial assistance.

**Categories of records in the system:** Grant application, sample of work where appropriate.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General administration of grant review process; statistical research; Congressional oversight and analysis of trends.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 9 inch by 12 inch folders.

**Retrievability:** Indexed by name of applicant.

**Safeguards:** Records are maintained in a lockable filing cabinet.

**Retention and disposal:** After receipt of final reports, retired to National Archives. Retained in National Archives for three years. Then shipped to St. Louis, Mo.

**System manager(s) and address:** Grants Officer—NEH, Room 522, 806 15th St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual and institution on whom the record is maintained.

#### NFAH/NEA—7.

**System name:** Grants to Individuals NFAH/NEA—7.

**System location:** 2401 E St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Individuals receiving grant awards (fellowships) from the National Endowment for the Arts.

**Categories of records in the system:** Grant application, including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General administration of grant review and award process; statistical research; Congressional oversight and analysis of trends.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 9 inch by 12 inch folders.

**Retrievability:** Indexed by name and number.

**Safeguards:** Records are maintained in lockable filing cabinets.

**Retention and disposal:** After receipt of final reports, retired to National Archives. Retained in National Archives for three years. Then shipped to St. Louis, Mo.

**System manager(s) and address:** Grants Officer, Room 1101, 2401 E St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained. Employees involved in administration of the grant.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## NFAH/NEH—8

**System name:** Grants to Individuals and Institutions—8

**System location:** 806 15th St. NW, Washington, D. C. 20506.

**Categories of individuals covered by the system:** Individuals and institutions receiving grant awards from the National Endowment for the Humanities.

**Categories of records in the system:** Grant application including sample of work where appropriate, award notification letter, grant award acceptance agreement, payment schedule, relevant correspondence, final report.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Administrative processing, general statistical research, Congressional analysis of trends.

Information concerning grantees, principal investigator's location of grantee, title of grant, field of study, type of grantee, special characteristics, length of award, application date, date of recommendation, grant number, division and program element, amount and brief description of purpose of award is routinely forwarded to the Smithsonian Science Information Exchange (SSIE) and the Foreign Area Research Unit (FARU) in the Intelligence and Research Office of the Department of State.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 9 inch by 12 inch folders.

**Retrievability:** Indexed by name of individual, name of institution, and number.

**Safeguards:** Records are maintained in a lockable filing cabinet.

**Retention and disposal:** After receipt of final reports, retired to National Archives. Retained in National Archives for three years. Then shipped to St. Louis, Mo.

**System manager(s) and address:** Grants Officer—NEH, Room 522, 806 15th St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained. Employees involved in administration of the grant.

## NFAH—9.

**System name:** Personnel Records—NFAH—9.

**System location:** Room 410, 806 15th St. NW, Washington, D.C. 20506.

**Categories of individuals covered by the system:** Foundation employees.

**Categories of records in the system:** Contains copies of official personnel records, payroll information, time and attendance records, consultants' employment files.

**Authority for maintenance of the system:** National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Identification of Foundation Employees and their personnel records. Used for internal reporting; also referred to any appropriate agency, private organization or official in the course of an employment or security clearance investigation.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Maintained in 9 inch by 12 inch folders.

**Retrievability:** Retrieved by name.

**Safeguards:** Stored in lockable file cabinets.

**Retention and disposal:** Retained during course of employment and for one month subsequent to termination thereof; thereafter sent to St. Louis, Mo.

**System manager(s) and address:** Personnel Officer, Room 410, 806 15th St. NW, Washington, D.C. 20506.

**Notification procedure:** See Title 45 CFR Part 1115.

**Record access procedures:** Same as above.

**Record source categories:** Individual to whom the record pertains, Foundation employees.

[FR Doc.75-22879 Filed 8-28-75;8:45 am]



**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**[ 29 CFR Part 2400 ]**

**PRIVACY ACT**

**Proposed Regulations**

Proposed regulations of the Occupational Safety and Health Review Commission implementing the Privacy Act of 1974, 5 U.S.C. 552a, are published herewith for comment.

Interested persons may comment in writing, upon these proposed regulations by submitting written data, views and arguments, to the Chief Administrative Law Judge, OSAHRC, 1825 K Street, NW., Washington, D.C. 20006 not later than September 26, 1975.

The proposed regulations are set forth below.

Dated: August 25, 1975.

FRANK R. BARNAKO,  
Chairman.

**PART 2400—PRIVACY ACT**

- Sec. 2400.1 Purpose and scope.
- 2400.2 Description of agency.
- 2400.3 Delegation of authority.
- 2400.4 Collection and disclosure of personal information.
- 2400.5 Notification.
- 2400.6 Procedures for requesting inspection and copying.
- 2400.7 Procedures for requesting amendment.
- 2400.8 Schedule of Fees.
- 2400.9 Exemptions.

AUTHORITY: 5 U.S.C. 552a.

**§ 2400.1 Purpose and scope.**

The purpose of the provisions of this Part is to provide procedures to implement the Privacy Act of 1974 (5 U.S.C. 552a). The following provisions are applicable only to such items of information as relate to the agency or are within its custody. The Commission's custody encompasses all information which is kept by an agent by contract with the agency. They are not applicable to the rights of parties appearing in adversary proceedings before the Commission to obtain discovery from an adverse party. Such matters are governed by the Commission's Rules of Procedure which are published at 29 CFR 2200.1 et seq. This part is intended to protect individual privacy, and affects all personal information collection and usage activity of the agency.

**§ 2400.2 Description of agency.**

The Occupational Safety and Health Review Commission (OSAHRC) adjudicates contested enforcement actions under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651-677). Decisions of the Commission on such actions are issued only after the parties to the case are afforded an opportunity for a hearing in accordance with section 554 of Title 5, United States Code. All such hearings are conducted by an OSAHRC Administrative Law Judge at a place convenient to the parties and are open to the public.

**§ 2400.3 Delegation of authority.**

(a) The Chief Administrative Law Judge will insure agency-wide compliance to this policy.

(b) Custodians are responsible for adherence to this part within their respective units and in particular for their collection, use and disclosure of personal information, and for affording individuals the right to inspect, obtain copies of and correct records concerning them. They are responsible for reporting the existence of personal records systems, changes to the contents of those systems and changes of routine use to the Chief Administrative Law Judge, and also for establishing the relevancy of information within those systems.

**§ 2400.4 Collection and disclosure of personal information.**

(a) The following rules govern the collection of personal information throughout OSAHRC operations:

(1) The OSAHRC will:

(i) Solicit, collect and maintain only such personal information as is relevant and necessary to accomplish a purpose required by statute or Executive Order,

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits or privileges.

(iii) Inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what authority it is solicited, the principal purposes for which it is intended to be used, the routine uses which may be made of it and any penalties or consequences, which are known to the OSAHRC, which will result for the individual from such non-disclosure.

(2) OSAHRC will not discriminate against any individual who fails to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate. See § 2400.4(a) (1) (i).

(3) No information will be collected or maintained which describes how individuals exercise rights guaranteed by the First Amendment unless the Chairman specifically determines that such information is relevant and necessary to carry out a statutory purpose of the OSAHRC, and the collection is expressly authorized by statute, or by the individual about whom the record is maintained.

(4) OSAHRC will not require disclosure of any individual's Social Security account number or deny a right, privilege or benefit because of the individual's refusal to disclose the number unless disclosure is required by Federal law.

(b) Disclosures. (1) Limitations. OSAHRC will not disseminate personal information unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant and

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, or

(ii) It has obtained the prior written consent of the individual to whom the record pertains, or

(iii) The dissemination is in accordance with paragraph (b) (2) of this section.

(2) Dissemination of personal information may be made:

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of OSAHRC who have a need for such information in the performance of their duties;

(iii) For a routine use as contained in the system notices published in the FEDERAL REGISTER;

(iv) To a recipient who has provided adequate advance written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, U.S. Code;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual;

(viii) To a federal agency or an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the OSAHRC specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction;

(x) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office;

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) Employee Credit References. A credit bureau or commercial firm from which an employee is seeking credit may be given the following information upon written request of the employee applicant: length of service, job title, and salary range for the employee's grade (but not exact salary).

(4) Employee Job References. Prospective employers of an OSAHRC employee or a former OSAHRC employee may be furnished with the information in § 2400.4(b) (3) above, in addition to the date and reason for separation if ap-

## PROPOSED RULES

plicable, upon the written request of the employee or former employee.

(c) **Correction Disclosure.** Any person or other agency to which a personal record has been or is to be disclosed shall be informed of any corrections or be provided copies of statements of dispute, and notations specifying the portions of the record relating thereto affecting the accuracy, timeliness or relevance of that personal record.

(d) **Record of Disclosure.** (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to OSAHRC employees in the performance of their duties or is required by the Freedom of Information Act (5 U.S.C. 552), in conformance with section 552a(c) of the Privacy Act.

(2) The accounting will be maintained for at least five (5) years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry, except for disclosures made pursuant to provision 4(b)(2)(viii) above relating to law enforcement activities.

#### § 2400.5 Notification.

(a) **Notification of systems.** The following procedures permit individuals to determine the types of personal records systems maintained by OSAHRC.

(1) Upon written request, OSAHRC will notify any individual whether a specific system named by him contains a record pertaining to him. See § 2400.6 for suggested form of request.

(2) OSAHRC will publish annually in the FEDERAL REGISTER a notice of existence and character of all personal systems of records. This notice will contain the following information:

(i) Name and location of the system,  
 (ii) Nature and purposes of the system,  
 (iii) Categories of individuals on whom personal information is maintained and categories of personal information generally maintained in the system,  
 (iv) Confidentiality requirements and the extent to which access controls apply to such information,  
 (v) OSAHRC policies and standards regarding the safeguarding and disclosure of information, information storage, duration of retention of information, and elimination of such information from the system,

(vi) Routine uses made by OSAHRC of the personal information contained in the system, including the categories of users and the purpose of the use,  
 (vii) Title and official address of the custodian,  
 (viii) Procedures by which an individual can be informed if a system contains personal information pertaining to himself, gain access to such information, and contest the accuracy, completeness, timeliness, relevance and necessity for retention of the information,  
 (ix) Categories of sources of such personal information,  
 (x) System status—either developmental or operational.

(b) **Notification of Disclosure.** OSAHRC shall make reasonable efforts to serve notice on an individual before any personal information is made available to any person under compulsory legal process when such process becomes a matter of public record. (Also see § 2400.4(b)(1)(ii) and (2)(vii).)

(c) **Notification of Amendment.** (See § 2440.7 relating to amendment of records upon request.)

(d) **Notification of New Use.** Any newly intended use of personal information maintained by OSAHRC will be published in the Federal Register thirty (30) days before such use becomes operational. Public views may then be submitted to the Chief Administrative Law Judge.

(e) **Notification of Exemptions.** OSAHRC will publish in the FEDERAL REGISTER its intent to exempt any system of records and shall specify the nature and purpose of that system.

§ 2400.6 **Procedures for requesting inspection and copying.**

The purpose of this section is to provide procedures by which an individual may have access to personal information within a comprehensive format.

(a) **Submission of Requests for Access—(1) Manner.** Inquiries regarding the contents of records systems or access to personal information should be in writing and addressed to the Chief Administrative Law Judge, OSAHRC, 1825 K Street, N.W., Washington, D.C. 20006. Any inquiry concerning a specific system of records should provide OSAHRC with the name of system and category of individual making the request, if more than one category is involved in the system and the information contained under "Notification" for that system as published in the FEDERAL REGISTER. If the information supplied is insufficient to locate or identify the record, the requester will be notified promptly and, if necessary, informed of additional information required.

(2) **Period for response.** Upon receipt of an inquiry the Chief Administrative Law Judge will respond promptly to the request and no later than 10 days from receipt of such inquiry.

(3) **When compliance is possible.** The Chief Administrative Law Judge shall inform the requester of the availability of the record and shall set a reasonable time and place convenient to both, for inspection and/or copying of the record.

(i) **Identification of Requester.** The requester must present personal identification sufficient to satisfy the Chief Administrative Law Judge as to his identity prior to record review. Examples of sufficient identification are a valid driver's license, medicare card, or employee identification cards.

(ii) **Responsibilities of Requester.** The requester shall assume the following responsibility regarding the review of official records:

(A) Requester must agree not to leave OSAHRC premises with official records unless specifically given a copy for that purpose by the Chief Administrative Law Judge or his representative.

(B) Requester must sign a statement indicating he has reviewed a specific record(s) or category of record.

(C) Requester may be accompanied by a person he chooses to aid in the inspection of information; however, he must furnish OSAHRC with written authorization for such review in that person's presence.

(4) **Special Rules For Medical Records.** Medical records shall be disclosed to the requester to whom they pertain unless, in the judgment of the Chief Administrative Law Judge, access to such record could have an adverse effect upon such individual. When the Chief Administrative Law Judge, in consultation with a medical doctor, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the Chief Administrative Law Judge will transmit such information to a medical doctor named by the requesting individual.

(b) **Response When Compliance Is Not Possible.** A reply denying a written request to review a record shall be in writing signed by the Chief Administrative Law Judge or other appropriate official and shall be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt. This reply shall include a statement regarding the determining factors of denial, and the right to obtain judicial review in a district court of the United States.

#### § 2400.7 Procedures for requesting amendment.

(a) **Submission of Requests for Amendment.** Upon review of an individual's personal record, that individual may submit a request to amend such record. This request will be submitted in writing to the Chief Administrative Law Judge and will include a statement of the amendment requested and the reasons therefor, which normally will relate to such characteristics as relevance, accuracy, timeliness or completeness.

(b) **Action to be Taken by the Chief Administrative Law Judge.** Upon receiving an amendment request, he shall promptly:

(1) Acknowledge in writing within ten (10) working days the receipt of the request.

(2) Make such inquiry as is necessary to determine whether the amendment is appropriate, and

(3) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of OSAHRC, or not timely and notify the requester when this action is complete, or

(4) Not later than thirty (30) working days after receipt of a request to amend, notify the requester of a determination not to amend and of the individual's right to appeal.

(c) **Appeal Procedure.** (1) If a request to inspect, copy or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the Chairman, OSAHRC,



1825 K Street, NW., Washington, D.C. 20006.

(2) The requester should submit his appeal in writing within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure of the Chief Administrative Law Judge to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record to which access was sought or the amendment of which was requested.

(ii) A statement of the OSAHRC action or failure to act being appealed and the relief sought.

(iii) A copy of the request, the notification of denial and of any other related correspondence.

(3) The Chairman shall make his final determination not later than thirty (30) days from the date of the request, unless he extends the time for good cause to be shown by him. Any record found on appeal to be not complete, accurate, relevant, or timely, shall within thirty (30) working days of the date of such findings be appropriately amended.

(4) The decision of the Chairman constitutes the final decision of OSAHRC

on the right of the requester to inspect, copy, change or update a record. The decision on the appeal shall be in writing and, in the event of a denial, shall set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of the decisions on agency appeal shall be maintained by the Chief Administrative Law Judge.

(d) *Submission of Statement of Disagreement.* If the final decision does not satisfy the requester, any statement of reasonable length, provided by that individual, setting forth a position regarding the disputed information, will be accepted and included in the relevant personal record.

(e) *Availability of Assistance in Exercising Rights.* The Chief Administrative Law Judge is available to provide an individual with assistance in exercising rights pursuant this part.

#### § 2400.8 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit reproduction of records to concerned individuals while substantially

covering the direct costs incurred by OSAHRC.

(b) *Reproduction.* (1) For reproducing any paper or micrographic record or publication, the fee is \$.10 per page. No charge will be made if the total fees authorized by this Part in compliance with a request or series of related requests is less than \$3.00.

(2) OSAHRC will not normally furnish more than one copy of any record.

(c) *Limitations.* No fee will be charged to any individual for the process of retrieving, or amending records.

#### § 2400.9 Exemptions.

(a) Subsections 552a (j) and (k) of Title 5, U.S. Code, empower the Chairman to exempt systems of records meeting certain criteria from various other subsections of section 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with any provisions hereof implementing any subsections of section 552a from which those systems may properly be and have been exempted.

(b) [Reserved for specific exemptions.]

**OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION  
PRIVACY ACT OF 1974**

**Notice of Systems of Records and Routine Uses**

Pursuant to Privacy Act of 1974 (5 U.S.C. section 552a, P.L. 93-579), the U.S. Occupational Safety and Health Review Commission hereby publishes its system of records and their respective routine uses for public comment pursuant to the provision of section (e)(4) of the Privacy Act of 1974. Those interested parties wishing to submit written data, views or arguments on the routine uses of these systems of records should send such comments to the Chief Administrative Law Judge, Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, D.C. 20006, not later than September 28, 1975.

Dated: August 25, 1975

Frank R. Barnako  
*Chairman*

**OSAHRC—1**

**System name:** Travel records—OSAHRC

**System location:** Office of Chief Judge, OSAHRC, 1825 K Street, NW., Washington, D.C. 20006

**Categories of individuals covered by the system:** Names of persons who use OSAHRC funds for travel

**Categories of records in the system:** This system shows all places to which travel was accomplished and the costs of such travel including subsistence costs.

**Authority for maintenance of the system:** 29 U.S.C. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system of records is used for budgetary purposes within the agency and for reporting to Members of Congress and other agencies when appropriate.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in folders.

**Retrievability:** These records are indexed by the names of the individuals on whom they are maintained.

**Safeguards:** Access to and use of such records are limited to those persons whose official duties require such access.

**Retention and disposal:** The records are maintained indefinitely.

**System manager(s) and address:**

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Individuals interested in inquiring about their records should notify the System Manager.

**Record access procedures:** Individuals who wish to gain access to their records should notify in writing, including their name, the System Manager.

**Contesting record procedures:** Individuals who wish to contest their records should notify in writing, including their name, the System Manager.

**Record source categories:** Information in this system of records comes from the individual to whom it applies.

**OSAHRC—2**

**System name:** Mailing lists for news releases, speeches, reports—OSAHRC

**System location:** Office of Information and Publications, 1825 K Street, NW., Washington, D.C. 20006

**Categories of individuals covered by the system:** This system contains the names of all persons who routinely are sent information on OSAHRC.

**Categories of records in the system:** This system contains information relating to the individual's address, business affiliation, and the information he desires to receive.

**Authority for maintenance of the system:** Title 5, U.S. Code Sec. 3301; 29 C.F.R. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in these records are used to mail information relating to case dispositions, speeches, and statistical reports.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are stored on mag tape and on labels.

**Retrievability:** These records are indexed by the names of the individuals on whom they are maintained.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** These records are maintained indefinitely unless the individual requests that it be disposed and then it is disposed immediately.

**System manager(s) and address:**

Director of Information  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Inquiries should be directed to the System Manager.

**Record access procedures:** Same as above

**Contesting record procedures:**

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system either comes from the individual to whom it applies or was derived from private source directories.

**OSAHRC—3**

**System name:** Commission members case processing—OSAHRC

**System location:** Office of Management Information Systems, 1825 K Street, NW., Washington, D.C. 20006

**Categories of individuals covered by the system:** Commission members formerly or currently employed by OSAHRC who call cases for review and/or issue decisions

**Categories of records in the system:** This system contains names of Commission members and the docket numbers of cases they have called for review. It also shows the respondent's name; the hearing site; the date of receipt of the case, assignment to the judge, decision filing; date case called for review and final order date.

**Authority for maintenance of the system:** 29 U.S.C. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information may be used:

a. To respond to a request from a Member of Congress as to the status of a case or the number of cases a member has disposed of or his holding in a case.

b. To respond to a public request for information regarding the status of a case or a listing of cases reviewed or disposed of by a member or a member's holding in a case.

c. As a data source to make management decisions as to case processing activities.

d. For statistical and budgetary purposes to measure member activity.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic disk and in binders.

**Retrievability:** Records are indexed by name, docket number, date case called for review and final order date.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** These records are retained permanently.

**System manager(s) and address:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Inquiries should be directed to the Chief Judge

OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record access procedures:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Contesting record procedures:**

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system either comes from the individual to whom it applies or is derived from information he supplied.

**OSAHRC—4**

**System name:** Administrative Law Judge case processing—OSAHRC

**System location:** Office of Management Information Systems, 1825 K Street, NW., Washington, D.C. 20006

**Categories of individuals covered by the system:** Administrative law judges formerly or currently employed by OSAHRC who are assigned to hear and decide cases

**Categories of records in the system:** This system contains names of judges and the docket numbers of cases assigned to them. It also shows the respondent's name; the hearing site; the date of assignment to the judge, the date of hearing, date of possible settlement; date of receipt of transcript and number of pages; date of receipt of briefs and number of days pending before the judge.

**Authority for maintenance of the system:** 29 U.S.C. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information may be used:

- a. To respond to a request from a Member of Congress as to the status of a case or the number of cases a judge has disposed.
- b. To respond to a public request for information regarding the status of a case or a listing of cases assigned or disposed of by a judge.
- c. As a data source to make management decisions as to case processing activities.
- d. For statistical purposes and budget preparation to measure judge activity.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic disk and in binders.

**Retrievability:** Records are indexed by judge name, docket number, etc.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** These records are retained permanently.

**System manager(s) and address:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Inquiries should be directed to the

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record access procedures:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Contesting record procedures:**

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system either comes from the individual to whom it applies or is derived from information he supplied.

**OSAHRC—5**

**System name:** Administrative Law Judge case assignments—OSAHRC

**System location:** Office of Management Information Systems, 1825 K Street, NW., Washington, D.C. 20006

**Categories of individuals covered by the system:** Administrative law judges formerly or currently employed by OSAHRC who are assigned to hear and decide cases

**Categories of records in the system:** This system contains names of judges, their mailing addresses and business telephone numbers. It can also show the dates of entry on duty with the agency and dates of transfer, termination or retirement. Also, it can show the number of cases currently assigned, the judge's pending caseload and the number of cases pending more than 180 days.

**Authority for maintenance of the system:** 29 U.S.C. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information may be used:

- a. To respond to a request from a Member of Congress as to the number of cases assigned to a judge currently or to the assignments by regional office city.
- b. To respond to a public request for information regarding the number of cases in the hands of a judge or in a regional office city.
- c. As a data source to make management decisions as to case assignments to judges.
- d. To issue notices and correspondence regarding judge assignments.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on magnetic disk and in binders.

**Retrievability:** Records are indexed by name, date of assignment and regional office, dates of reporting for duty to the agency or regional office.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** These records are retained permanently.

**System manager(s) and address:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Inquiries should be directed to the

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record access procedures:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Contesting record procedures:**

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system comes from the Executive Secretary and the case assignment clerk.

**OSAHRC—6**

**System name:** Applications for employment—OSAHRC

**System location:** Personnel Office, 1825 K Street, N.W., Washington, D.C. 20006

**Categories of individuals covered by the system:** All those desiring employment with OSAHRC who have sent in a Form 171 or resume

**Categories of records in the system:** This system contains information relating to birth date, veteran preference, tenure, past and present salaries, grades and position titles, awards and other infor-



mation relating to the status of the individual, education and test scores.

**Authority for maintenance of the system:** Title 5, U.S. Code Sec. 3301, Sec. 1302

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records and information in the records may be used to refer applications to those sections within the agency having position vacancies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained in folders.

**Retrievability:** These records are indexed by the names of the applicants.

**Safeguards:** Access to and use of these records are limited to those persons whose official duties require such access.

**Retention and disposal:** The records are maintained up to one year and then are destroyed.

**System manager(s) and address:**

Personnel Officer  
OSAHRC  
1825 K Street, N.W.  
Washington, D.C. 20006

**Notification procedure:** Inquiries should be directed to

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record access procedures:** Individuals who wish to gain access to their record should request in writing, including their name, to

Personnel Officer  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Contesting record procedures:** Individuals who wish to contest their records should direct such a request, in writing, including their name, to

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system comes from the individual to whom it applies.

#### OSAHRC—7

**System name:** Parties, correspondence records—OSAHRC

**System location:** Office of Management Information Systems, 1825 K Street, N.W., Washington, D.C. 20006

**Categories of individuals covered by the system:** This system includes names of representatives of respondent, DOL Solicitor's Office and/or union or employee representatives involved in OSAHRC cases.

**Categories of records in the system:** This system of records contains the addresses and affiliation of all parties to OSAHRC cases. Also, titles of representatives and party type are maintained.

**Authority for maintenance of the system:** 29 U.S.C. 651 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This system of records is used to issue notices and correspondence to parties in OSAHRC cases.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** These records are maintained on magnetic disk and in folders.

**Retrievability:** These records are indexed by the docket number of the case proceeding. Retrieval can be by name of the individual on whom they are maintained, by state, zip code, by title and by party type.

**Safeguards:** Access to and use of such records are limited to those persons whose official duties require such access.

**Retention and disposal:** The records are maintained on magnetic disk indefinitely, eventually being transferred to magnetic tape. They are retained in folders for 6 months following the final disposition in a case and then transferred to the Federal Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are 5 years old.

**System manager(s) and address:**

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Notification procedure:** Individuals interested in inquiring about their records should do so in writing, including their name to the

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record access procedures:** Individuals who wish to gain access to their records should contact in writing, including their name, the

Director of Management  
Information Systems  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Contesting record procedures:** Individuals wishing to contest their records should do so by directing the request, in writing, including their name, to the:

Chief Judge  
OSAHRC  
1825 K Street, NW.  
Washington, D.C. 20006

**Record source categories:** Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

[FR Doc.75-22884 Filed 8-28-75; 8:45 am]

**SMALL BUSINESS ADMINISTRATION**  
**[ 13 CFR Part 102 ]**  
**PRIVACY ACT OF 1974**  
**Proposed Regulations**

Notice is hereby given that the Small Business Administration (SBA) proposes to implement the provisions of Sections 2 and 3 of Pub. L. 93-579 (88 Stat. 1896) by adding a new subpart B to part 102 of Title 13, Code of Federal Regulations. Section 3 amends Title 5, United States Code, by adding a Section 552a. Subpart B provides the safeguards for an individual against invasion of personal privacy by preventing the misuse of Federal records and giving individuals access to records concerning them and the right to correct such records under certain conditions. The new subpart B series will thus complement and supplement the 102 series subpart A controlling the disclosure of information in the files, documents and records of the Small Business Administration. The existing §§ 102.1 through 102.7 shall be redesignated as subpart A. Interested persons are invited to submit comments, suggestions, or objections regarding the proposal to the Administrator of the Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416. All relevant material received on or before September 29, 1975 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8:30 a.m. and 5 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received in the office of the Chairperson, Privacy Act Task Force, Room 1028. Such visitors to any field office will be informed that the records are available for inspection only in the Central Office and furnished the address and the above room number. Notice is given that it is proposed to make these regulations effective September 27, 1975, the effective date of Section 3, Pub. L. 93-579.

It is proposed to add a new centerhead designating the present part 102 as subpart A 102—Disclosure of Information and it is proposed to add a new centerhead, and subpart B, §§ 102.20 through 102.36 to read as follows. Table of contents entries are also added.

**Subpart B—Privacy Act of 1974**

Sec.	
102.20	Purpose, policy and scope.
102.21	Definitions.
102.22	Officials responsible for Privacy Act of 1974.
<b>DISCLOSURES</b>	
102.23	General conditions of disclosure.
102.24	Information compiled for civil actions.
102.25	Disclosure of record to person other than the individual to whom it pertains.
102.26	Accounting of disclosures.
<b>ACCESS AND AMENDMENT</b>	
102.27	Requests by individuals to gain access to records.
102.28	Appeal to Privacy Act Officer.

Sec.	
102.29	Requests for correction or amendment to record.
102.30	Appeal of Initial Agency determination on correction or amendment of a record.

**MISCELLANEOUS**

102.31	Maintenance of records by SBA.
102.32	Other provisions.
102.33	Fees.
102.34	General exemptions.
102.35	Specific exemptions.
102.36	Judicial review.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a)).

**Subpart B—Privacy Act of 1974**

**§ 102.20 Purpose, policy and scope.**

This part establishes policy and procedures of the Small Business Administration (SBA) safeguarding an individual against an invasion of personal privacy. Except as otherwise provided by law or regulation issued pursuant thereto SBA officials and employees will:

- (1) Permit an individual to determine what records pertaining to him or her are collected, maintained, used, or disseminated by the SBA;
- (2) Permit an individual to prevent records pertaining to him or her, obtained by SBA for a particular purpose from being used or made available for another purpose without his or her consent;
- (3) Permit an individual to gain access to information pertaining to him or her in the SBA records, to have a copy made of all or any portion thereof, and to correct or amend such records;
- (4) Collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information; and
- (5) Permit exemptions from the requirements with respect to records provided in 5 U.S.C. 552a (Privacy Act of 1974) only where an important public policy need for such exemption has been determined by specific statutory authority.

**§ 102.21 Definitions.**

- As used in this subpart:
- (1) "Agency" means the Small Business Administration (SBA) and includes all of its offices wherever located;
  - (2) "Employee" means any officer or employee of the Small Business Administration, regardless of his or her grade, status, or place of employment;
  - (3) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. This term shall not encompass entrepreneurial enterprises (e.g., sole proprietors, partnerships, corporations, or other forms of business entities);
  - (4) "Maintain" includes maintain, collect, use, or disseminate;
  - (5) "Record" means any item, collection, or grouping of information about an individual that is maintained by the

Small Business Administration, including, but not limited to, education, financial transactions, medical history, and and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(6) "System of records" means a group of any records under the control of Small Business Administration from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(7) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual; and

(8) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

**§ 102.22 Officials responsible for Privacy Act of 1974.**

(a) "Program Official" is the Agency official in every field office and major program area responsible for the system or systems of records in his area. Responsibilities of this position include:

- (1) Responding to requests for information from individuals and other sources received from Systems Managers.
- (2) Discussing records with individuals.
- (3) Amending records in cases where amended information is not controversial and does not involve policy decision making.
- (4) Informing individuals of any reproduction fees to be charged.
- (5) Maintaining appropriate record-keeping.
- (6) Reviewing records for relevance, timeliness, completeness, and accuracy.
- (7) Providing Systems Managers with material for required reports and for publication of rules and notices in the FEDERAL REGISTER.

(b) "Systems Manager" is the Agency employee in each office responsible for implementing and overseeing this regulation and 5 U.S.C. 552a in his or her office. Responsibilities of this position include:

- (1) Acting as initial contact person to individuals seeking access or amendment of their records.
- (2) Preparing and forwarding access and amendment forms to the appropriate Program Official.
- (3) Discussing with the Program Officials requests for which access or amendment will not be allowed, and making initial Agency decisions on access and amendment.
- (4) Collecting information from the Program Official and compiling information required for reports and for publication of rules and notices in the FEDERAL REGISTER.

## PROPOSED RULES

(5) Implementing and administering the records management program within his area of jurisdiction, including training of personnel, keeping required statistical records and making necessary reports.

(d) "Privacy Act Officer" is the Agency official with delegated responsibility for overseeing and implementing 5 U.S.C. 552a and subpart B of part 102 of SBA regulations. Responsibilities of this position include:

(1) Developing training programs for agency personnel in the provisions of the Act and the proposed records management procedures for implementation.

(2) Developing materials such as forms, reporting formats, and directives for implementing the Act.

(3) Preparing reports to the Congress, OMB, and the President, and preparing rules and notices for publication in the FEDERAL REGISTER.

(4) Approving extensions of review periods.

(5) Monitoring the relevance, accuracy, and completeness of records contained in systems of records.

(6) Reviewing appeals referred by Systems Managers concerning requests for amendment and access to records.

(7) Making final Agency decisions on requests for amendment and access to records.

## DISCLOSURES

## § 102.23 General conditions of disclosure.

The Agency shall not disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless such disclosure is:

(a) To those employees of the Agency who have a need for the record in the performance of their duties;

(b) Required under 5 U.S.C. 552 (Freedom of Information Act);

(c) For a routine use of the record compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to Title 13, United States Code;

(e) To a recipient who has provided the Agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Administrator of General Services or his or her designee to determine whether the record has such value;

(g) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity

is authorized by law, and if the head of the agency or instrumentality has made a written request to the Privacy Act Officer specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(i) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(j) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

## § 102.24 Information compiled for civil action.

Nothing in these regulations shall allow an individual access to any information compiled by the Agency in reasonable anticipation of a civil action or proceeding. In the event that there should be a question as to whether information should be disclosed pursuant to this section, an opinion shall be obtained from Agency counsel.

## § 102.25 Disclosure of record to person other than the individual to whom it pertains.

(a) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to § 102.23(b) of this subpart, the Program Official responsible for the Agency system of records shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Agency purposes.

(b) The Program Official shall make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a public record. When a record is disclosed under compulsory legal process, the Program Official may ask legal counsel for a determination as to whether the issuance of the order is a matter of public record and if counsel so determines, then the Program Official shall notify the individual by mail at his or her last known address. If counsel determines the matter is not of public record, he should request to be advised as to when it becomes public and inform the Program Official so that he may mail the notice at the appropriate time.

## § 102.26 Accounting of disclosures.

(a) With respect to each system of records under Agency control, the Agency will (except for disclosure made under § 102.23 (a) or (b) of this subpart) keep an accurate accounting.

(b) The Program Official shall account for disclosures in the manner defined by Agency guidelines in respect to each system of records under his or her control as follows:

(1) For each disclosure of a record to any person or to another agency made under § 102.23 of this subpart, maintain information consisting of the date, nature, and purpose of each disclosure of a record, and the name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting at least 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) Except for disclosures made under § 102.23(g) of this subpart make the accounting under paragraph (a) of this section available to the individual named in the record at his or her request; and

(4) Inform any person or other agency about any correction or notation of dispute made by the Agency in accordance with § 102.30(e) of this subpart of any record that has been disclosed to the person or agency, if an accounting of the disclosure was made.

(c) An annual report will be prepared by the Privacy Officer disclosing all of the above and a copy of this report will be available for inspection in every Agency field office and the Central Office.

## ACCESS AND AMENDMENT

## § 102.27 Requests by individuals to gain access to records.

(a) Any individual upon request may gain access to his or her record or to any information pertaining to him or her which is contained in any system of records maintained by the Agency, except as otherwise provided by law or regulation. Upon request, a person of his or her own choosing will be permitted to accompany him or her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual. The Agency will require, however, a written statement from the individual authorizing discussion of that individual's record in the accompanying person's presence.

(b) The request for access must contain a reasonable description of the Agency system or systems of records sought. The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, who will direct the request to the proper Agency official, or if this cannot be ascertained, inform the individual to make the request more specific.

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purpose. The Systems Manager, after reviewing the request for information may also request such other identification of the individual as is consistent with the purpose of this regulation. If he is unable to identify the individual or the record from the information submitted, he may require such additional information as



he deems necessary for this purpose. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representative have proper authorization.

(d) The Systems Managers in the offices or programs involved will notify the individual requesting disclosure of his or her record or information pertaining to him or her of the time, place and conditions under which the Agency will comply to the extent permitted by law and regulation.

(e) Upon receipt of a request for access to a record the Systems Manager shall promptly, but in any case within ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after date of receipt of the request, notify the individual in writing that the request has been granted or denied. In the event of denial the decision should state the concise reasons for such denial and inform the individual of the name and address of the Privacy Act Officer to whom he or she may address an appeal of this initial Agency decision.

#### § 102.28 Appeal to Privacy Act Officer.

(a) Any individual who disagrees with the initial Agency decision to deny access to his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the decision of the Systems Manager together with the material submitted by the requesting individual. The Privacy Act Officer may also examine any other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area. In conducting the appeal, the Privacy Act Officer should follow the criteria for access to records specified in 5 U.S.C. 552a and SBA regulations.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period.

(d) In the event that the Privacy Act Officer extends the period he or she shall inform the individual of the extension and notify the individual of the date on which he or she can expect a decision. If, after his or her review, the Privacy Act Officer also refuses to grant access to the record, he or she shall notify the individual of the reason for denial and the

provisions for judicial review of the Agency determination.

#### § 102.29 Requests for correction or amendment to record.

(a) Any individual may request the Agency to amend a record pertaining to him or her.

(b) All requests by an individual to amend a record shall be made in writing, to the Systems Manager, with supporting documentation as may be necessary, and preferably on forms provided by the Agency. The Systems Manager shall not later than ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request to amend a record, acknowledge in writing such receipt. The Systems Manager shall promptly:

(1) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely or complete; or

(2) Inform the individual of the Agency's initial refusal to amend the record in accordance with the request, the reason for the refusal and the name and address of the Privacy Act Officer to whom the individual may appeal the decision.

(c) Systems Managers shall, upon request by individuals seeking to have a record pertaining to them amended, give advice as to the procedures to be followed hereunder.

#### § 102.30 Appeal of initial Agency determination on correction or amendment of a record.

(a) Any individual who disagrees with the refusal of the Systems Manager to amend his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the initial decision of the Systems Manager and the material submitted by the requesting individual, together with any and all other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area, to aid in the decision. In conducting the appeal, the Privacy Act Officer shall use the criteria of accuracy, relevance, timeliness, and completeness of the record. The Privacy Act Officer may, at his or her option, seek such additional information as is deemed necessary to satisfy those criteria, i.e., to establish that the record contains only that information which is necessary, accurate, and complete to assure fairness in any determination which may be made about the in-

dividual on the basis of the record. With respect to requests to delete information contained in an Agency file, the Privacy Act Officer should follow the same criteria as above, namely, that the information in the file must be only that which is relevant and necessary to accomplish the purpose of the Agency required to be accomplished by law or regulation.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period. The Privacy Act Officer should not extend the time hereunder unless "unusual circumstances" are found to exist.

(d) In the event that the Privacy Act Officer extends the period, he or she shall inform the individual of the extension and notify him or her of the date on which a decision can be expected. If, after his or her review, the Privacy Act Officer also refuses to amend the record in accordance with the request, he or she shall permit the individual to file with the Agency a concise statement setting forth the reasons for his or her disagreement with the refusal of the Agency, and notify the individual of the provisions for judicial review of the Agency determination.

(e) In any subsequent disclosure, containing information about which an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

#### MISCELLANEOUS

#### § 102.31 Maintenance of records of SBA.

(a) The Privacy Act Officer shall be responsible to see that the Agency:

(1) Maintains in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by Executive Order of the President;

(2) Collects information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs;

(3) Informs each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual;

(i) The authority (whether granted by statute, or by Executive Order of the President) which authorizes the solicitation of the information and whether dis-

## PROPOSED RULES

closure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information, as published pursuant to 5 U.S.C. 552a; and

(iv) The effects on him or her, if any, of not providing all or any part of the requested information;

(4) Publishes in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records, which notice shall include;

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(v) The policies and practices of the Agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the Agency official who is responsible for the system of records;

(vii) The Agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The Agency procedures whereby an individual can be notified at his request how he or she can gain access to any record pertaining to him or her contained in the system of records, and how he or she can contest its content; and

(ix) The categories of sources of records in the system.

(b) The Privacy Act Officer shall, in addition to his other duties hereunder;

(1) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and procedures adopted pursuant to this subpart and the penalties for noncompliance;

(2) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained; and

(3) At least thirty (30) days prior to publication of information under paragraph (a) (4) of this section publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the Agency; and

(4) Maintain all records which are used by the Agency in making any determination about any individual with such accuracy, relevance, timeliness, and

completeness as is reasonably necessary to assure fairness to the individual.

(c) The Systems Managers shall be responsible for seeing that their office maintains no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and freedom of assembly and to petition.

#### § 102.32 Other provisions.

(a) *Personnel Records.* All Agency personnel records and files, as prescribed by the Civil Service Commission, shall be maintained in such a way that the privacy of all individuals concerned is protected in accordance with regulations of the Civil Service Commission (5 C.F.R. Parts 293 and 297).

(b) *Systems Operated by Contract.* In the event that the Agency shall provide by a contract for the operation by or on behalf of the Agency of a system of records to accomplish an Agency function, the Agency shall, consistent with its authority, cause the requirements of this subpart to be applied to such system. Any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this regulation, shall be considered to be an employee of the Agency for the purposes of this regulation.

(c) *Mailing Lists.* The Agency will not sell or rent an individual's name or address. This provision shall not be construed to require the withholding of names or addresses otherwise permitted to be made public.

(d) *Changes in Systems.* The Agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers.

(e) *Social Security Numbers.* The Agency shall not, henceforth, require any individual to disclose his or her social security account number and shall not deny to any individual any right, benefit, or privilege provided by law because of his or her refusal to so disclose. Any Agency request for an individual to disclose his or her social security account number shall inform that individual that disclosure is voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

(f) *Disclosure to Representative.* Upon request, personnel records of an employee or former employee, shall be disclosed to the individual to whom the record pertains and under whose individual name and/or identifier they are filed.

A person of his or her own choosing may accompany the individual when the record is disclosed, or the record may be released to the individual's representative who has the notarized written consent of the employee or former employee. Any disclosure of original records must be made in the presence of a representative of the Agency having physical custody of the records. (See 5 CFR 297.111 (a)).

(g) *Representatives of Minors and Incompetents.* For the purpose of subpart B of Part 102, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(h) *Medical Records.* Medical records shall be disclosed to the individual to whom they pertain unless, in the judgment of the Privacy Act Officer, access to such record could have an adverse effect upon such individual. The Agency may, however, transmit such information to a medical doctor named by the requesting individual. In regard to medical records in personnel files, see also 5 CFR 297.111(a) (1).

#### § 102.33 Fees.

(a) The Agency shall charge no fee for providing the first copy of a record or any portion thereof to an individual requesting disclosure of information filed in his or her personnel records. (5 CFR 297.115).

(b) For all other copies of records made pursuant to this regulation, the Agency will not charge for the cost of any search for and review of the record and when the Agency makes a copy of a record as a necessary part of its process of making the record available for review, but may charge for all other reproduction at ten cents per page.

(c) Fees will be waived when less than \$5.

#### § 102.34 General exemptions.

No Agency records system or systems as such are exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a(j) except as may be designated by rules promulgated by the Administrator of the Small Business Administration and published in the FEDERAL REGISTER as required.

#### § 102.35 Specific exemptions.

The following systems of records are partially exempt under 5 U.S.C. 552a(k) and these regulations:

(a) Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make decisions on the rights, benefits, or entitlements of individuals. (5 CFR 297.116 (b))

(b) Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of

such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(c) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2): provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under

an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

**§ 102.36 Judicial review.**

Any individual may bring a civil action against the Agency in a district court of the United States as provided by 5 U.S.C. 552a(g)(1) whenever the Small Business Administration:

(a) Makes a final determination under § 102.30 not to amend an individual's record in accordance with his or her request, or fails to make such review in conformity with that section;

(b) Makes a final determination under § 102.27 to refuse a request to gain access to a record;

(c) Fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(d) Fails to comply under any other provision of 5 U.S.C. 552a or any Agency rule or regulation promulgated thereunder, in such a way as to have an adverse effect on an individual.

Dated: August 25, 1975.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.75-22996 Filed 8-28-75;8:45 am]



## FEDERAL COMMUNICATIONS COMMISSION

### PRIVACY ACT OF 1974

#### Notice of Systems of Records

By the Commission:

1. For purposes of implementing the Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552(a), the Federal Communications Commission is issuing notices of the existence and character of various systems which it maintains and which contain information about individuals.

2. Interested persons are invited to submit comments on the "routine uses" of the systems of records on or before September 19, 1975.

3. Authority for the proposed Notices of Systems of Records is contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and in the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. 552(e) (4) and (11).

4. An original and 14 copies of all comments shall be furnished the Commission. Comments will be available for inspection in the Commission's Broadcast and Dockets Reference Room. All relevant and timely comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this Notice.

Vincent J. Mullins,  
Secretary.

#### Federal Register Notice

#### FEDERAL COMMUNICATIONS COMMISSION SYSTEM OF RECORDS

##### BROADCAST BUREAU (FCC/BCB)

Broadcast Station Ownership Interest File-FCC/BCB-1

Complaints Against Broadcast Stations, Licensees,

Officers, Employees-FCC/BCB-2

Employee Activity Report-FCC/BCB-3

Employee Records-FCC/BCB-4

##### CABLE TELEVISION BUREAU (FCC/CTB)

Applicant for Position-FCC/CTB-1

Employee Activity Report-FCC/CTB-2

Employee Records-FCC/CTB-3

Staff Travel Records-FCC/CTB-4

##### COMMISSIONERS (FCC/COMM)

Applicant for Position-FCC/COMM-1

Employee Records-FCC/COMM-2

##### COMMON CARRIER BUREAU (FCC/CCB)

Alphabetical Complaint and Inquiry File-FCC/CCB-1

Applicant for Position-FCC/CCB-2

AT&T Witness File-FCC/CCB-3

Contracts for Personal Services-FCC/CCB-4

Correspondence Associated with Docketed

Matters-FCC/CCB-5

Employee Records-FCC/CCB-6

Employment Discrimination Complaints Against Common

Carriers-FCC/CCB-7

Public Land Mobile Radio Operators

File-FCC/CCB-8

Staff Travel Records-FCC/CCB-9

##### FIELD OPERATIONS BUREAU (FCC/FOB)

Employee Records-FCC/FOB-1

Radio Operator Records-FCC/FOB-2

Violators File (records kept on individuals subject to FCC

Field enforcement actions)-FCC/FOB-3

##### OFFICE OF ADMINISTRATIVE LAW JUDGES (FCC/OALJ)

Employee Activity Report-FCC/OALJ-1

Employee Records-FCC/OALJ-2

Staff Travel Records-FCC/OALJ-3

##### OFFICE OF CHIEF ENGINEER (FCC/OCE)

Employee Activity Report-FCC/OCE-1

Employee Records-FCC/OCE-2

Experimental Radio Station Licensee Files-FCC/OCE-3

##### OFFICE OF EXECUTIVE DIRECTOR (FCC/OED)

Activity Reporting System-FCC/OED-1

Alcoholism and Drug Abuse Case Files-FCC/OED-2

Docket History Cards-FCC/OED-3

Employee Relations Case File-FCC/OED-4

Financial Disclosures by Employees-FCC/OED-5  
Index of Commission Agenda Items-FCC/OED-6  
National Industry Advisory Committee (NIAC)  
Membership-FCC/OED-7  
Personnel Investigations of Employees-FCC/OED-8  
Personnel Investigations of Members of Advisory  
Committee (Maritime Communications Subcommittee, National  
Advisory Committee)-FCC/OED-9  
Project Management of the Data Automation Division-  
FCC/OED-10  
State and Operational Areas Emergency Communications  
Committee-FCC/OED-11  
OFFICE OF GENERAL COUNSEL (FCC/OGC)  
Alien Rights under Section 310 of the Communications Act-  
FCC/OGC-1  
Alleged Violators File (Ex parte Rules)-FCC/OGC-2  
Alleged Violators File (U.S. District Court  
Enforcement Actions)-FCC/OGC-3  
Attorney Applicants File-FCC/OGC-4  
Attorney Misconduct File-FCC/OGC-5  
Communications Interception-Section 605-FCC/OGC-6  
Conflicts of Interest by Commission Employees and  
Prospective Employees-FCC/OGC-7  
Contracts for Personal Services-FCC/OGC-8  
Convicted Felon Licensees and Suspensions-FCC/OGC-9  
Employee Claims For Reimbursement-FCC/OGC-10  
Employee Complaint Adjudication-FCC/OGC-11  
Employee Records-FCC/OGC-12  
Parties Involved in Current Litigation Before  
Federal Courts-FCC/OGC-13  
Parties with Pending Civil Cases Before Any District  
Court that Affect the Commission-FCC/OGC-14  
Private or Civil Injury Claimants-FCC/OGC-15  
Recess and Interim Appointments of Employees-FCC/OGC-16  
Witness Appearance Request File-FCC/OGC-17  
OFFICE OF OPINIONS AND REVIEW (FCC/OOR)  
Employee Records-FCC/OOR-1  
OFFICE OF PLANS AND POLICY (FCC/OPP)  
Employee Records-FCC/OPP-1  
REVIEW BOARD (FCC/RB)  
Employee Records-FCC/RB-1  
SAFETY AND SPECIAL RADIO SERVICES BUREAU  
(FCC/SSRSB)  
Amateur and Citizens License Fees, Refunded or Uncollected-  
FCC/SSRSB-1  
Application and License File-FCC/SSRSB-2  
Conditional Amateur Licensees-FCC/SSRSB-3  
Current Projects File (Applications that may not comply with  
rules; Licensees whose systems may not comply with rules)-  
FCC/SSRSB-4  
Employee Activity Report-FCC/SSRSB-5  
Employee Records-FCC/SSRSB-6  
Employee Travel Records-FCC/SSRSB-7  
Licensees or Unlicensed Persons Operating Radio Equipment  
Improperly-FCC/SSRSB-8

#### FCC/BCB-1

**System name:** Broadcast Station Ownership Interest  
File-FCC/BCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Owners of all licensed broadcast stations and officers, directors, and stockholders of corporate owners.

**Categories of records in the system:** Forms 323 and 323E Ownership Reports which identify who has ownership interests and the extent of such interests.

**Authority for maintenance of the system:** Section 308, 309, 310 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff attorneys to determine other broadcast interests, if any, of broadcast applicants; used as a cross check against new ownership reports to see whether any improper transfers of interest have taken place. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the statute or rule.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, index cards, magnetic tape.

**Retrievability:** By call letters of broadcast stations, by names of owners.

**Safeguards:** Available to public during business hours.

**Retention and disposal:** Records are retained approximately 7 years and are then sent to Archives.

**System manager(s) and address:** Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Licensees.

#### FCC/BCB—2

**System name:** Complaints against Broadcast Stations, Licensees, Officers, employees—FCC/BCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individual broadcast licensees, partners, owners; directors and officers of corporate licensees; employees of broadcast stations.

**Categories of records in the system:** Complaints filed by the public. Commission responses to such correspondence.

**Authority for maintenance of the system:** Section 303(m), Section 403 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff attorneys in the Broadcast Bureau to make a determination as to the seriousness of the complaint; to decide whether any cause exists, based on a complaint filed, for investigation or delaying a renewal, transfer, or assignment request. If the records indicate a possible violation of law, they may be referred to the appropriate agency charged with the responsibility of prosecuting the violation and enforcing the applicable statute or rule.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By broadcast station call letters.

**Safeguards:** Access controlled by staff during business hours; locked room at other times.

**Retention and disposal:** Retained for at least three years and then sent to Archives.

**System manager(s) and address:** Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Informants.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(4)(G), (H) and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to section 552(k)(2) of the Act.

#### FCC/BCB—3

**System name:** Employee Activity Report—FCC/BCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Broadcast Bureau, professional and non-professional.

**Categories of records in the system:** Summaries of the total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

**Authority for maintenance of the system:** Sections 4 and 5 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** To record the total number of hours put forth in a specific category of work; and to document how an individual uses his work time during a two-week period.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by division and then by employee name and reporting period.

**Safeguards:** Records are kept in file cabinets in offices which are secured at the end of each business day.

**Retention and disposal:** Division records are kept for 1 year, then they are transferred to Budget Office; individual records are kept 6 months and are then destroyed.

**System manager(s) and address:** Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual employee who is the subject of the record.

#### FCC/BCB—4

**System name:** Employee Records—FCC/BCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Broadcast Bureau, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birthdate, service computation date, emergency telephone number; memoranda in support of promotions or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards; internal classification and management records.

**Authority for maintenance of the system:** 5 U.S. Code, Section 631, Section 200k, Section 2061, Section 2121, Section 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the Office of Bureau Chief—to provide personal data and career history; to support requests for personnel actions: e.g., appointment, separation, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and quality awards and to justify disapproval of same, to define and improve bureau and division organization.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card files.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are stored in unlocked cabinets and secured in office after business hours.

**Retention and disposal:** Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then thrown out.

**System manager(s) and address:** Chief, Broadcast Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employees, supervisors, and other bureau personnel.

#### FCC/CTB—1

**System name:** Applicant Position—FCC/CTB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Applicants for professional and non-professional positions.

**Categories of records in the system:** Personal data, education, past experience, interest in Communications work.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by administrative personnel to determine the qualifications and suitability of job applicants for future vacancies.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folder.

**Retrievability:** Records are first retrieved by the type of desired employment, e.g., legal, engineering, clerical, etc., then by applicant's name.\*

**Safeguards:** Records are maintained in locked file cabinets in office of Bureau Administrative Officer which is locked at the end of each business day.

**Retention and disposal:** Records are retained until the administrative need is completed, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above. \*Individuals seeking access to records in this system should specify the type of position requested: e.g., legal, engineering, clerical.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Interviewers in Cable Television Bureau.

#### FCC/CTB--2

**System name:** Employee Activity Report—FCC/CTB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Cable Television Bureau, professional and non-professional.

**Categories of records in the system:** The total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Summary report sent to Budget Office for their use in computing manpower hours; to report to the Commission total number of hours put forth in a specific category of work; individual reports to document how an employee uses his work time during a two-week period.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Individual activity records are retrieved by employee name and by reporting period. Summary activity reports by name of Division and by reporting period.

**Safeguards:** Records are kept in locked file cabinets in the office of Bureau and Division Chiefs which are secured at the close of each business day.

**Retention and disposal:** Records are kept a minimum of two years, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### FCC/CTB--3

**System name:** Employee Records—FCC/CTB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Cable Television Bureau, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; letters of reference written on behalf of employees, or concerning them; memoranda in support of promotions or in-grade increases, or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports including special working hours; training records; recommendations for awards.

**Authority for maintenance of the system:** 5 U.S. Code, Section 631, Section 2001, Section 2061, Section 2121, Section 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the Office of Bureau Chief—to provide personal data and career history; to support requests for personnel action: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of re-

tention, promotion, and annual performance rating; to determine productivity in a variety of job assignment categories; to provide models for writing letters of reference; to determine the days and hours during which annual or sick leave is taken; to document a work schedule that differs from normal duty hours; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same; to designate representatives for specified program activities.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders or card files.

**Retrievability:** Some records are retrievable by name, some records are also retrievable by the date employee is eligible for promotion or within grade increase.

**Safeguards:** Records are maintained in locked file cabinets and/or desk drawers, all Bureau Offices are locked at the close of each business day.

**Retention and disposal:** Most records in this system are retained until the administrative need is completed, then destroyed by tearing into pieces; certain performance records are retained temporarily at the Bureau, then forwarded to the Personnel Office; time and attendance records are maintained at the Bureau for a minimum of 2 years, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee Supervisors, other bureau personnel.

#### FCC/CTB--4

**System name:** Staff Travel Records—FCC/CTB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Staff members who have taken trips for the Bureau.

**Categories of records in the system:** Name of traveler, date of trip, where, and for what purpose.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by Administrative personnel as an up-to-date list of those who have represented the Bureau at Conferences and meetings thereby making it easier to distribute future trips on the basis of experience and subject matter expertise among staff members.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by employee name.

**Safeguards:** Travel report is kept in the locked desk drawer of the Bureau Chief, the Bureau Chief's office is secured at the end of each business day.

**Retention and disposal:** The length of retention has not been determined yet.

**System manager(s) and address:** Chief, Cable Television Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information for the report is gathered from the Bureau's secretaries who keep all travel information for their particular Division or Branch.

#### FCC/COMM--1

**System name:** Applicant for Position—FCC/COMM

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Applicants for positions with the staff of a Commissioner.

**Categories of records in the system:** Resume, personal references, Form 171 (personal qualifications statement).

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records used to select qualified applicants for positions with the staff of a Commissioner.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** File folders.**Retrievability:** Indexed by subject matter.**Safeguards:** Records are maintained in cabinets which are secured after working hours.**Retention and disposal:** Records are retained indefinitely and when disposed of, are destroyed by shredding.**System manager(s) and address:** Office of the Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.**Notification procedure:** Same as above.**Record access procedures:** Same as above.**Contesting record procedures:** Same as above.**Record source categories:** Applicant; Personal References.**FCC/COMM—2****System name:** Employee Records—FCC/COMM**System location:** 1919 M Street, N.W., Washington, D.C. 20554.**Categories of individuals covered by the system:** All employees of a Commissioner's Office, professional and non-professional.**Categories of records in the system:** Personal data, time and attendance, job descriptions.**Authority for maintenance of the system:** None.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are maintained for job description purposes and sometimes for the tabulation of sick and annual leave.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** File folders.**Retrievability:** Indexed by subject matter.**Safeguards:** Records are maintained in cabinets and secured after working hours.**Retention and disposal:** Records are retained indefinitely and, when disposed of, are destroyed by shredding.**System manager(s) and address:** Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.**Notification procedure:** Same as above.**Record access procedures:** Same as above.**Contesting record procedures:** Same as above.**Record source categories:** Employee; Personnel Division.**FCC/CCB—1****System name:** Alphabetical Complaint and Inquiry File—FCC/CCB**System location:** 1919 M Street, N.W., Washington, D.C. 20554.**Categories of individuals covered by the system:** Individuals who have made complaints or inquiries.**Categories of records in the system:** Complaints and related supporting information, company replies to complaints, letters of inquiry and Commission letters regarding such complaints and inquiries.**Authority for maintenance of the system:** Section 208 of the Communications Act; FCC Rules Section 1.711 et seq.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used for handling individual letters of inquiry and complaint.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** File cabinets.**Retrievability:** Records are retrieved by individual name.**Safeguards:** Stored in unlocked files and secured in office after hours.**Retention and disposal:** The records are retained in the Commission's offices for five years and then retired to the Federal Records Center.**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.**Notification procedure:** Same as above.**Record access procedures:** Same as above.**Contesting record procedures:** Same as above.**Record source categories:** Complaints and subject carriers.**FCC/CCB—2****System name:** Applicant for position-FCC/CCB**System location:** 1919 M Street, N.W., Washington, D.C. 20554.**Categories of individuals covered by the system:** Applicants who seek permanent positions with the Bureau.**Categories of records in the system:** Resumes, federal personnel Forms 171, writing samples, etc.**Authority for maintenance of the system:** None.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by administrative and supervisor personnel to determine the qualifications and suitability of job applicants for positions.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** File folders.**Retrievability:** Records are retrievable by applicant's name.**Safeguards:** Records are kept in file cabinets in offices that are locked at the close of each business day.**Retention and disposal:** Records are maintained as long as administratively useful and then destroyed by tearing.**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.**Notification procedure:** Same as above.**Record access procedures:** Same as above.**Contesting record procedures:** Same as above.**Record source categories:** Previous employers, personal and business references.**FCC/CCB—3****System name:** AT&T Witness file—FCC/CCB**System location:** 1229 20th Street, N.W., Washington, D.C. 20554.**Categories of individuals covered by the system:** Persons chosen by the Bell system for particular expertise in various aspects of telecommunication whose testimony is presented at the current AT&T rate hearing.**Categories of records in the system:** Printed or typed testimony; resume's; attorney notes, internal memoranda, and correspondence; witness background information, e.g., papers written, career history.**Authority for maintenance of the system:** Section 403 of the Communications Act of 1934, as amended.**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by members of the AT&T Task Force to prepare cross-examination materials and, in general, to keep up to date with the current rate proceedings.**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:** File folders.**Retrievability:** Material is retrieved by name of witness, by date testimony was offered into evidence.**Safeguards:** Material is kept in filing cabinets or desk drawers in offices which are secured at the end of each working day. The AT&T Task Force is a small staff and only they have cause to access the information contained in the system. Therefore, unauthorized examination of the material would be readily detected.**Retention and disposal:** The system will be retained until the close of the AT&T rate proceedings, then transferred to the National Archives.**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.**Notification procedure:** Same as above.**Record access procedures:** Same as above.**Contesting record procedures:** Same as above.**Record source categories:** AT&T Task Force.**FCC/CCB—4****System name:** Contracts for Personal Services—FCC/CCB**System location:** 1919 M Street, N.W., Washington, D.C. 20554; 1229 20th Street, N.W., Washington, D.C. 20554\*.**Categories of individuals covered by the system:** Professional people who bid or are recommended as experts, and whose services are requested for a specific study or case.

**Categories of records in the system:** Background histories, resumes of previous services provided the Commission, work contracts, salary requests, internal memoranda.

**Authority for maintenance of the system:** Section 4(g) of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record is used by administrative personnel and the AT&T Task Force staff to secure qualified persons to serve as expert witnesses or as consultants.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Information in this system is retrieved by name.\*

**Safeguards:** Records are kept in file cabinets in the bureau administration office and in the offices of the AT&T Task Force. These offices are locked at the close of each business day.

**Retention and disposal:** These records are retained until their administrative need has ended, then destroyed.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** FCC procurement office, previous employers, college or university officials. \*In order to expedite the processing of requests for notification, those individuals who have served as expert witnesses at the request of the AT&T Task Force should communicate this fact in the request.

#### FCC/CCB-5

**System name:** Correspondence Associated with Docketed Matters—FCC/CCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individuals with whom the bureau's trial staff corresponds while the docket remains active.

**Categories of records in the system:** All correspondence to and from individuals concerning a specific docketed matter, e.g., information requests, intercounsel correspondence, correspondence to gather information for use in hearing proceedings.

**Authority for maintenance of the system:** Section 403 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by the Trial Staff for reference during the course of the proceeding. The records may be referred, as a routine use, to the appropriate agency charged with the responsibility of implementing or enforcing applicable statutes or rules or charged with investigating some aspect of a docketed matter.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are first retrieved by docket or file number, then by individual name.\*

**Safeguards:** Stored in unlocked files and secured in office after working hours.

**Retention and disposal:** The records are maintained until the Docket is closed. The records are then turned over to Dockets Office which retains them indefinitely.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** \*Individuals seeking access to records in this system should associate a docket or file number with the request.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** None.

#### FCC/CCB-6

**System name:** Employee Records—FCC/CCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Common Carrier Bureau.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, life insurance and retirement coverage, telephone number; recommendations and memoranda in support of promotions, in-grade increases and awards including recommendations for outstanding or unsatisfactory performance rating; requests and notices of personnel actions; job descriptions; performance evaluations; supervisor's complaints; discrimination complaints and other employee-filed grievances; nominations for employee training courses; time and attendance reports including special working hours.

**Authority for maintenance of the system:** 5 U.S. Code, Section 631, Section 1101, Section 2001, Section 2061.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel office of Bureau chief—to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, and annual performance rating; to provide a ready reference for employee job descriptions, award nominations, and training recommendations; to determine the days and hours during which annual or sick leave is taken, to keep track of paid overtime being worked in the Bureau, and to document work schedules that differ from normal duty hours.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders or card files.

**Retrievability:** All records are retrievable by name, some records are retrieved by the date employee is eligible for promotion or within grade increases or by course title (in the case of training records).\*

**Safeguards:** Records are maintained in file cabinets or desk drawers, all Bureau offices are locked at the close of each business day.

**Retention and disposal:** Most records in this system are retained until the administrative need is completed, then destroyed by tearing; performance ratings and time and attendance reports are retained for one year, then destroyed; records of personnel actions are retained for three years, then destroyed by tearing.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** (Same as in above record systems.)

\*Individuals seeking access to records having to do with nominations for training should identify the specific training courses of interest by title and year of offering.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, personnel office, payroll office.

#### FCC/CCB-7

**System name:** Employment Discrimination Complaints Against Common Carriers—FCC/CCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All individuals who send complaint letters to the FCC concerning alleged employment discrimination by common carriers.

**Categories of records in the system:** Complaint letters, responses of the Bureau, any materials gathered in investigating the complaints, and correspondence to other governmental agencies regarding complaints.

**Authority for maintenance of the system:** Section 403 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by EFO counsel, members of the Hearing and Legal Division staff to investigate the complaint, to refer the complaint to the subject company, and to take part in the resolution of the matter. The record system may also be referred as routine to the appropriate agency charged with the responsibility of investigating or prosecuting a possible violation of law or charged with enforcing the applicable statutes or rules.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** All records are retrieved by complainant's name.

**Safeguards:** Records are maintained in file cabinets in offices that are locked at the close of each business day.

**Retention and disposal:** Indefinitely.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Common Carrier officials.

#### FCC/CCB—8

**System name:** Public Land Mobile Radio Operators File—FCC/CCB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554; 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Users of mobile units and applicants for service in the Public Land Mobile Radio Service.

**Categories of records in the system:** Applications for land mobile radio licenses, copies of licenses; a computerized list of licensees by name and by call sign.

**Authority for maintenance of the system:** Section 307 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by Mobile Service Division staff to grant, dismiss or revoke applications.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders (computer printout).

**Retrievability:** Records are retrieved by licensee name.

**Safeguards:** None, records are open to public inspection.

**Retention and disposal:** Records are maintained on open shelves for as long as the station is in existence. Files are held for one year after service is terminated, then destroyed by shredding.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individuals making applications.

#### FCC/CCB—9

**System name:** Staff Travel Records—FCC/CCB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All Common Carrier Bureau personnel authorized to travel on government business.

**Categories of records in the system:** Name of traveler, number of days travel time authorized, departure date, destination, purpose for travel, mode of travel, cost of travel, and any other information pertinent to the trip.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record is used by Administrative personnel to authorize official travel by Bureau personnel and to document monies spent from travel budget.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folder.

**Retrievability:** Records are retrieved by employee name.

**Safeguards:** Records are kept in a filing cabinet in the Bureau administrative office which is secured at the close of each business day.

**Retention and disposal:** Records are kept on file for a period of two years, then destroyed by tearing.

**System manager(s) and address:** Chief, Common Carrier Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Authorizing supervisor.

#### FCC/FOB—1

**System name:** Employee Records—FCC/FOB

**System location:** Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix I).

**Categories of individuals covered by the system:** Employees and former employees of the Field Operations Bureau.

**Categories of records in the system:** Performance appraisals and reviews, recommendations for awards, time and attendance reports, position descriptions, training records.

**Authority for maintenance of the system:** 5 U.S. Code, Section 2001, Section 2061, Section 2121, Section 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the Office of Bureau Chief and in the various field installations—to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and high quality awards and to justify approval or disapproval of such recommendations.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** All records in this system are retrievable by employee name.

**Safeguards:** All records are kept in file cabinets, in Bureau offices that are secured at the end of each business day.

**Retention and disposal:** Records are retained in accordance with the FCC records control system, destruction occurs one year after the departure of the employee.

**System manager(s) and address:** Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Supervisors.

#### FCC/FOB—2

**System name:** Radio Operator Records—FCC/FOB

**System location:** Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix A).

**Categories of individuals covered by the system:** Individuals who have applied for radio operator licenses.

**Categories of records in the system:** Applications for radio operator licenses, examination papers, records of documents issued, correspondence, etc.

**Authority for maintenance of the system:** Geneva Radio Regulations; 47 U.S. Code, Section 303(l), and (m), 318.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For use in connection with the administration of the Commission's radio operator program including examinations, applications, and determinations of license applicant qualifications. Limited file material concerning licensed radio operators is forwarded to the Office of Executive Director for inclusion of the material in the agency's central computer facility. If the records maintained indicate a possible violation of law, they may be referred, as routine, to the General Counsel and to the appropriate agency charged with the responsibility of investigating or prosecuting such violation.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, microfilm (applicants' names only).

**Retrievability:** All records in this system are retrievable by applicant name.

**Safeguards:** All records are kept in file cabinets, in offices that are secured at the close of each business day.

**Retention and disposal:** Applications are retained for a period of six years, transferred to the Federal Records Center for an additional five years, then destroyed. (Exception: Restricted Permits are issued for "life" and those applications are therefore retained indefinitely.)

**System manager(s) and address:** Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.



**Contesting record procedures:** Same as above.

**Record source categories:** FOB field employees engaged in radio operator application processing.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section (k)(2) of the Act.

#### FCC/FOB-3

**System name:** Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC/FOB

**System location:** Primary: 1919 M Street, N.W., Washington, D.C. 20554. Secondary: various field facilities (for addresses see Appendix A).

**Categories of individuals covered by the system:** Individuals who have been subjects of FCC Field enforcement actions (monitoring, inspection, investigation) for violations of radio law, FCC Rules and Regulations, or International Radio Treaties.

**Categories of records in the system:** Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices, etc.

**Authority for maintenance of the system:** 47 U.S. Code, Sections 1, 2, 4, 301, 312, 315, 318, 386, 401, 404, 501, 502, 510.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to prepare requests for sanction action. Where sanctions are requested, file material is forwarded to appropriate offices within the Commission. If the records indicate a possible violation of law, they may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing the applicable statutes or rules.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** All records in this system are retrievable by name and by FCC issued call sign.

**Safeguards:** All records are kept in file cabinets, in offices which are secured at the close of each business day.

**Retention and disposal:** All violation notices are maintained for a period of four years, then destroyed (classified material is destroyed by burning or shredding).

**System manager(s) and address:** Chief, Field Operations Bureau, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts are maintained as a protective service for individuals described in Section 3056 of Title 18, and because they are necessary for Commission employees to perform their duties, pursuant to sections (k)(1), (2) and (3) of the Act.

#### FCC/OALJ-1

**System name:** Employee Activity Report—FCC/OALJ

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Office of Administrative Law Judges, professional and non-professional.

**Categories of records in the system:** Summaries of the total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Budget Office uses the report to compute manpower hours, the Commission uses it to record the total number of hours put forth in a specific category of work; the office uses it to document how an individual used his work time during a two-week period.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by employee name and reporting period.

**Safeguards:** Records are kept in a locked file cabinet in an office which is secured at the end of each business day.

**Retention and disposal:** Records are kept for three years, then destroyed.

**System manager(s) and address:** Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the records are maintained.

#### FCC/OALJ-2

**System name:** Employee Records—FCC/OALJ

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Office of Administrative Law Judges, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotion or in grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

**Authority for maintenance of the system:** 5 U.S. Code, Section 631, Section 2001, Section 2061, Section 2121, Section 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and certain administrative personnel to provide personal data and career history; to support requests for personnel actions: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, Kardex, Time and Attendance cards.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

**Retention and disposal:** Records are retained for a period of one year after an individual leaves the Commission's employ, then destroyed. Time and attendance records are retained for two years, then destroyed.

**System manager(s) and address:** Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, other personnel.

#### FCC/OALJ-3

**System name:** Staff Travel Records—FCC/OALJ

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Office staff authorized to travel on government business.

**Categories of records in the system:** Traveler's name, number of days travel time authorized, departure date, destination, purpose for travel, mode of travel, cost of travel, and any other information pertinent to the trip.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by administrative personnel to authorize official travel by office personnel and to document monies spent from travel budget.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folder.

**Retrievability:** Records are retrieved by traveler's name.

**Safeguards:** Records are maintained in a locked file cabinet in an office which is secured at the close of each business day.

**Retention and disposal:** Records are kept on file for a period of three years, then destroyed.

**System manager(s) and address:** Office of Administrative Law Judges, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### FCC/OCE—1

**System name:** Employee Activity Report—FCC/OCE

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Office of Chief Engineer, professional and non-professional.

**Categories of records in the system:** Summaries of the total number of hours devoted to specific areas of work, number of hours on business.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** The Budget Office uses the report to compute manpower hours; the Commission uses it to record the total number of hours put forth in a specific category of work; the Office uses it to document how an employee uses his work time during a two-week period.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by employee name and reporting period.

**Safeguards:** Records are kept in a locked file cabinet in an office which is secured at the end of each business day.

**Retention and disposal:** Records are kept for three years, then destroyed.

**System manager(s) and address:** Office of Chief Engineer, Room 714, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### FCC/OCE—2

**System name:** Employee Records—FCC/OCE

**System location:** 2025 M Street, N.W., Washington, D.C. 20554. Regional Office, 1550 Northwest Highway, Parkridge, Ill. 60068.

**Categories of individuals covered by the system:** All employees and former employees of the Office of Chief Engineer, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotion or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

**Authority for maintenance of the system:** 5 U.S. Code, Section 631, Section 2001, Section 2121, Section 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and certain administrative personnel to provide personal data and career history; to support requests for personnel action: e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

**Retention and disposal:** Records are retained for a period of one year after an individual leaves the Commission's employ, then destroyed. Time and attendance reports are retained for two years, then destroyed.

**System manager(s) and address:** Office of Chief Engineer, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, other office personnel.

#### FCC/OCE—3

**System name:** Experimental Radio Station Licensee File—FCC/OCE

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Experimental Radio Station License holders.

**Categories of records in the system:** Technical and administrative information regarding the operation, location of the experimental operation and the equipment to be used.

**Authority for maintenance of the system:** Sections 301, 303 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff engineers and application examiners to determine if a license applicant is qualified and if the experimental station's technical operation is in the public interest.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Information is retrieved by applicant or licensee name, then by call sign.

**Safeguards:** Records are maintained in locked file cabinets in offices that are secured at the close of each business day.

**Retention and disposal:** Records are retained for a period of 2 years after the expiration of the license, then sent to the National Archives.

**System manager(s) and address:** Office of Chief Engineer, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### FCC/OED—1

**System name:** Activity Reporting System—FCC/OED

**System location:** 1919 M Street, N.W.; 2025 M Street, N.W.; and 1229 20th Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees whose bureau or office is a participant in the system.

**Categories of records in the system:** Individual activity reporting forms containing a person's name, social security number, organization code, activity code and number of hours spent working on the reported activity during a semimonthly reporting period. Monthly reporting forms listing total Bureau/Office output of selected production measures.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Bureau and Office management personnel use data to measure time expended on various programs, services or activities and productivity at Divisional or Bureau level. Financial Management Division used data to develop future budget estimates.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 inches by 8 inches and 8 inches by 10 inches original forms are stored in file cabinets by reporting period and organizational unit. Data is also contained on magnetic tapes stored in computer room, also denoted by reporting period.

**Retrievability:** Forms and tapes are maintained by semimonthly or monthly reporting period to facilitate aggregation for monthly report. Error listings from the computer are indexed by social security number to facilitate correction on an individual basis. Data is not retrieved for an individual, only for various organizational levels and program, service or activity codes. Forms will be filed in each participating bureau to facilitate location for correction purposes only.

**Safeguards:** Records are maintained in file cabinets in an office that is locked at the end of each business day. Access to tapes is controlled by computer room personnel.

**Retention and disposal:** Original forms are retained for three months and then destroyed by tearing into pieces. The only purpose in maintaining the original input document for three months before destruction is to facilitate correction of error listings. Tapes are retained for up to two years.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual Activity Reports of employees participating in the system. Monthly Output Measures Reports from Bureau/Office management personnel.

#### FCC/OED—2

**System name:** Alcoholism and Drug Abuse Case Files—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** FCC employees who seek guidance and counseling through the agency Alcoholism and Drug Abuse Program.

**Categories of records in the system:** Personal history as it relates to the employee's problem. Records on employees referred for counseling.

**Authority for maintenance of the system:** FPM 792.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Reference material for the use of the Program Administrator and Counselors.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are stored in locked metal cabinets in the Program Administrator's Office.

**Retrievability:** Records are filed and retrieved by name of employee.

**Safeguards:** Records are maintained in an office that is locked when not occupied by the Program Administrator. They are maintained in strict confidence and are accorded the same security and accessibility restrictions provided for medical records.

**Retention and disposal:** Records are kept indefinitely or until the employee leaves the FCC, at which time they are destroyed by tearing into pieces.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee, employee's supervisor, and counselors.

#### FCC/OED—3

**System name:** Docket History Cards—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Licensees whose applications have been designated for hearing and Petitioners who request an amendment of Commission's Rules.

**Categories of records in the system:** Docket History cards and cross-reference cards.

**Authority for maintenance of the system:** Section 0.45e of the Commission's Rules.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Commission employees and general public use records to locate pleadings that have been filed, pertinent dates, and Commission actions that are filed in the public reference room.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 inches by 8 inches history card file cabinets; 3 inches by 5 inches alphabetic card file cabinets.

**Retrievability:** History cards are maintained by numerical docket numbers; and cross-reference cards are maintained alphabetically. Cross-reference cards contain the name of an individual and the docket number thus permitting access to the docket history card.

**Safeguards:** Public access is controlled by Commission employees who provide necessary reference services.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is secured from pleadings and actions taken by Commission officials.

#### FCC/OED—4

**System name:** Employee Relations Case File—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** FCC employee.

**Categories of records in the system:** Correspondence of an employee relations nature including debt complaints and supervisory generated warnings or other forms of admonishment regarding disciplinary matters.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by the Employee Relations Officer for reference and the development of an effective employee relations program.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In file folder.

**Retrievability:** Records are filed alphabetically and retrieved by name of employee.

**Safeguards:** Records are maintained in a file located in the office of the Employee Relations Officer, Personnel Division. The office is locked at the end of each business day.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Supervisors, employees, private citizens.

#### FCC/OED—5

**System name:** Financial Disclosures by Employees—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All Commission regular and special employees.

**Categories of records in the system:** Confidential Statements of Employment and Financial Interests required to be filed by all Commission regular and special employees (Section 19.735-403, FCC Rules and Regulations) initially upon employment, and supplementarily each year thereafter. Correspondence with the employee, the General Counsel, or research documents concerning any holdings requiring clarification as to their compatibility with Government employment.

**Authority for maintenance of the system:** Executive Order 11222; Chapter 735, Federal Personnel Manual (Section 1-5).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is reviewed by designated employees to establish proper compliance with the Executive Order and FCC Rules and Regulations. The General Accounting Office may require access to these records. As determined for good cause shown, referral may be made to the Civil Service Commission and to the Department of Justice.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.



**Retrievability:** Records are filed and retrieved by name of employee.

**Safeguards:** Records are held in confidence in an access-controlled and alarmed area, with access restricted to reviewing officials (Section 19.735-405, FCC Rules and Regulations) and processing personnel of the Security Office. Access by other Commission officials is limited to those who are required to provide a legal opinion or interpretation.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** The records may contain data extracted from financial publications or obtained directly from companies or corporations whose stock is held by the employee. Submitting employee.

#### FCC/OED—6

**System name:** Index of Commission Agenda Items—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** When an agenda item pertains to an individual, an index card is made out in the name of that person.

**Categories of records in the system:** Index cards contain name of individual, agenda item number(s), dates, minute numbers and a digest of action taken by the Commission on the subject matter.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used by employees to determine when a particular matter was considered by the Commission.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** 5 inches by 8 inches card file cabinets.

**Retrievability:** Index cards are filed alphabetically. When the name of an individual is mentioned in a Commission Agenda item, it is filed alphabetically and is accessible.

**Safeguards:** Information in these records is available to the public. Commission employees, however, maintain control over access and provide necessary reference service. Records are maintained in file cabinets in an office that is locked at the end of each business day.

**Retention and disposal:** Records are retained indefinitely.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is secured from Commission Agendas, Notations and Minutes by Commission employees.

#### FCC/OED—7

**System name:** National Industry Advisory Committee (NIAC) Membership—FCC/OED

**System location:** 1229 20th Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Members of the National Industry Advisory Committee and its Subcommittees.

**Categories of records in the system:** Information showing individual name, business address, business and home telephone numbers, title and occupation.

**Authority for maintenance of the system:** Public Law 92-463, October 6, 1972, Federal Advisory Committee Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to distribute information to members of the committee, convene meetings, and conduct general committee business.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed and retrieved by name of committee members.

**Safeguards:** Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** Records are retained indefinitely while individual is a member of the committee; when member resigns or retires from business, individual file material is destroyed.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Committee member.

#### FCC/OED—8

**System name:** Personnel Investigations of Employees—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All Commission regular and special employees.

**Categories of records in the system:** Reports of investigations conducted pursuant to Executive Order 10450 by the U.S. Civil Service Commission, FBI, or other authorized government agency; results of National Agency Check and Inquiries (NACI); suitability information as defined in Chapter 731, Federal Personnel Manual; results of investigations conducted pursuant to Section 19.735-107, FCC Rules and Regulations (Employee Responsibilities and Conduct), and the results of inquiries conducted in the administration of the FCC's Merit System. Certificates of Clearance issued for the individual's access to classified information. Card Index.

**Authority for maintenance of the system:** Executive Order 10450. 18 U.S.C. 203, 205, 208, and 209.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used to establish qualification for government employment and to determine whether employee should be permitted access to classified information. As necessary, referral is made to law enforcement authorities for investigation and possible criminal prosecution, or to the Civil Service Commission in the case of suitability matters under its jurisdiction. Referral may be made to the following agencies when there is need for the granting of access to classified information in their custody or to briefings including classified matters: Defense Communications Agency, Interagency Communications System, Department of State, Secret Service, Central Intelligence Agency.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card index.

**Retrievability:** Records are filed and retrieved by name of employee.

**Safeguards:** Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

**Retention and disposal:** Records are retained during employment; records are returned to investigating agencies after employment terminates.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Previous employers; listed and developed character and credit references; neighbors; educational institutions; law enforcement agencies; birth records; fellow employees.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

#### FCC/OED—9

**System name:** Personnel Investigations of Members of Advisory Committee. (Maritime Communications Subcommittee, National Industry Advisory Committee)—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Members of the Maritime Communications Subcommittee of the FCC National Industry Advisory Committee (NIAC).

**Categories of records in the system:** Reports of investigations conducted pursuant to Executive Order 10450 by the U.S. Civil Service Commission, FBI, or other authorized government agency; results of National Agency Checks and Inquiries (NACI).

**Authority for maintenance of the system:** Executive Order 10450.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is reviewed by designated employees to determine an individual's qualifications for access to classified information.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed and retrieved by name of individual.

**Safeguards:** Records are maintained within a secure, access-controlled area, and stored in approved security containers. Access is limited to cleared Security Office personnel and to Commission officials on a "need to know" basis when required to take decisional action on the records.

**Retention and disposal:** Records are retained as long as the individual is a member of the committee; when no longer connected with the committee, the records are returned to the issuing agency.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Previous employers; listed and developed character and credit references; neighbors; educational institutions; law enforcement agencies; birth records; fellow employees.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act because they embody investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

#### FCC/OED—10

**System name:** Project Management of the Data Automation Division—FCC/OED

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All Data Automation Division employees.

**Categories of records in the system:** A description of tasks performed by Division employees, coded and filed in a Task File. A description of individuals assigned to the Division by pay rate, number of normal work hours, job classification, and supervisor, coded and filed in a Resource File.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Information is used by Division supervisory employees to monitor expenditure of hours and dollars by employees on various tasks and projects, and to plan scheduling of employees on projects.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Permanent disk and magnetic; punched card input data is retained for backup.

**Retrievability:** Computer print-outs are prepared as needed and are distributed within the Division.

**Safeguards:** Access to data is limited to division employees and is controlled by a project management system coordinator; all information is retained within the division.

**Retention and disposal:** Computer print-outs are destroyed when no longer needed. Other information is retained indefinitely.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is obtained from Division supervisors and individuals to whom the information pertains.

#### FCC/OED—11

**System name:** State and Operational Areas Emergency Communications Committees—FCC/OED

**System location:** 1229 20th Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Chairmen and Vice Chairmen of State and Operational Area Emergency Communications Committees.

**Categories of records in the system:** Information showing individual name, business address, business telephone number and title.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used to forward appropriate information to State Committee members, each broadcast station in the State and to Federal, State and local government officials for Emergency Communications planning.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed by state and by name of committee member within the state.

**Safeguards:** Records are maintained on a division level in file cabinets which are locked at the end of each business day.

**Retention and disposal:** Records are retained indefinitely while the individual is a member of the committee; when member resigns, individual file material is destroyed.

**System manager(s) and address:** Executive Director, Office of Executive Director, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above. Name of state must be provided with any request for information.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Committee member.

#### FCC/OGC—1

**System name:** Alien Rights under Section 310 of the Communications Act—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individuals who inquire about the right of Aliens to hold amateur radio licenses, and aliens who seek Commission approval to become corporate officers of companies licensed by the Commission.

**Categories of records in the system:** Correspondence, memoranda, agenda items, public notices, news releases.

**Authority for maintenance of the system:** Section 310, Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records in this system are used by staff attorneys in the Office of General Counsel as a repository for Commission policy statements concerning Section 310 matters. The staff responds to letters of inquiries, and determines whether waivers of Section 310 provisions are warranted based on information contained in this record system.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Information filed by the name of the person making the inquiry or request.

**Safeguards:** Records are maintained in unlocked file cabinets in an office that is secured at the close of each business day.

**Retention and disposal:** At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis it will be broken and files other than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

## FCC/OGC—2

**System name:** Alleged Violators File (Ex Parte Rules)—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individuals alleged to have violated the Commission's ex parte rules.

**Categories of records in the system:** Complaint letters, memoranda, briefs, Commission decisions recommending action, and news releases.

**Authority for maintenance of the system:** Section 4(i) of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by staff attorney to make a determination whether, in fact, a violation of the ex parte rules has occurred. The records may be referred to the appropriate agency charged with the responsibility of prosecuting such violation or enforcing the applicable statute or rule.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are maintained by the name of the party accused of an ex parte violation.

**Safeguards:** Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two office persons have need to routinely access this system, unauthorized examinations would be easily detected.

**Retention and disposal:** At the present time the records in this system are maintained permanently. However, when the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Complainants, Security Officer, Bureau Chiefs.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

## FCC/OGC—3

**System name:** Alleged Violators File (United States District Court Enforcement Action)—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any person allegedly violating Communications Act, certain specified Federal statutes, treaties, FCC Rules, and FCC Orders. For example: licensees in citizens band or amateur service; unlicensed individuals in citizens band or amateur service; individual owners of broadcast stations (1 person corporation); officers, employees of broadcast stations, cable systems.

**Categories of records in the system:** Enforcement of Cease and Desist Order; Enforcement of Revocation Order; Enforcement of Administrative Subpoena; Enforcement of Forfeiture Order; Injunction; Criminal Prosecution.

**Authority for maintenance of the system:** Sections 301, 401(a), 401(b), 409(b), 504 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used internally to decide whether further administrative or judicial enforcement is necessary. Record information may be transmitted to the Department of Justice if judicial action is necessary.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Indexed by name.

**Safeguards:** Records are maintained in steel cabinets and secured after working hours.

**Retention and disposal:** Left to discretion of division staff when to retire files to Archives or when to destroy them.

**System manager(s) and address:** General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** The information comes from inspections of stations and monitoring by FCC Field Office staff and from third party complainants such as competitors, former employees, and neighbors.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

## FCC/OGC—4

**System name:** Attorney Applicants File—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Third year law students and attorneys seeking employment with the Commission.

**Categories of records in the system:** Law School transcripts, resumes; standard Form 171; interviewer's or Attorney Rating Board report.

**Authority for maintenance of the system:** 5 U.S.C. 631, 2001, 2061, 2021, 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by recruiting staff in connection with the Commission's attorney hiring process: e.g., as a source of information for use during personal interviews; as a means to evaluate attorney applicants who interview with Commission recruiters or appear before the Board. Information contained in file is occasionally circulated to individual offices or bureaus in order to fill an attorney vacancy. This system of records may also be disclosed to the appropriate agency maintaining enforcement or pertinent information if necessary to obtain information relevant to the hiring of an attorney in a sensitive position only.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, 3 inches by 5 inches and 5 inches by 8 inches card files.

**Retrievability:** Information is maintained by applicant's name.

**Safeguards:** Information is kept in locked file cabinets in Commission offices that are secured at the close of each business day.

**Retention and disposal:** Information in the file is retained for a period of one year. Records are retained for longer than one year if the applicant updates the records or conveys a continued interest in Commission employment.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Applicant; interviewer; Attorney Rating Board.

## FCC/OGC—5

**System name:** Attorney Misconduct Files—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any attorney who appears in a representative capacity before the FCC and who is being charged with attorney misconduct.

**Categories of records in the system:** Correspondence, briefs, related Commission agenda items, ABA recommendations, investigative findings, complaints of attorney misconduct, memoranda.

**Authority for maintenance of the system:** 5 U.S. Code Section 500(d)(2).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by staff attorneys to prosecute a case for attorney misconduct before the administrative law judge and the Commission. Record



information may be referred, as a routine use, to the appropriate agency charged with the responsibility of enforcing any Commission penalties imposed.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by the name of the attorney charged with misconduct.

**Safeguards:** Records are kept in file cabinets in offices that are secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

**Retention and disposal:** At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives, destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Same as above.

**Systems exempted from certain provisions of the act:** This system of records is exempt from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from Sections 0.554-0.557 of the Commission's Rules because it is maintained for law enforcement purposes pursuant to subsection (k)(2) of the Act.

#### FCC/OGC—6

**System name:** Communications Interception-Section 605—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Anyone against whom a complaint is registered.

**Categories of records in the system:** Correspondence, FBI reports, DOJ rulings and interpretations.

**Authority for maintenance of the system:** Section 605 of the Communications Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Attorneys use for reference purposes when assigned a similar case.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** The records are chronologically indexed.

**Safeguards:** Records are maintained within steel file cabinets without locks. The office is locked at 4:30 each night.

**Retention and disposal:** Records date from 1953 to present. No records have been destroyed.

**System manager(s) and address:** General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual complaints, FBI Investigation Reports.

**Systems exempted from certain provisions of the act:** Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to subsection (k)(2) of the Act.

#### FCC/OGC—7

**System name:** Conflicts of Interest by Commission Employees and Prospective Employees—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Commission employees and prospective Commission employees.

**Categories of records in the system:** Copies of individual's financial statements, memoranda regarding specific assets, correspon-

dence with employee or prospective employee, notes, research reports.

**Authority for maintenance of the system:** Section 4(b) of the Communications Act of 1934, as amended; 18 U.S. Code Sections 205 and 208.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by General Counsel attorneys to determine whether a potential conflict of interest situation exists among Commission employees and prospective employees, and whether the subject interest is sufficiently substantial so as to affect job performance. Record information may also be used for reference in similar cases.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by name of the individual with the potential conflict of interest.

**Safeguards:** Records are kept in unlocked file cabinets in an office that is secured at the close of each business day.

**Retention and disposal:** At the present time the records in this system are maintained permanently. However, when the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Brokers are occasionally contacted for information regarding over-the-counter stocks.

#### FCC/OGC—8

**System name:** Contracts For Personal Services—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individuals with specialized skills who bid or are recruited to serve as consultants or experts.

**Categories of records in the system:** Recommendations to grant/deny a proposed contractual agreement; copies of contracts, agreements; memoranda, letters; news releases, pamphlets, booklets.

**Authority for maintenance of the system:** Federal Property and Administrative Services Act of 1949, 40 U.S. Code Section 471; Section 4(g) of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by personnel of the office of General Counsel: to review proposed contracts for legality; to determine whether a contractor had been hired previously by Commission; occasionally to advise and act on certain breaches of contract.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are maintained by the name of the individual making the bid or recruited for the contract.

**Safeguards:** Records are kept in unlocked file cabinets in an office that is secured at the end of each business day. Since only one or two of the staff routinely access this system, unauthorized examination would be easily detected.

**Retention and disposal:** At the present time records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** None.

#### FCC/OGC—9

**System name:** Convicted Felon Licensees and Suspensions—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Individual licensees and former licensees who have been suspended.

**Categories of records in the system:** Memoranda, News Releases, Public Notices, Letters, FOB Material.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** General Counsel Attorneys use the record system for information purposes when working on Commission related assignments.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** The records are accessible by name.

**Safeguards:** Records are maintained in unlocked steel file cabinets and secured in the office after working hours.

**Retention and disposal:** The records are permanently retained.

**System manager(s) and address:** General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** FOB Investigative Case Report and other materials; Public Notices; News Releases.

#### FCC/OGC—10

**System name:** Employee Claims For Reimbursement—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any Commission employee who files a reimbursement claim for injury to personal property.

**Categories of records in the system:** Tort claims voucher of damage or injury, voucher for payment, repair receipts, agenda items, documenting FOB reports, memoranda, and correspondence.

**Authority for maintenance of the system:** Military Personnel and Civilian Employees Claim Act of 1964, 31 U.S.C. Section 240 et seq.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Staff attorneys review claims for completeness and recommend either the grant or denial of the claim based on information collected in the system. This recommendation is reviewed by the Executive Director's office and the Finance Branch before a final determination is made.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by the individuals name making the claim.

**Safeguards:** Records are kept in an unlocked file cabinet in an office that is secured at the close of each business day.

**Retention and disposal:** At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Supervisors reports, witness reports.

#### FCC/OGC—11

**System name:** Employee Complaint Adjudication—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any Commission employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation or adverse action.

**Categories of records in the system:** Records in this system involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, brief, investigative reports, decisions of hearing examiners and Commissioners.

**Authority for maintenance of the system:** 5 U.S. Code Section 301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by staff attorneys in the General Counsel's office in pre-hearing settlement negotiations with opposing parties; records are also used in preparation for the actual hearing.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by the name of the subject individual in the investigation.

**Safeguards:** Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

**Retention and disposal:** At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, Room 614, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Co-workers, other supervisors, classification experts, other persons involved in the case.

#### FCC/OGC—12

**System name:** Employee Records—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Office of General Counsel, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, telephone number; copies of letters of commendation; memoranda in support of promotion or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; job descriptions; training records.

**Authority for maintenance of the system:** 5 U.S. Code Sections 631, 2001, 2061, 2021, and 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the Office of General Counsel: to provide personal and emergency data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, and annual performance rating; to log and document recommendations for training courses, incentive and high quality awards, and to justify disapproval of such recommendations; to determine the days and hours during which annual or sick leave is taken.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, 5 inch by 8 inch card box.

**Retrievability:** Information is retrieved by employee name.

**Safeguards:** Records are maintained in file cabinets in offices that are secured at the close of each business day.

**Retention and disposal:** Most records in this system are maintained while the individual is employed with the Commission and destroyed 2 years after the employee's departure. Some information is kept for 5 years then destroyed.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, personnel office, payroll office.

#### FCC/OGC—13

**System name:** Parties Involved in Current Litigation Before Federal Courts—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any person who is a captioned party of record in an appeal from or petition for review of a Commission action, or other court filing.

**Categories of records in the system:** Litigation Division docket files (duplicate files of those filed with the Court and other parties).

**Authority for maintenance of the system:** Section 402 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Case preparation and reference.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Indexed by case name.

**Safeguards:** Records are filed in the Litigation office and secured after working hours.

**Retention and disposal:** Files are retired when case finally closed.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** U.S. Circuit Courts-of Appeals and parties to proceedings.

#### FCC/OGC-14

**System name:** Parties With Pending Civil Cases Before Any District Court That Affect the Commission—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any individual who has a miscellaneous case before any District Court that involves the Commission.

**Categories of records in the system:** Letters, Memoranda, Briefs, Bankruptcy papers.

**Authority for maintenance of the system:** Section 402 of the Communications Act of 1934, as amended.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by Commission attorneys to update information or furnish additional data for the Government Agency handling the case.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are maintained by the individual's name filing the claim.

**Safeguards:** Records are maintained in unlocked file cabinets in an office that is secured at the end of each business day.

**Retention and disposal:** The records are maintained for three years and then sent to the National Archives. The General Counsel recommends to the Record Center that these files be retained for three years before disposal.

**System manager(s) and address:** Office of the General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Justice Dept., U.S. Attorneys, Other Federal Agencies.

#### FCC/OGC-15

**System name:** Private or Civil Injury Claimants—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Any individual who files a tort claim against the Commission or commits a tort against a Commission employee.

**Categories of records in the system:** Accidents reports, tort claim vouchers, correspondence, memoranda, medical and payment receipts, repair and payment receipts, pictures.

**Authority for maintenance of the system:** Federal Tort Claims Act, 28 U.S.C. Section 2672.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by attorneys in the Office of General Counsel to determine whether a tort claim filed against the Commission should be paid and for reference when assigned a similar case. If it is determined

that the claim should not be paid or in cases when, pursuant to the limitations set out in 28 U.S.C. Section 2672, the Commission cannot make the final determination whether or not to pay a claim, the record is routinely transferred to the appropriate agency charged with the responsibility of disposition.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by the name of the individual who filed the claim.

**Safeguards:** Records are kept in an unlock file cabinet in an office that is locked at the end of each business day. Since only one or two office persons routinely access this system, unauthorized examination during business hours would be easily detected.

**Retention and disposal:** Records are maintained for up to 3 years, then sent to National Archives; they are destroyed 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Witnesses, General Counsel, Executive Director.

#### FCC/OGC-16

**System name:** Recess and Interim Appointments of Employees—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Commissioners and other employees who have been considered for short term or long term appointments.

**Categories of records in the system:** Memoranda, letters.

**Authority for maintenance of the system:** Sections 4(f)(1) and (2) and (g) of the Communications Act of 1934, as amended; 5 U.S. Code Section 56.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by General Counsel Attorneys and the Chairman's office for reference purposes when working on a similar case.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by employee name.

**Safeguards:** Records are kept in file cabinets in offices that are secured at the end of each business day.

**Retention and disposal:** At present, records are maintained permanently. After the file becomes too bulky to maintain on a permanent basis, it will be broken and files older than 3 years will be sent to National Archives. Destruction will occur 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individual on whom the record is maintained.

#### FCC/OGC-17

**System name:** Witness Appearance Request File—FCC/OGC

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Commission employees requested to appear as witnesses and to testify on Commission matters or to testify on knowledge obtained through Commission work.

**Categories of records in the system:** Witness subpoenas, orders, other demands, memoranda; investigative reports; official notices of violations; copies of licenses.

**Authority for maintenance of the system:** Section 409 of the Communications Act.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Record information is used by staff attorneys to determine whether or not to grant a request for appearance and to determine when an employee's appearance is repeatedly requested.



**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are maintained by the name of employee requested to appear.

**Safeguards:** Records are kept in unlocked file cabinets in an office that is secured at the end of each business day. Certain members of the secretarial staff are always present in this office; thus, unauthorized examination of records would be easily detected.

**Retention and disposal:** At present, records are maintained permanently. When file becomes too bulky to maintain on a permanent basis, it will be broken and information older than 3 years sent to National Archives. Destruction shall take place 3 years later.

**System manager(s) and address:** Office of General Counsel, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Party requesting appearance, e.g., U.S. Attorneys, private law firms.

#### FCC/OOR—1

**System name:** Employee Records—FCC/OOR

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Office of Opinion and Review, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

**Authority for maintenance of the system:** U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the office of Chief: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card files.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are kept in a locked file cabinet in the office of the chief which is locked at the close of each business day.

**Retention and disposal:** Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then destroyed.

**System manager(s) and address:** Chief, Office of Opinions and Review, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, other office employees.

#### FCC/OPP—1

**System name:** Employee Records—FCC/OPP

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Office of Plans and Policy, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendation for awards.

**Authority for maintenance of the system:** 5 U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by the office chief and certain administrative personnel: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of same.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card file.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are maintained in a locked file cabinet in the Office of Plans and Policy in an office which is locked at the end of each business day.

**Retention and disposal:** Records in this system are retained until the administrative need for them is completed, then destroyed. Time and attendance records are maintained for a minimum of 2 years, then destroyed.

**System manager(s) and address:** Chief, Office of Plans and Policy, 1919 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, other office employees.

#### FCC/RB—1

**System name:** Employee Records—FCC/RB

**System location:** 1919 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Review Board, professional and non-professional.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, emergency telephone number; memoranda in support of promotions or in-grade increases or for documentation of adverse actions; performance evaluations of various kinds; time and attendance reports; training records; recommendations for awards.

**Authority for maintenance of the system:** 5 U.S. Code Sections 631, 2001, 2061, 2121, and 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by the Chairman, Review Board and certain administrative personnel: to provide personal data and career history; to support requests for personnel actions, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine employee productivity; to determine the days and hours during which annual or sick leave is taken; to log and document recommendations for training courses, incentive and hi quality awards and to justify disapproval of the same.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders, card files.

**Retrievability:** All records are retrievable by employee name.

**Safeguards:** Records are kept in a locked storage cabinet in the Office of the Review Board. The Chairman of the Review Board, the Chief for Law and the administrative assistant are the only ones who routinely access this system. Thus, unauthorized examination would be easily detected.

**Retention and disposal:** Records in this system are retained until the administrative need for them is completed, then destroyed by tearing into pieces.

**System manager(s) and address:** Chairman of the Review Board, 1919 M Street, N.W. Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors, other office employees.

**FCC/SSRSB—1**

**System name:** Amateur and Citizen License Fees, Refunded or Uncollected—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Applicant who was issued a refund by Gettysburg Field Office or Washington, D.C. Office. Applicant whose check was returned by bank for such things as: insufficient funds, account closed, payment stopped, etc.

**Categories of records in the system:** Information substantiating a refund issued to applicant; or information indicating remittance was returned by bank as unnegotiable.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by administrative personnel as reference material.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed and retrieved by name of applicant involved in the transaction.

**Safeguards:** Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** Records are retained for two years, then forwarded to Federal Records Center.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** For refunds information is initiated and supplied by applicant and by bureau employees. For uncollected fees, information is furnished by banks; Fee Unit, Financial Management Division, or Washington Processing Section of the Amateur and Citizens Division act as collectors.

**FCC/SSRSB—2**

**System name:** Application and License File—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Radio service applicants and licensees under Parts 81, 87, 89, 91, 93, 95, and 99 of the Commissions Rules.

**Categories of records in the system:** Applications, licenses, and correspondence maintained by various radio categories: Aeronautical and Fixed Group, Aircraft Group, Alaskan Group, Amateur, Automobile Emergency, Aviation Auxiliary Group, Aviation Radio Navigation Land, Business, Citizens Class A, Citizens Class C and D, Civil Air Patrol, Coastal Group, Disaster, Fire, Forest Products, Forestry Conservation, Highway Maintenance, Industrial Radio Location, Interurban Passenger (Motor Carrier), Interurban Property (Motor Carrier), Local Government, Manufacturers, Marine Auxiliary Group, Marine Radar Land, Motion Picture, Operational Fixed Microwave, Petroleum, Police, Power, Radio Amateur Civil Emergency Service (R.A.C.E.S.), Railroad, Relay Press, Ship Group, Special Emergency, Special Industrial, State Guard, Taxicab, Telephone Maintenance, Urban Passenger (Motor Carrier), Urban Property (Motor Carrier).

**Authority for maintenance of the system:** Sections 301, 303 of the Communications Act of 1934, and amendments.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used to administer the Commission's programs relating to radio categories listed above including licensing, enforcement, rulemaking, and other actions requiring record information; to evaluate unique systems; to provide a service of information for the general public. Selected informational elements are incorporated in the Commission's central computer facility to maintain a current inventory of licensees for those services which are computerized.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** In appropriate files in boxes or cabinets.

**Retrievability:** Records are filed alphabetically by name of applicant/licensee within each radio service.\*

**Safeguards:** Records are maintained on division level in appropriate files in boxes or cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** Records are normally retained as long as the station remains licensed, although some bulky files may be divided and older material sent to the Federal Records Center. Records for stations not renewed are retained for one year and then sent to the Federal Records Center.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above. \*In order to facilitate the location of a specific record, the name of the radio category under which the application was filed and the call sign of the license issued should be included with the request.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Original applications and supplemental material submitted by applicants; correspondence from complainants; inspection reports, application processors.

**FCC/SSRSB—3**

**System name:** Conditional Amateur Licensees—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Conditional amateur licensees subject to recall for a Commission supervised examination because of failure to appear for or failure to pass a Commission supervised examination.

**Categories of records in the system:** Name, address, date of birth (if known) and authorization code of staff member who placed name in the file; license record information.

**Authority for maintenance of the system:** Title 47, U.S.C. Sections 301, 303 and 309(e).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A computer print-out is used as a reference by selected staff employees at Commission headquarters and field installations to determine whether an applicant for an amateur license is eligible under Section 97.35(a) of the Commission's Rules.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** On magnetic tape and computer print-out.

**Retrievability:** Information is filed alphabetically by name of individual in a computer and is retrieved periodically through computer print-out.

**Safeguards:** Control is exercised over information entering the computer; computer print-outs are available to selected staff personnel and are maintained on division level in file cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** The previous computer print-out is destroyed by tearing into pieces when a new list is distributed. Individual names on this list may be retained for a maximum of six years.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information is obtained by Commission personnel from the applicant.

**FCC/SSRSB—4**

**System name:** Current Projects File (Applications that may not comply with rules; Licensees whose systems may not comply with rules)—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** Applicants and licensees under Parts 89, 91, and 93 of the Rules whose communication systems may not be in compliance with FCC Rules; and applicants for rule waivers.

**Categories of records in the system:** Pleadings, letters of complaint, correspondence, technical information, annual reports, and supporting documentation relating to the communication system and its operation.

**Authority for maintenance of the system:** Section 308(b) of the Communications Act of 1934, and amendments.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by Commission employees to resolve whether the system is in compliance with FCC Rules.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed and retrieved by name of applicant or licensee involved.

**Safeguards:** Records are maintained on a division level in file cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** Records are retained for two years after decision is reached, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Letters of petition or complaint initiate action. Letters of complaint are referred to licensees to advise them and to obtain additional information in response to the complaint.

#### FCC/SSRSB—5

**System name:** Employee Activity Report—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees of the Bureau.

**Categories of records in the system:** The total number of hours devoted to specific areas of work, number of hours absent, number of hours on business.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Individual reports compiled by Divisions into monthly totals. Report of totals (without names) is sent to Budget Office for their use in computing manpower hours; to report to the Commission total number of hours put forth in a specific category of work; to document how an employee uses his work time during a two-week period.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are retrieved by employee name and by reporting period.

**Safeguards:** Records are kept in locked file cabinets in the offices of Bureau and Division Chiefs which are locked at the close of each day.

**Retention and disposal:** Records are kept during the current fiscal year then destroyed.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above. 12

Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Bureau employee.

#### FCC/SSRSB—6

**System name:** Employee Records—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All employees and former employees of the Safety and Special Radio Services Bureau.

**Categories of records in the system:** Personal data of a factual nature: e.g., education, career history, birth date, service computation date, telephone number; letters of reference written on behalf of employees, or concerning them; memoranda in support of reclassification, promotions or in-grade increases, or for documentation of grievances or adverse actions; performance evaluations of various kinds; time and attendance reports including special working hours and requests for leave; designations as special representative; work assignments and productivity data.

**Authority for maintenance of the system:** 5 U.S. Code, Sections 631, 2001, 2121, and 2301.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by staff supervisors and administrative personnel in the Office of Bureau Chief: to provide personal data and career history; to support requests for personnel action, e.g., appointment, separation, promotion, reassignment; to evaluate job performance for purposes of retention, promotion, and annual performance rating; to determine productivity in a variety of job assignment categories; to provide models for writing letters of reference; to determine the days and hours during which annual or sick leave is taken (such records are transferred to the Payroll Office for use in computing pay); to document a work schedule that differs from normal duty hours; to provide a record of employees designated to serve on a special activity such as emergency building evacuation, fund drives, etc.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders or card files.

**Retrievability:** All records are retrievable by name; some records are also retrievable by the date employee is eligible for promotion or within grade increase.

**Safeguards:** Records are maintained on a bureau and division level in file cabinets in offices which are locked at the close of each business day.

**Retention and disposal:** Most records in this system are retained until the administrative need is completed, then destroyed by tearing into pieces; certain performance records are retained temporarily at the Bureau, then forwarded to the Personnel Division, Office of Executive Director; time and attendance records are maintained at the Bureau until the Payroll Office conducts the annual audit, verifying totals and so notifying the Bureau, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Employee supervisors; Personnel Division and Financial Management Division, Office of Executive Director.

#### FCC/SSRSB—7

**System name:** Employee Travel Records—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.

**Categories of individuals covered by the system:** All bureau employees who have traveled to conduct official FCC business.

**Categories of records in the system:** Name of traveler, date of trip, where, for what purposes, and related travel information.

**Authority for maintenance of the system:** None.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Records are used by administrative personnel as a reference for planning and approving current travel requests and in preparing budget estimates.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** Records are filed by Fiscal Year but can be retrieved by employee name.

**Safeguards:** Records are maintained by administrative personnel on a division level in file cabinets in offices which are locked at the end of each business day.

**Retention and disposal:** Records are retained for a two year period, then destroyed by tearing into pieces.

**System manager(s) and address:** Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

**Notification procedure:** Same as above.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Information for these records is gathered from the Bureau's secretaries who maintain all travel information for their particular Division or Branch.

#### FCC/SSRSB—8

**System name:** Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC/SSRSB

**System location:** 2025 M Street, N.W., Washington, D.C. 20554.



Categories of individuals covered by the system: Licensees operating under Parts 81, 83, 87, 89, 91, 93, 95, and 97 of the Rules in violation of the Commission Rules or the Communications Act of 1934. Unlicensed persons operating radio equipment.

Categories of records in the system: Enforcement case history cards; license record information on microfilm and computer print-outs; name, address, date of birth (if known) and authorization code of staff member who placed name in the file.

Authority for maintenance of the system: Title 47 U.S.C. 301, 303, 309(e), 312, 362, 364, 386, 507, and 510.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by bureau employees on enforcement cases to document, to evaluate, to impose sanctions, and to maintain appropriate records for reference. Selected information is maintained in a computer data base and a computer print-out is used as a reference by bureau employees at Commission headquarters and field installations to determine whether applications should be granted or set for hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders, card files, microfilm, magnetic tape and computer print-out.

Retrievability: Records are filed and retrieved by name of licensee or unlicensed individual. Information in the computer is printed periodically for staff use.

Safeguards: Records are maintained on a division level in appropriate file cabinets in offices which are locked at the end of each business day. Computer print-outs at field installations are maintained in file cabinets in offices which are locked at the end of each business day.

Retention and disposal: The documentation portion of these records is retained in active files for no more than 2 years, and are maintained in the Federal Records Center for five years, after which they are destroyed. The case history card portion of these records is retained for 25 years and then destroyed when no longer useful. Microfilm and computer print-out portions of the records are reproduced periodically and the older superseded material destroyed by cutting or tearing into pieces. Individual names in the computer data bank may be retained for a maximum of six years.

System manager(s) and address: Chief, Safety and Special Radio Services Bureau, 2025 M Street, N.W., Washington, D.C. 20554.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information originates from various sources: FCC Field Engineers; private citizens; Department of Justice; other Commission personnel.

Systems exempted from certain provisions of the act: Parts of this system of records are exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 522(a), and from sections 0.554-0.557 of the Commission's Rules because such parts contain investigatory material compiled solely for law enforcement purposes pursuant to Section 552(k)(2) of the Act.

#### APPENDIX A FEDERAL COMMUNICATIONS COMMISSION, FIELD OPERATIONS BUREAU

ADDRESS LIST OF DISTRICT OFFICES AS OF JULY 25, 1975.

The sequential number below refers to the District Number assigned by the Field Operations Bureau.

1 BOSTON, Massachusetts, 1600 Customhouse, India and State Streets 02109. Phone: (617) 223-6608.

2 NEW YORK, New York, 201 Varick Street 10014. Phone: (212) 620-5745.

3 PHILADELPHIA, Pennsylvania, 1005 U.S. Customhouse, 2nd

and Chestnut Streets 19106. Phone: (215) 597-4410.

4 BALTIMORE, Maryland, 819 Federal Building, 31 Hopkins Plaza 21201. Phone: (301) 962-2727.

5 NORFOLK, Virginia, Military Circle, 870 North Military Highway 23502. Phone: (804) 461-4000.

6 ATLANTA, Georgia, 1602 Gas Light Tower, 235 Peachtree Street, N.E., 30303. Phone: (404) 526-6381. Sub-office: SAVANNAH, Georgia, P.O. Box 8004, Room 238, Federal Building and Courthouse 31402. Phone: (912) 232-7602.

7 MIAMI, Florida, Room 919, 51 S.W. First Avenue 33130. Phone: (305) 350-5541. Sub-office: TAMPA, Florida, 738 Federal Office Building, 500 Zack Street 33602. Phone: (813) 228-2605.

8 NEW ORLEANS, Louisiana, 829 F.Ed. Hebert Fed. Building, 600 South Street 70130. Phone: (504) 589-2094. Sub-office: MOBILE, Alabama, 439 U.S. Courthouse and Customhouse 36602. Phone: (205) 690-2808.

9 HOUSTON, Texas, New Federal Office Building, 515 Rusk Avenue, Room 5636, 77002. Phone: (713) 226-4306. Sub-office: BEAUMONT, Texas, 323 Federal Building, 300 Willow Street 77701. Phone: (713) 838-0271.

10 DALLAS, Texas, Earle Cabell Federal Building, U.S. Courthouse, Room 13E7, 1100 Commerce Street 75202. Phone: (214) 749-3243.

11 LOS ANGELES, California, Room 1758 U.S. Courthouse, 312 No. Spring Street 90012. Phone: (213) 688-3276/3277. Sub-office: SAN DIEGO, California, Fox Theatre Building, 1245 Seventh Avenue 92101. Phone: (714) 293-5460.

12 SAN FRANCISCO, California, 323-A Customhouse (555 Battery Street) 94111. Phone: (415) 556-7700.

13 PORTLAND, Oregon, 1220 S.W. 3rd Avenue, 1782 Federal Office Building 97204. Phone: (503) 221-3097.

14 SEATTLE, Washington, 3256 Federal Building, 915 Second Avenue 98174. Phone: (206) 442-7653.

15 DENVER, Colorado, 504 U.S. Customhouse, 19th Bet. California and Stout Streets 80202. Phone: (303) 837-4053.

16 ST. PAUL, Minnesota, 691 Federal Building and U.S. Courthouse, 316 North Robert Street 55101. Phone: (612) 725-7819.

17 KANSAS CITY, Missouri, 1703 Federal Building, 601 East 12th Street 64106. Phone: (816) 374-5526.

18 CHICAGO, Illinois, 230 So. Daerborn Street 60604. Phone: (312) 353-5388.

19 DETROIT, Michigan, 1054 Federal Building, Washington Blvd. and Lafayette Street 48226. Phone: (313) 226-6077.

20 BUFFALO, New York, 1305 Federal Building, 111 West Huron Street 14202. Phone: (716) 842-3216.

21 HONOLULU, Hawaii, 502 Federal Building, P.O. Box 1021, 96808. Phone: (808) 546-5640.

22 SAN JUAN, Puerto Rico, SPO Box 2987, 322-323 Federal Building 00903. Phone: (809) 722-4562.

23 ANCHORAGE, Alaska, Room G-63 U.S.P.O. and Courthouse Building, P.O. Box 644, 99510. Phone: (907) 272-1822.

24 WASHINGTON, D.C., 1919 M Street, N.W., Room 411, 20554. Phone: (202) 632-7000.

#### APPENDIX B

#### FEDERAL COMMUNICATIONS COMMISSION

Description of organizational abbreviations used in the Federal Communications Commission System of Records.

BCB—Broadcast Bureau

CCB—Common Carrier Bureau

COMM—Commissioners

CTB—Cable Television Bureau

FOB—Field Operations Bureau

OALJ—Office of Administrative Law Judges

OCE—Office of Chief Engineer

OED—Office of Executive Director

OGC—Office of General Counsel

OOR—Office of Opinions and Review

OPP—Office of Plans and Policy

RB—Review Board

SSRSB—Safety and Special Radio Services Bureau

## DEPARTMENT OF DEFENSE

Privacy Act of 1974

NOTICE OF SYSTEMS OF RECORDS;  
CORRECTION

In FR Doc. 75-21075 appearing at page 35151 in the FEDERAL REGISTER of Monday, August 18, 1975, the following changes should be made:

1. On page 35151, column one, the first two paragraphs should be deleted and the following revised new paragraphs substituted as follows:

"The systems of records in the Department of Defense which are subject to the Privacy Act are maintained by the Components of the Department these Components are:

U.S. Army.  
Defense Mapping Agency.  
Defense Civil Preparedness Agency.  
Office of the Secretary of Defense.  
Defense Advanced Research Projects Agency.  
Department of the Air Force.  
National Security Agency/Centuray Security Service.  
Defense Nuclear Agency.  
Organization of the Joint Chiefs of Staff.  
Defense Communications Agency.  
Defense Intelligence Agency.  
Department of the Navy U.S. Marine Corps.  
Defense Contract Audit Agency.  
Defense Supply Agency.  
Defense Security Assistance Agency.  
Defense Investigative Service.  
Uniformed Services University of the Health Sciences.

The Defense Security Assistance Agency has no system of records which requires publication under the Privacy Act. The system notices which follow contain listings for all other Components of the Department of Defense. Taken together, the Component listings constitute the total systems of records in the Department which are required to be published.

2. On page 35151, column one, after the third paragraph and before the section heading: "Routine Use—Law Enforcement" insert the following:

## "DEPARTMENT OF DEFENSE COMPONENT IDENTIFIERS"

Each published system of records is preceded by a code identifier. The first letter of the code represents the appropriate Component identifier. Following is a list of identifiers for the Department of Defense and its Components assigned by Office of the Federal Register including the volume and page number of the FEDERAL REGISTER at which the systems of records of the specific Component begin.

The letter D identifies both the Department of Defense and the Office of the Secretary of Defense. The systems listed as D001 through D004 are generic descriptions of civilian personnel records which are maintained by virtually all Components. These generic descriptions will eventually be incorporated with the various Component listings. Except for the systems identified as D001 through D004, all systems of records having the D identifier are in the Office of the Secretary of Defense.

The Department of Defense systems D001 through D004 preced all other Com-

ponent listings; the balance of Component listings are in the alphabetical order of the designation.

Identifier	Component
A -----	Department of the Army (DA) (40 FR 35151).
B -----	Defense Mapping Agency (DMA) (40 FR 35297).
C -----	Defense Civil Preparedness Agency (DCPA) (40 FR 35334).
D -----	Department of Defense (DOD) (40 FR 35151).
D -----	Office of the Secretary of Defense (OSD) (40 FR 35357).
E -----	Defense Advanced Research Projects Agency (DARPA) (40 FR 35401).
F -----	Department of the Air Force (AF) (40 FR 35403).
G -----	National Security Agency (NSA) (40 FR 35741).
H -----	Defense Nuclear Agency (DNA) (40 FR 35748).
J -----	Organization of the Joint Chiefs of Staff (JCS) (40 FR 35750).
K -----	Defense Communications Agency (DCA) (40 FR 35752).
L -----	Defense Intelligence Agency (DIA) (40 FR 35796).
N -----	Department of the Navy (DON) (40 FR 35852).
M -----	U.S. Marine Corps (USMC).
Q -----	Central Security Service (CSS) (40 FR 35741).
R -----	Defense Contract Audit Agency (DCAA) (40 FR 36018).
S -----	Defense Supply Agency (DSA) (40 FR 36045).
T -----	Defense Security Assistance Agency (DSAA), no system of records.
V -----	Defense Investigative Service (DIS) (40 FR 36077).
W -----	Uniformed Services University of the Health Sciences (USUHS) (40 FR 36088).

## DEPARTMENT OF DEFENSE GENERIC SYSTEMS

## ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

## ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this component may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component 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, greater other benefit.

## ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

## ROUTINE USE WITHIN THE DEPARTMENT OF DEFENSE

A record from a system of records maintained by this component may be disclosed as a routine use to other components of the Department of Defense if necessary and relevant for the performance of a lawful function such as, but not limited to, personnel actions, personnel security actions and criminal investigations of the Component requesting the record.

The following generic systems of records relating to civilian personnel are applicable throughout the Department of Defense. Public comments, including written data, views, or arguments concerning the following systems of records should be addressed within 30 days of this publication to the system manager identified in each records system notice.

D001

Employee Assistance Program Case Record Systems.

Civilian Personnel Office servicing the Department of Defense Activity/Installation, license, or by other types of identification bearing an employee picture and signature. In the event requester is unable to obtain information, contact Department of Defense Privacy Board, Washington, D.C. 20301.

The agency's rules for access to records may be obtained from the system manager.

The agency's rules for contesting the contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

Department of Defense Component civilian personnel offices; current and previous supervisors of employees (when appraisals of performance/potential are used).

## "DEPARTMENT OF THE ARMY"

3. On page 35297, column one, before the first paragraph entitled Routine Use—Law Enforcement insert the following heading:

## "DEFENSE MAPPING AGENCY"

4. On page 35334, column one, before the first paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

## NOTICES

**"DEFENSE CIVIL PREPAREDNESS AGENCY"**

5. On page 35357, column one, before the first paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"OFFICE OF THE SECRETARY OF DEFENSE"**

6. On page 35401, column one, before the ninth paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"DEFENSE ADVANCED RESEARCH PROJECTS AGENCY"**

7. On page 35403, column one, before the fourth paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"DEPARTMENT OF THE AIR FORCE"**

8. On page 35741, column one, before the first paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE"**

9. On page 35748, column two, before the first paragraph entitled "Routine

Use—Law Enforcement" insert the following heading:

**"DEFENSE NUCLEAR AGENCY"**

10. On page 35750, column two, before the eighth paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"ORGANIZATION OF THE JOINT CHIEF OF STAFF"**

11. On page 35752, column two, before the fourth paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"DEFENSE COMMUNICATIONS AGENCY"**

12. On page 35796, column one, before the first paragraph entitled "Routine Use—Law Enforcement" insert the following heading:

**"DEFENSE INTELLIGENCE AGENCY"**

13. On page 35852, column two, before the twelfth paragraph entitled "Routine Use—Law Enforcement" insert the heading:

**"DEPARTMENT OF THE NAVY"**

14. On page 36018, column one, before the first paragraph entitled "Routine

Use—Law Enforcement" insert the heading:

**"DEFENSE CONTRACT AUDIT AGENCY"**

15. On page 36045, column one, before the first paragraph entitled "Routine Use—Law Enforcement" insert the heading:

**"DEFENSE SUPPLY AGENCY"**

16. On page 36077, column one, before the first paragraph starting with the words, "The notices following . . ." insert the following heading:

**"DEFENSE INVESTIGATIVE SERVICE"**

17. On page 36088, column two, before the fifth paragraph entitled "Routine Use—Law Enforcement" insert the heading:

**"UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES"**

MAURICE W. ROCHES,  
*Director, Correspondence and  
Directives OASD (Comptroller).*

Aug. 22, 1975.  
August 22, 1975.

[FR Doc.75-22756 Filed 8-28-75;8:45 am]



**D001**

**System name:** Employee Assistance Program Case Record Systems.

**System location:** Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Categories of individuals covered by the system:** All civilian employees in appropriated and non-appropriated fund activities who are referred by management for, or voluntarily request, counseling assistance.

**Categories of records in the system:** Systems are comprised of case records on employees which are maintained by counselors, supervisors, civilian personnel offices and Social Action offices and consist of information on condition, current status, and progress of employees or dependents who have alcohol, drug, emotional, or other job performance problems.

**Authority for maintenance of the system:** Drug Abuse Office and Treatment Act of 1972, as amended by Public Law 93-282 (21 U.S.C. 1175); Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended by Public Law 93-282 (42 U.S.C. 4582); Subchapter A of Chapter I, Title 42, Code of Federal Regulations; Chapter 43 of Title 5, U.S.C.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Used by the counselor in the execution of his/her counseling function as it applies to the individual employee. With specific written authority of the employee, selected information may be provided to and used by other counselors or medical personnel, research personnel, employers, representatives such as legal counsel, and to other agencies or individuals when disclosure is to the employee's benefit, such as for processing retirement applications.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Case records are stored in paper file folders.

**Retrievability:** By employee name or by locally assigned identifying number.

**Safeguards:** All records are stored under strict control. They are maintained in spaces normally accessible only to authorized persons, normally in locked cabinets.

**Retention and disposal:** Records are purged of identifying information within five years after termination of counseling or destroyed when they are no longer useful.

**System manager(s) and address:** Director of Civilian Personnel or comparable official of the Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Notification procedure:** Request by correspondence should be addressed to servicing DoD component civilian personnel office or to the appropriate Employee Assistance Program administrator at the DoD activity. The letter should contain the full name and signature of the requester and the approximate period of time, by date, during which the case record was developed. In the event requester is unable to obtain information, contact Department of Defense Privacy Board, Washington, D. C. 20301.

**Record access procedures:** Requests from individuals should be addressed to: Same address as stated in the notification section above.

**Contesting record procedures:** The rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

**Record source categories:** Counselors, other officials, individuals or practitioners, and other agencies both in and outside of Government.

**D002**

**System name:** Employee Relations including Discipline, Employee Grievances, Complaints and Appeals Record System under Negotiated Grievance Procedures.

**System location:** Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Categories of individuals covered by the system:** Department of Defense civilian employees paid from appropriated funds serving under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist.

**Discrimination complaints of civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated posi-**

**tions. Management Operation Record system consisting of manual file maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance, leave and tardiness, work assignments, and similar work related employee records.**

**Categories of records in the system:** Manual files, maintained in paper folders, contain copies of documents and information pertaining to discipline, grievances, complaints, and appeals.

**Authority for maintenance of the system:** Executive Order 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration; 4 U.S.C. 1302, 3301, 3302; Executive Order 10577, Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive System.

P. L. 92-261, The Equal Employment Opportunity Act of 1972; P. L. 93-259, Extension of Age Discrimination in Employment Act of 1967.

5 U. S. C. 7512; Executive Order 11491, Labor-Management Relations in the Federal Service.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Officials of the Department of Defense (to include Army, Navy, Air Force or other DoD Agencies) in the performance of their official duties related to the management of civilian employees in the processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Commission. Appeals officers and complaints examiners of the Federal employee Appeals Authority for the purpose of conducting hearings in connection with employees' appeals from adverse actions and formal discrimination complaints.

The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the civilian manpower management programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

The Senate or the House of Representatives of the United States or any member, committee or subcommittee of joint committees on matters within their jurisdiction relating to the above programs.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual records are stored in paper folders.

**Retrievability:** Manual records are filed by last name.

**Safeguards:** All records are stored under strict control, and are available only to authorized personnel having a need to know.

**Retention and disposal:** Manual records are destroyed upon separation of the employee from the activity, or in accordance with appropriate record disposal schedule.

**System manager(s) and address:** Director of Civilian Personnel or comparable official of the Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Notification procedure:** Request by correspondence should be addressed to: Director of Civilian Personnel of Department of Defense Activity/Installation. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Department of Defense activity at which he or she is employed. In the event requester is unable to obtain information, contact Department of Defense Privacy Board, Washington, D. C. 20301.

**Record access procedures:** The agency's rules for access to records may be obtained from the system manager.

**Contesting record procedures:** The agency's rules for contesting contents, and appealing initial determinations by the individual concerned may be obtained from the system manager.

**Record source categories:** Supervisors or other appointed officials designated for this purpose.

**D003**

**System name:** Labor Management Relations Records Systems.

**System location:** Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Categories of individuals covered by the system:** Civilian employees paid from appropriated and non-appropriated funds, who are involved in a grievance which has been referred to an arbitrator for resolution; civilian employees involved in the filing of an Unfair Labor Practice complaint which has been referred to the Assistant Secretary of Labor-Management Relations; union officials; union stewards; and representatives.

**Categories of records in the system:** Records comprise: Manual files, maintained in paper folders, manually filed by type of case and case number (not individual). Folder contains all information pertaining to a specific arbitration case or specific Unfair Labor Practice with whom Department of Defense has dealings; field activities maintain manual roster of local union officials and union stewards.

**Authority for maintenance of the system:** Executive Order 11491, as amended "Labor-Management Relations in the Federal Service."

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Officials and employees of the Department of Defense (to include Army, Navy, Air Force, and other DoD agencies) in the performance of their official duties related to the Labor-Management Relations Program, e.g.: Administration/ implementation of arbitration awards, interpretation of the Executive Order through 3rd party case decisions; National Consultation and other dealings with the recognized unions.

Representatives of the U. S. Civil Service Commission on matters relating to the inspection, survey, audit, or evaluation of Civilian Personnel Management Programs.

The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the administration of the Labor-Management Relations Program. A duly appointed hearing examiner or arbitrator for the purpose of conducting a hearing in connection with an employee's grievance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Manual records are stored in paper folders.

**Retrievability:** Manual records are retrieved by case subject, case number, and/or individual employee names.

**Safeguards:** All manual files are accessible only to authorized personnel having a need to know.

**Retention and disposal:** Case files are permanently maintained. Union official rosters are normally destroyed after a new roster has been established.

**System manager(s) and address:** Director of Civilian Personnel or comparable official of the Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Notification procedure:** Request by correspondence should be addressed to: Director of Civilian Personnel of Department of Defense Activity/ Installation. The letter should contain the full name, social security number, and signature of the requester. The individual may visit the Department of Defense activity at which he or she is employed. In the event requester is unable to obtain information, contact Department of Defense Privacy Board, Washington, D. C. 20301-

**Record access procedures:** The agency's rules for access to records may be obtained from the system manager.

**Contesting record procedures:** The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

**Record source categories:** Servicing civilian personnel offices; arbitrator's office; office of the Assistant Secretary of Labor for Labor-Management Relations; union headquarters offices.

#### D004

**System name:** Training and Employee Development Record Systems.

**System location:** Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Categories of individuals covered by the system:** Department of Defense civilian employees, full-time and part-time, U. S. citizens and foreign national direct hires receiving training supported by the

Federal Government, paid from appropriated funds. Department of Defense military personnel may be included in the automated training information system, and non-appropriated funded personnel may be included in some of the installation manual records.

**Categories of records in the system:** Under the Department of Defense's manual and automated systems, or other locally developed systems; automated and non-automated records are maintained reflecting information pertaining to the employees' identification, social security number, occupational status (series, grade level, and supervisory status), course identification, course length, category and purpose of training received, date on which training was completed, associated costs, pre- post test results, et. al. Input documents for the systems include, but are not limited to completed automated forms, training reports, authorization and record, keypunched cards. The manual files are maintained in paper folders containing employee's registration and/or record of training documents. Under the Department of Defense's Apprentice, on-the-job Training Program, and similar trainee intake program manual and automated records are maintained, reflecting information pertaining to subject employee's identification, date of birth, entrance date to program, dates and nature of personnel actions which occurred during fiscal year, student progress, and statistical data which effects the numbers of apprentices in training as of a given date. At Department of Defense Component's level nomination forms and documents (non-automated) for Department of Defense Component's centrally-administered education and training programs are maintained. The manual files contain the candidate's nomination documents, training request, enrollment and registration and other documents related to training. Manual files are maintained at Department of Defense Component, Subcomponent and the Department of Defense installations regarding courses conducted on their premises, or for which they sponsor, listing such things as completion dates, and course participants. Additionally, manual files are typically found at the field activities containing information regarding an employee's supervisory status, an indication as to whether or not he/she has participated in supervisory training. Files are often maintained regarding an employee's certification/recertification or demonstrated proficiency in one or more skills areas; an activity-wide annual training plan should also be maintained, as well as individual training plans. Files are also maintained regarding professional licenses held by installation personnel.

**Authority for maintenance of the system:** 5 USC 4103, 4118, 4115.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Officials and employees of the Department of the Defense Components in the performance of their official duties related to the management of the Defense Components civilian employee training programs, the design, development, maintenance and operation of the manual and automated system of record keeping and reporting; the screening and selection of candidates for centrally-administered programs; and administration of grievance, appeals, complaints, and litigation involving the disclosure of records of the training programs. Representatives of the United States Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of Defense Components civilian training programs, or such other matters under the jurisdiction of the Commission. The Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Defense Components civilian training programs.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies.

Officials and employees of other Departments and agencies of the Executive Branch of government upon request in the performance of their official duties related to the screening and selection of candidates for programs sponsored by their organization.

Representatives of the United States Department of Labor on matters relating to the inspection, survey, audit or evaluation of the Defense Components Apprentice training programs or on other such matters under the jurisdiction of the Labor Department.

Representatives of the Veterans Administration on matters relating to the inspection, survey, audit or evaluation of the Defense Components apprentice and on-the-job training programs. The Computer Systems Group Contractor (or other such contractor) and its employees for the purpose of card punch recording of data from employee training documents.

A duly appointed Hearing Examiner or Arbitrator (an employee of another Federal Agency) for the purpose of conducting a hearing in connection with an employee's grievance involving the disclosure of the records of the Defense Department's Component's training programs.

An arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving the disclosure of the records of the Defense Component's Training and Employee Development Record system.

The Senate or the House of Representatives of the United States or any Committee or sub-committee thereof, any joint committee of Congress or sub-committee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of the Defense Department's civilian training program.

Representatives of Education Institutions which have been awarded contracts to conduct training for Defense Components create and maintain individual training records of those who attend.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Automated records are stored on magnetic tapes, drums, computer printouts, and on punched cards. Manual records are stored in paper file folders.

**Retrievability:** Automated records are retrieved by social security number and name, or by one, or a combination of data elements contained in the TRIM or apprentice program master files. Manual records are retrieved by employee last name, by course control information, or by training program title.

**Safeguards:** The computer facility and terminal are located in restricted areas accessible only to authorized persons that are properly screened, cleared and trained. Manual records and computer printouts are available only to authorized personnel having a need to know.

**Retention and disposal:** For the apprentice programs the computer

magnetic tapes are permanent. Manual records are maintained on a fiscal year basis and are retained for varying periods from 1 to 5 fiscal years. For the Defense Components centrally-administered programs, files on selected candidates are maintained for five years (from date selection process is completed). Records of non-selected candidates are retained only for that period of time sufficient to permit appropriate review (usually less than 60 days). Some installation records are maintained for varying periods.

**System manager(s) and address:** Director of Civilian personnel or comparable official of the Civilian Personnel Office servicing the Department of Defense Activity/Installation.

**Notification procedure:** Request by correspondence should be addressed to the Directors of Civilian Personnel Defense Components, the Sub Component Offices of Civilian Personnel, headquarters or field activities employing civilians. Mailing addresses are provided in the Department of Defense Components directory published in the Federal Register. The letter should contain the full name and social security number of the requester and his signature. Proof of identification will consist of a Department of Defense Component building pass, or identification badge, or driver's license, or by other types of identification bearing an employee picture and signature. In the event requester is unable to obtain information, contact Department of Defense Privacy Board, Washington, D. C. 20301.

**Record access procedures:** The agency's rules for access to records may be obtained from the system manager.

**Contesting record procedures:** The agency's rules for contesting the contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

**Record source categories:** Department of Defense Component civilian personnel offices; current previous supervisors of employees (when appraisals of performance/potential are used).

[FR Doc.75-22781 Filed 8-28-75; 8:45 am]



## NOTICES

**DEPARTMENT OF DEFENSE**  
**Privacy Act of 1974**  
**NOTICE OF SYSTEMS OF RECORDS;**  
**CORRECTION**

In the Department of Defense submission to the FEDERAL REGISTER for correction of FR Doc. 75-21075 appearing at page 35151 of the FEDERAL REGISTER of Monday, August 18, 1975, dated August 22, 1975, the following changes should be made:

1. On page 5 of the submission under the heading of "Department of Defense Generic Systems," insert the following

new Routine Use paragraph between the end of the paragraph entitled "Routine Use Within the Department of Defense" and the beginning of the paragraph starting with the words, "The following generic systems of records relating to civilian personnel . . . .":

**"ROUTINE USE—PRIVATE RELIEF**  
**LEGISLATION**  
**LEGISLATION"**

Relevant information contained in all "Relevant information contained in all systems of records of the Department of Defense published on or before August

22, 1975, will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular."

**MAURICE W. ROCHE,**  
*Director, Correspondence and*  
*Directives OASD (Comptroller).*

AUGUST 22, 1975.

[FR Doc.75-22755 Filed 8-28-75;8:45 am]

**DEPARTMENT OF DEFENSE  
PRIVACY ACT SYSTEM OF RECORDS;  
INDEX**

The following is a guide to Department of Defense Privacy Act notices published in the FEDERAL REGISTER of August 18, 1975, beginning on page 35150. In this guide, system names are listed alphabetically for each component of the Department of Defense, and the identification number which heads each system notice is provided as a reference. Component abbreviations and inclusive FEDERAL REGISTER page numbers for the August 18th issue are provided for each component.

## NOTICES

DEPARTMENT OF THE ARMY (A) 40 F.R. 35151--35296

ALPHABETICAL LISTING OF SCIENTISTS	1301.07AMC
AAFES TIME SHEETS	AFES0703.01
FIDELITY BCND FILES	AFES0704.07
GROUP INSURANCE PRINTOUT FILES	AFES0704.06
HISTORIAN'S BACKGROUND MATERIAL	0228.01DAMH
PAID DEATH CLAIM FILES	AFES0704.18
WAIVER OF PREMIUM FILES	AFES0704.14
AND ESPIONAGE DIRECTED AGAINST THE US ARMY	0501.12DAMI
OF HOSTILE INTELLIGENCE COLLECTORS OF UNCLASSIFIED MIL INFO	0501.11DAMI
OF KNOWN OR SUSPECT HOSTILE INTELLIGENCE PERSONALITIES	0501.13DAMI
ABSENTEE CASE FILES	C508.16DAPE
ACCIDENT AND INCIDENT CASE FILES; ARMY SAFETY MANAGEMENT INFORMATION	0607.01BDAIG
ACCIDENT AND INCIDENT FILES	0607.01ADAIG
ACCIDENTAL DEATH AND DISMEMBERMENT ADMINISTRATIVE FILES	AFES0704.08
ACTIVE AND INACTIVE THEATER EMPLOYEES PAYROLL REGISTER	0306.28AAFMP5
ALCOHOL AND DRUG REFERENCE PAPER FILES	0601.07AMC
AMERICAN RED CROSS CONSULTATION SERVICE CASE FILES	0920.04DASG
AMERICAN RED CROSS DENTAL FILES	0926.05DASG
ANNUITY ELIGIBILITY FILES	AFES0704.13
APPLICATION FOR EMPLOYMENT FILES	AFES0403.01
APPOINTMENT OF UNIT POSTAL OFFICERS AND UNIT MAIL CLERKS	1108.16DAAG
APPRAISAL OF PAST PERFORMANCE AGUZ FORM 65L	0807.11DAAG
ARMY COMMUNITY SERVICE (ACS) VOLUNTEER RECORD	0102.08DAAG
ARMY EMERGENCY RELIEF TRANSACTION FILES	C725.06AMC
ARMY MEDICAL DEPARTMENT PERSONNEL MANAGEMENT AND MANPOWER CONTROL SYS	0714.06HSC
ARMY MEDICAL X-RAY FILM FILES	0921.01DASG
ARMY NATIONAL GUARD AUTOMATED PERSONNEL REPORTING SYSTEM	0708.01NGB
ARMY PROPERTY CLAIM FILES	0403.16DAJA
ARMY SCHOOL FILES	1010.07TRADOC
ARMY SCHOOL STUDENT FILES	1012.03TRADOC
ARMY SERVICE SCHOOL/SENIOR SERVICE COLLEGE SELECTIONS-US ARMY RESERVE	1012.01DAAR
AUTHORIZED SUPPLY REPRESENTATIVE CARD FILES	1417.02DALO
AUTHORIZED SUPPLY REPRESENTATIVES CARD REGISTER FILES	1417.03DALO
AAFMP5 INDIVIDUAL EARNINGS RECORD	0306.26AAFMP5
ADP MASTER AND OPERATING FILES	0225.11CAMC
AYA REGISTRATION FILE	0723.08USAREUR
BADGE AND CREDENTIAL FILES	C502.08DAMI
BANKRUPTCY PROCESSING FILES	0319.13DACA
BAPTISM, MARRIAGE AND FUNERAL FILES	0722.02DACH
BLACKMARKET MONITORING FILES	0501.08AUSARJ
BLOOD DONOR FILES	0914.05DASG
BURIAL REGISTER FILES	1525.04DAAG
CAREER MANAGEMENT FILES OF DUAL COMPONENT PERSONNEL.	0710.08DAAG
CAREER MANAGEMENT INDIVIDUAL FILES	0708.08DAPC1
CASUALTY CASE FILES	0726.04DAAG
CASUALTY INFORMATION SYSTEM	0726.06DAAG
CENTRAL FILES, OFFICE OF THE CHIEF OF STAFF	0201.08ADACS
CHECK CASHING PRIVILEGE FILES	0314.08DAAG
CHECK-CASHING PRIVILEGE SUSPENSE FILES	AFES0702.22



## NOTICES

40095

CHECK-CASHING PRIVILEGE FILES	AFES0702.23
CIVIL PROCESS CASE FILES AND REFERENCE FILES	C406.01USAREUR
CIVILIAN ATTORNEY/PATENT ADVISER CAREER FILES	0811.05AMC
CIVILIAN CONSULTATION SERVICE CASE FILES	0920.02ADASG
CIVILIAN DENTAL FILES	0926.03DASG
CIVILIAN EMPLOYEE PAY SYSTEM	0306.01DACA
CIVILIAN PERSONNEL INFORMATION SYSTEM	0807.14DAPE
CLAIMS BACK-UP FILE	0403.18DAAG
CLAIMS INVENTORY OF ACTIVE CLAIMS FOR MEDICAL CARE UNDER CHAMPUS	0905.03USAREUR
CLASSIFIED MATERIAL ACCESS FILES	AFES0306.04
CLASSIFIED MATTER INVENTORY REPORTING FILES	0101.20AMC
CLEMENCY PROJECT	0701.08DAAG
CLINICAL PSYCHOLOGY INDIVIDUAL CASE FILES	0917.07DASG
COMPLAINT FILE	0614.03OSA1
CONGRESSIONAL CORRESPONDENCE FILES	0411.03BDAAG
CONGRESSIONAL INQUIRY FILE	0411.03COSA
CONTRACT SURGEON PERSONNEL FILES	0708.17DASG
CONTRACT TRAINING FILE	0810.09DAEN
CONTRACTOR PERSONNEL FILES	1405.01AMC
CONTRACTOR QUALIFICATION FILES	1519.03DAEN
CONTROL CARD FILES	0909.05DASG
CONTROLLER TRAINING AND PROFICIENCY RECORD FILES.	1111.16DALO
CONVERSION FILES	0319.10DACA
CORRECTION CASE FOLDERS	0708.19OSA
CORRESPONDENCE	0412.18DAIO
CORRESPONDENCE COURSE FILES	AFES0408.15
COUNCIL OF REVIEW BOARDS FILES	0727.05OSA
COUNTERINTELLIGENCE OPERATIONS FILES	0503.06DAMI
CRIMINAL INVESTIGATION ACCREDITATION FILES	0508.07ACIDC
CRIMINAL INVESTIGATION CASE FILES, CRIME LABORATORY REPORTING FILES.	0508.11ACIDC
CROSS REFERENCE LIST REPORT OF CLAIMS FOR CHAMPUS	C905.04USAREUR
DATA CARD AND LOCATOR CARD FILES	0715.01DAPC
DEBRIEFING ACKNOWLEDGMENT FILES	AFES0306.03
DENTAL HEALTH RECORD FILES	0926.01DASG
DEPARTMENT OF THE ARMY OPERATIONAL SUPPORT ACTIVITIES FILES	0501.08CDAMI
DEPARTURE CLEARANCE FILES	C706.02DAAG
DEPENDENT CHILDREN SCHOOL PROGRAM FILES	1015.01DAAG
DISBURSING OFFICE ESTABLISHMENT AND APPOINTMENT FILES	0319.11DACA
DISCHARGE BOARD PROCEEDINGS FILE	0727.01DAPC
DD FORM 1300 FILES	0726.07DAAG
EMERGENCY DATA FILES	0708.05DAAG
EMPLOYEE EXAMINATION RECORDS	AFES0403.05
EMPLOYEE SERVICE RECORD CARD FILES	AFES0401.05
EMPLOYEE TRAVEL FILES	AFES0410.01
EMPLOYER'S COPY OF INCOME TAX WITHHELD	AFES0703.09
EMPLOYER'S QUARTERLY FEDERAL TAX RETURN FILES	AFES0703.10
ENLISTED MASTER FILE	0225.11EDAPC2
ENTERTAINMENT CASE FILES	0723.01DAAG
ENTRANCE MEDICAL EXAMINATION FILES	0903.07DASG

EQUIPMENT OPERATOR PERMIT FILES.	1420.08AMC
EQUIPMENT OPERATOR PERMIT REGISTER FILES	1420.09AMC
EXPELLED OR BARRED PERSON FILES	C509.18DAPE
EXTRA CRAL DENTAL X-RAY FILES	0927.01DASG
FAMILY INDEX FILES	0924.02DASG
FEDERAL HOUSING ADMINISTRATION (FHA) MORTGAGE PAYMENT INSURANCE FILE	0319.07DACA
FILE SEARCH MICROFILM STORAGE AND RETRIEVAL SYSTEM	0502.11USAREUR
FINANCIAL COUNSELING REFERENCE PAPER FILES	0701.07AAMC
FLIGHT EXAMINATION FILES	1111.02DAMO
FLIGHT REGULATION VIOLATION FILES.	1111.14DALO
FOREIGN JURISDICTION CASE FILES.	0405.02DAJA
FOREIGN JURISDICTION REPORTING FILES	0405.04DAJA
FBI CRIMINAL-TYPE REPORTING FILES	0508.09DAPE
GENERAL EDUCATIONAL DEVELOPMENT (GED) INDIVIDUAL RECORD.	1014.08DAAG
GENERAL PERMIT FILES	1522.15DAEN
GOODS SHIPMENT EXCESS COST COLLECTION FILE	0319.06DACA
GROUP INSURANCE CARD FILES	AFES0704.04
HAND RECEIPT FILES	1416.16DALO
HEALTH NURSING CASE FILES	0924.01DASG
HISTORICAL INQUIRY FILES	0228.03DAMH
HISTORICAL PHOTOGRAPHIC FILES	0228.04DAMH
HOMEOWNERS ASSISTANCE CASE FILES	1506.02DAEN
HOUSEHOLD SHIPMENT CONTRACT FILES	1203.19AAMC
HOUSEHOLD SHIPMENT CONTRACT FILES	1203.19BAMC
IDENTIFICATION CARD ACCOUNTABILITY FILES	0809.02DAPC
INCENTIVE AWARDS CASE FILES	AFES0404.01
INDIVIDUAL TRAVEL FILES	1205.30DAAG
INDIVIDUAL CORRECTIONAL TREATMENT FILES	0720.04DAPE
INDIVIDUAL CORRECTIONAL TREATMENT FILES	0720.04BDAPE
INDIVIDUAL CORRECTIONAL TREATMENT FILES	0721.11DAPE
INDIVIDUAL DECEASED PERSONNEL FILES	0611.01DAAG
INDIVIDUAL FLIGHT RECORD FILE	1117.17DAPC
INDIVIDUAL GRAVESITE RESERVATION FILES	0611.05DAAG
INDIVIDUAL INTERMENT REPORT FILES	0611.02DAAG
INDIVIDUAL PATIENT DIET FILES	0911.05DASG
INDIVIDUAL PRISONER PERSONNEL FILES	0721.12DAPE
INDIVIDUAL RADIATION PROTECTION FILES	0609.01DASG
INDIVIDUAL RETIREMENT FILES	AFES0704.15
INDOCCTRINATION/DEBRIEFING/TRAVEL RESTRICTION DATA FILES.	0506.02USASA
INSPECTOR GENERAL COMPLAINT FILES	0224.05DAIG
INSPECTOR GENERAL INVESTIGATIVE FILES	0224.04DAIG
INSPECTOR GENERAL MANAGEMENT INFORMATION SYSTEM	0708.13DAIG
INSTALLATION X-RAY INDEX FILES	0916.06DASG
INSURANCE CLAIMS FILES - WORKMEN'S COMPENSATION	AFES0704.10
INTELLIGENCE COLLECTION FILES	0502.03DAMI
INTERCEPTION OF WIRE AND ORAL COMMUNICATIONS QUARTERLY REPORTS AND MJ	0501.08BDAMI
JOINT UNIFORM MILITARY PAY SYSTEM-ARMY-RETIRED PAY	0305.10CDACA
JUDICIAL INFORMATION RELEASE FILE	0410.04DAJA
LEAVE RECORD - ANNUAL AND SICK	0306.27AAFMP5

## NOTICES

40097

LEGAL ASSISTANCE CASE FILES	0402.06DAJA
LEGAL ASSISTANCE INTERVIEW RECORD FILES	0402.07DAJA
LEGAL OPINION PRECEDENT FILES	0402.01DAJA
LEVY AND GARNISHMENT FILES	AFES0703.13
LITIGATION CASE FILES	0410.01DAJA
MASTER INDEX	0225.11DAAG
MECHANIZED REPORTING SYSTEM (MRS) 130	0706.06USAREC
MEDICAL AND DENTAL REGISTRANT CASE FILES	C704.04DASG
MEDICAL CLASSIFICATION FILES	0906.03DASG
MEDICAL EVALUATION FILES	0906.04DASG
MEDICAL EXPENSE CLAIM FILES	0403.17DAJA
MEDICAL FACILITY INDIVIDUAL REPORTING FILES	0915.07DASG
MEDICAL PRESCRIPTION FILES	0918.02DASG
MEDICAL REVIEW FILES	0906.01DASG
MEDICAL SERVICES ACCOUNT FILES	0910.06DASG
MEDICAL TREATMENT INDICES	0916.02DASG
MEDICAL TREATMENT RECORD FILES	0917.01DASG
MEMORIALIZATION BOARD FILES	0228.11DAAG
MENTAL COMPETENCY REVIEW FILES	0906.02DASG
MILITARY AND CIVILIAN WAIVER FILES	0301.08DACA
MILITARY AWARD CASE FILE	0718.01DAPC
MILITARY CONSULTATION SERVICE CASE FILES	0920.028DASG
MILITARY DENTAL FILES	0926.02DASG
MILITARY IDENTIFICATION APPLICATION FILES	C707.04DAAG
MILITARY PERSONNEL ACTION FILE	C703.01DAPC
MILITARY PERSONNEL ASSIGNMENT FILES	C714.02DAPC
MILITARY PERSONNEL RECORDS JACKET FILES	0708.01DAAG
MILITARY POLICE INVESTIGATOR CERTIFICATION FILES	0509.19DAPE
MISCELLANEOUS EMPLOYEE CLAIM FILES	AFES0704.12
MARS MEMBER FILES	1106.04USACC
MBA USAR RESERVE FIELD SYSTEM	C710.10DAAG
MCP CIVILIAN PERSONNEL INFORMATION SYSTEM	0807.12DAAG
MCT USAR CIVILIAN TECHNICIAN SYSTEM	0807.01DAAG
MP REPORTING FILES	0508.17DAPE
MPA CIVILIAN PAY AND LEAVE SYSTEM	0306.25DAAG
NONAPPROPRIATED FUND EMPLOYEE INSURANCE FILES	0314.24DAAG
NURSING SERVICE SCHEDULE FILES	0915.01DASG
NAF COMPLAINT, APPEAL & GRIEVANCE CASE FILES	0812.04DAPE
NAF PERSONNEL RECORDS	0807.05DAPE
OCCUPATIONAL INVENTORY FILES	0811.05DAFN
OFFICE PERSONNEL REGISTER FILES	0102.02AMC
OFFICER MASTER FILE	0225.11DDAPC1
OFFICIAL MILITARY PERSONNEL FILE	0708.02DAPC
OFFICIAL PERSONNEL FOLDERS	AFES0401.04
OPERATOR'S EXAMINATION AND QUALIFICATION RECORD FILES.	1207.08DAIG
OVERSEA PROCESSING RECORDS	AFES0403.12
OCS WAIVER REQUESTS	C702.04DAAR
PAID DISBURSEMENT FILES	AFES0702.01
PASSENGER RESERVATION REFERENCE PAPER FILES	1201.07USAREUR



## NOTICES

PASSPORT FILES	1205.16DAAG
PASSPORT FILES	AFES0410.04
PATENT, COPYRIGHT, AND DATA LICENSE PROFFERS, INFRINGEMENT CLAIMS, AN	0408.01DAJA
PATENT, COPYRIGHT, AND TRADEMARK SOLICITING FILES	0407.01DAJA
PATENT, COPYRIGHT, TRADEMARK, AND PROPRIETARY DATA FILES	0406.01DAJA
PATIENT ACCOUNTABILITY FILES	0909.01DASG
PATIENT CONDITION REPORTING FILE	C915.02DASG
PATIENT TREATMENT X-RAY FILMS	0921.06DASG
PATIENT TRUST FUND AND BAGGAGE FILES	0910.02DASG
PAYROLL ADJUSTMENT FILES	AFES0703.12
PAYROLL ALLOTMENT FILES	AFES0703.02
PAYROLL REGISTER FILES	AFES0703.07
PAYROLL REPORT FILES	AFES0703.14
PECUNIARY CHARGE APPEAL FILES	0319.14DACA
PERSONAL AFFAIRS CASE FILE	0725.01DAAG
PERSONAL CLOTHING RECORD FILES	1416.34DALO
PERSONAL PROPERTY ACCOUNTING FILES	1416.20DALO
PERSONAL PROPERTY CLAIM FILES	AFES0704.09
PERSONNEL CLEARANCE RECORD (PCR) FILES.	0506.01EUSASA
PERSONNEL CLEARANCE RECORDS	AFES0403.11
PERSONNEL FOLDERS	0807.13AAFMP
PERSONNEL MANAGEMENT/ACTION WORKING FILES	C710.09DAAG
PERSONNEL RECORDS MAINTAINED AT SUPERVISORY LEVEL	AFES0401.11
PERSONNEL SECURITY CASE FILES	AFES0306.12
PERSONNEL SECURITY STATUS FILES	AFES0306.13
PERSONNEL UTILIZATION REPORTING SYSTEM	0715.07AMC
PHILIPPINE ARMY FILES	0708.20DAAG
PHOTOGRAPHER IDENTIFICATION FILES	1107.17DAMO
PHOTOGRAPHIC CAPTION FILES	1107.20DAMO
POSTAL DIRECTORY FILES	1108.05DAAG
PRIVACY ACT REQUEST FILE	0201.08BDAAG
PRIVILEGE CARD APPLICATION FILES	C707.05DAAG
PROCUREMENT MISCONDUCT FILES	1402.18DAJA
PROGRAM MANAGEMENT AND REVIEW SYSTEM	0316.10DAIG
PROPERTY OFFICER DESIGNATION FILES	1416.05DALO
PROSECUTORIAL FILES	0401.08DAJA
PROSTHETIC CASE FILES	0925.04DAAG
PUBLIC INFORMATION, ADMINISTRATIVE, AND REFERENCE PAPER FILES	0401.02USACIDC
POV AND FIREARM REGISTRATION FILES	0509.19USAREUR
RACE RELATIONS/EQUAL OPPORTUNITY & EQUAL EMPLOYMENT OPPORTUNITY COMPL	0614.03DAPE
RAPID ELECTRIC AD COUPCN TRANSMISSION	0708.08USAREC
RECRUITER ASSIGNMENT REPORT	0124.06USAREC
RECRUITER MALPRACTICE FILES	0704.10USAREC
REFERRAL PROGRAM FOR NAF EMPLOYEES	0811.06DAPE
REGISTER	0508.01USACIDC
RELEASE OF INFORMATION ACTION FILES	0411.03AUSACIDC
RELIEF LEGISLATIVE FILES	0411.01DAJA
REPORT OF CASUALTY DEPARTMENT OF DEFENSE (DD) FORM 1300	0726.04BDAAG
REQUEST FOR INFORMATION FILES	0202.08DAAG

## NOTICES

40099

RESEARCH FILE SYSTEM	0501.10DAMI
RESERVOIR PERMIT FILES	1522.10DAEN
RESETTLEMENT FILES	1503.07DAEN
RETIRED PERSONNEL DATA FILE	0728.01DAPC
RETIREMENT ASSISTANCE FILES	AFES0405.07
RETIREMENT CARD FILES	AFES0704.05
RETIREMENT EXTENSION FILES	AFES0405.15
RETIREMENT SERVICES CONTROL REFERENCE PAPER FILES.	C701.07BAMC
ROTC MEMBER FILE	0703.04DAPC
SAFETY AWARD FILES	0606.07DAIG
SCHOOL EMPLOYEE FILE	1015.06DAAG
SCHOOL FILES	1013.01DAPC
SCHOOL HEALTH FILES	0924.04DASG
SECURITY ACCESS INFORMATION FILES	0506.01BDAMI
SECURITY CLEARANCE CASE FILES	0503.04USASA
SECURITY CLEARANCE INFORMATION FILES	0506.01AAC
SECURITY CLEARANCE INFORMATION FILES	0506.01CDAMI
SECURITY CLEARANCE INFORMATION FILES.	0506.01DDAAG
SERIOUS INCIDENT REPORTING FILES	0508.24DAPE
SHORT/LONG TERM DISABILITY FILES	AFES0704.11
SMALL ARMS SALES RECORD FILES	1434.10AMC
SOCIAL WORK INDIVIDUAL CASE FILES	0917.08DASG
SOLICITATION BAN LIST FILES.	0509.18DAAG
SPECIAL REVIEW BOARD (SRB) APPEAL CASE SUMMARY FILE	C708.03DAPE
SPECTACLE ISSUE AND RECEIPT FILES	0917.05DASG
STANDING DELIVERY ORDER FILES	1108.18DAAG
STATEMENT OF EMPLOYMENT FILES	0708.21DAAG
STATISTICAL TABULATION FILES--HOUSEHOLD GOODS AND BAGGAGE SYSTEM	1202.15USAREUR
STILL PICTURE FILES	1107.21DAMO
SYSTEMS MAGNETIC TAPE FILES	AFES0903.06A
SYSTEMS MAGNETIC TAPE FILES	AFES0903.06C
TEMPERATURE, PULSE, AND RESPIRATION FILES	0915.03DASG
TORT CLAIM FILES	0403.06DAJA
TRAFFIC LAW ENFORCEMENT FILES	C509.09DAPE
TRAINING SUMMARY	0810.15AMC
TRANSFER OF PCV FILES	0501.08DUSARJ
TRAVEL ADVANCE - TRIAL BALANCE FILES	AFES0702.44
TRAVEL ADVANCE ACCOUNTING SYSTEM	0302.06DAIG
TRAVEL ADVANCE REGISTER FILES	AFES0702.43
TROPHY FIREARM REGISTRATION	0509.03DAPE
TUBERCULOSIS REGISTRY	0918.05DASG
TUITION ASSISTANCE CASE FILES	AFES0408.14
U.S. ARMY CLAIMS SERVICE MANAGEMENT INFORMATION SYSTEM	0403.01DAJA
UNFAVORABLE INFORMATION FILES	0708.07DAPE
UNIFORM MILITARY PAY SYSTEM--ACTIVE ARMY	0305.10ADACA
UNIFORM MILITARY PAY SYSTEM--RESERVE COMPONENTS--ARMY	0305.10BDACA
UNITED STATES MILITARY ACADEMY (USMA) MEDICAL QUALIFICATION FILES	0907.04DASG
UNITED STATES MILITARY ACADEMY CADET FILES	C709.03DAPE
UNITED STATES MILITARY ACADEMY CANDIDATE FILES	C709.01DAPE
UNITED STATES MILITARY ACADEMY ENTRANCE EXAMINATION RESULT FILES	0703.02DAPE
UNITED STATES SAVINGS BOND REGISTER FILES	AFES0703.03
UNSOLICITED CORRESPONDENCE FILE	0503.08DAMI
US ARMY CRIMINAL INVESTIGATION FUND VOUCHERS.	0508.04USACIDC
USA INDIVIDUAL READY, STANDBY AND RETIRED RESERVE PERSONNEL INFORMATI	0225.118DAAG
USA RESERVE OFFICER TRAINING CORPS (ROTC) MEDICAL EXAMINATION FILES	0907.02DASG
USAINTA INVESTIGATIVE FILES SYSTEM	0502.10DAMI
VALIDATION FILES	0319.04DACA
VEHICLE REGISTRATION SYSTEM (VRS) AND CORRECTIONAL REPORTING SYSTEM	0225.01DAPE1
VIOLATION WARNING FILES	1524.11DAEN
WAGE AND SEPARATION INFORMATION REPORT FILES	AFES0703.11
WITNESS APPEARANCE FILES	C412.07DAJA
WORLD WAR I AWARDS AND DECORATIONS CARD FILE	0718.08DAAG

## DEFENSE MAPPING AGENCY (B) 40 F.R. 35297--35333

COMPENSATION DATA REQUEST FILES	0303-02 T,A
DECDENT CLAIM FILES	0303-21 T,A
DIFFERENTIAL AND ALLOWANCE FILES	0602-06 A
LEAVE RECCRD FILES	0303-04 A
MILITARY SERVICES ADMINISTRATIVE RECORD FILES	0614-02 T,A
OCCUPATIONAL INVENTORY FILES	0609-05 A
OFFICE GENERAL PERSONNEL FILES	C102-01 HQ,T,H,A,S,I
PENDING APPLICATION FILES	C604-04 T,A
PERSONNEL ASSISTANCE FILES	0601-01-3 A
ACCIDENTAL INJURY/DEATH REPORTING RECORDS FILES	0615-11 HQ,T,H,A,S,I
ACTIVE APPLICATION FILES	0604-03 HQ,T,A,H,S,I
ADVERSE ACTION FILES	0606-05 HQ,T,H,A,S,I
AGENCY CLAIM FILES	0402-13 HQ,T,H,A
ALCOHOLISM AND DRUG ABUSE FILES	0901-07 HQ,T,A,H,I
APPEALS FILES	C610-03 HQ,T,A,H,I,S
AR 228-04 HISTORICAL PHOTOGRAPHIC FILES	0228-04 T
AR 228-10 INSTALLATION HISTORICAL FILES	0228-10 T
BASIC LABOR RELATIONS FILES	0612-01 HQ,T,H,A,S,I
BILLET ACCESS RECORD	0502-03 HQ, T,H,A
BIOGRAPHY FILES	0408-11 HQ,T,H,A,S,I
BLOOD DONORS FILES	0901-06 T,A,H,S
CHRONOLOGICAL JOURNAL FILES	0607-03 HQ,T,A,S,I
CIVILIAN EMPLOYEE HEALTH CLINIC RECORD	C901-04 T,A
CIVILIAN PERSONNEL PROGRAM REPORTING FILES	0601-01 HQ,T,A,S,I
CIVILIAN PERSONNEL PROGRAM REPORTING FILES	0601-01-2 T,A
CIVILIAN TRAINING PROGRAM FILES	0608-07 T,H,A
CIVILIAN TRAINING REPORTING FILES	0608-06 HQ,T,A,H,I,S
CLASSIFIED MATERIAL ACCESS FILES	0502-03-2 HQ,T,H,A,S
COLLATERAL INDIVIDUAL TRAINING RECORD FILES	1002-07 S
COMMUNICATIONS CENTER RELEASE AUTHORIZATION	0201-07 HQ,T
COMPTROLLER/FINANCIAL MANAGEMENT CIVILIAN CAREER REFERRAL SYSTEM.	0609-05-2 HQ
CONGRESSIONAL CORRESPONDENCE FILES	0407-03 HQ,T,A,H,I,S
CONTRACT TRAINING FILES	0608-09 HQ,T,A,H,S,I
CONTRACTING OFFICER DESIGNATION FILES	1202-17 T,A
DUTY ROSTER FILES	0102-09 HQ,T,H,A,S,I
DUTY ROSTER FILES	0102-09-2 HQ,T,H,A,S
DMA CENTRAL CLEARANCE GROUP PRE-EMPLOYMENT FILES	0302-21-2 T,H,A
DMA CENTRAL CLEARANCE GROUP PRE-EMPLOYMENT FILES	0201-05 HQ
DMA HQ MILITARY PERSONNEL REFERENCE PAPER FILES	0201-07 HQ
EMPLOYEE RECORD CARD FILES	0102-04 HQ,H,A,S,I
EMPLOYEE SERVICE RECORD FILE	0606-02 HQ,T,H,A,I
EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT CASE FILES	0605-03 HQ,T,A,H,S,I
EQUAL EMPLOYMENT OPPORTUNITY REPORTING FILES	0605-01 HQ,T,A,H,S,I
EXPERT AND CONSULTANT DATA FILES.	0606-03 HQ,T,H,A
FACULTY DEVELOPMENT PROGRAM FILES	1001-11 S
FEDERAL, STATE AND PROFESSIONAL SAFETY COUNCILS AND COMMITTEES FILES	0615-02 HQ,T,H,A,I,S
FIREARMS AUTHORIZATION FILES	0503-03 T,A
GRIEVANCE FILES	C610-03-2 HQ,T,A,H,I
HOURS OF WORK FILES	0610-01 HQ,T,A,H,I,S
INCENTIVE AWARDS	0613-05 HQ,T,A,H,I,S
INDIVIDUAL ACADEMIC RECORD FILES	1002-06 S
INDIVIDUAL GOVERNMENT TRANSPORTATION FILES	1211-07 HQ,T,A
INDIVIDUAL OVERSEAS EMPLOYMENT REFERRAL FILES	0609-07 HQ,T,A,H,I
INDIVIDUAL PAY RECORD FILES	0303-01 A
INDIVIDUAL RETIREMENT RECORD CONTROL FILES	0303-03 T,H,A
INSPECTOR GENERAL COMPLAINT FILES	0210-07 HQ,T,H,A,S,I
INSPECTOR GENERAL INVESTIGATIVE FILES	0210-06 HQ,T,H,A,S,I
KEY ACCOUNTABILITY FILES	C503-09 HQ, T,H,A,S,S
LEGAL ASSISTANCE CASE FILES	0401-03 HQ,T,H,A



## NOTICES

40101

MILITARY PERSONNEL REFERENCE PAPER FILES	0201-07 HQ,T,A,H,S,I
MOTOR VEHICLE OPERATOR'S PERMITS AND QUALIFICATIONS FILES	1208-06 T,A
OCCUPATIONAL QUALIFICATION LIST FILES	0609-09 A
OFFICE PERSONNEL INFORMATION FILES	0102-08 HQ,T,H,A,S,I
OFFICE PERSONNEL LOCATOR FILES	0102-03 HQ,T,H,A,S,I
OFFICIAL PERSONNEL FOLDER FILES	0606-01 HQ,T,A,H,S,I
OFFICIAL RECORDS (MILITARY) FILES AND EXTRACTS	0614-01 T
ORGANIZATION FILE	0602-03 HQ,T,H,A,S,I
PARKING PERMIT CONTROL FILES	0503-04 HQ,T,H,A,S,I
PASSPORT FILES	1211-03 HQ,T,A,I
PATENT FILES	0403-12-13-14 HQ,T,H
PERSONNEL LOCATOR FILES	0607-01 HQ,T,H,A,S,I
PERSONNEL PROPERTY CLAIM FILES	0402-05 HQ, T, A
PERSONNEL SECURITY CLEARANCE INFORMATION FILES	0104-13 HQ,T,H,A,S,I
PERSONNEL SECURITY FILES	0504-01 HQ,T,H,A
PERSONNEL SECURITY FILES	0504-01-2 HQ,T,H,A,S
PERSONNEL SECURITY INVESTIGATIVE FILES	0504-01-3 HQ,H,A
PROPERTY OFFICER DESIGNATION FILES	1205-05 T,A
RECORD OF TRAINING FILES	0608-10 HQ,T,A,H,I,S
RECORD OF TRAVEL PAYMENTS	0302-21 T,H,A
RECORDS ACCESS FILES	0104-02 HQ,T,H,A,S,I
REDUCTION IN FORCE CARD FILES	0611-01 T,A,H,I
REFERRAL AND SELECTION FILES	0609-01 HQ,T,H,A,S,I
REPORT OF SURVEY FILES	1205-23 T,H,A,S,I
RETENTION REGISTER FILES	0611-03 T,A,H,I
SAFETY AWARDS FILES	0615-07 HQ, T,H,A,S,
SCHOOL FACULTY BOARD REVIEW FILES	1002-02 S
SCHOOL REPORTING FILES	1001-09 S
SECURITY AWARENESS FILES	0104-12 HQ,T,H,A,S,
SECURITY BRIEFING AND DEBRIEFING FILES	0504-02 HQ,T,H,A,S,I
SECURITY COMPROMISE CASE FILES	0502-15 HQ,T,H,A,S,I
SECURITY IDENTIFICATION ACCOUNTABILITY FILES	0503-02 T,H,A,S,I
SECURITY IDENTIFICATION ISSUE FILES.	0503-01 T,H,A,S,I
SECURITY VIOLATION CARD FILE	0502-15-2 A
SELF SERVICE STORE AUTHORIZATION CARD FILES	1206-02 T, A
SPECIAL SECURITY BRIEFING AND DEBRIEFING FILES	0504-02-2 HQ, T, H,
STANDARD OF CONDUCT FILES	0102-10 HQ,T,H,A,S,I
STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST FILES	0401-02 HQ,T,A
TEMPORARY DUTY TRAVEL FILES	0102-11 HQ,T,H,A,S,
TORT CLAIM FILES	0402-06 HQ,T
TRAFFIC LAW ENFORCEMENT FILES	0503-07 T,A
TRAINING FILES	0608-08 HQ, T, A, H,
TRANSPORTATION OFFICER APPOINTMENT FILES	1211-06 HQ,T,A
VEHICLE REGISTRATION AND DRIVER RECORD FILE	0503-05 HQ,T,A,S,I

## DEFENSE CIVIL PREPAREDNESS AGENCY (C) 40 F.R. 35334--35356

DCPA ACC 2, 3, 5, AND 6 PAYROLL AND LEAVE ACCOUNTING	ACC 2,3,5,6.
DCPA ACC 2, 3, 5, 6A, TRAVEL AND TRANSPORTATION ACCOUNTING	ACC 2,3,5,6A.
DCPA CCM 5, RADIO AMATEUR CIVIL EMERGENCY SERVICES (RACES) PLANS	COM 5
DCPA EMO 1 EMERGENCY OPERATING PLANNING	EMO 1
DCPA FEA 3-L CIVIL RIGHTS COMPLAINT AND COMPLIANCE FILES	FEA 3,1
DCPA IND 2, LIAISON SERVICES INDUSTRIAL COORDINATOR, GUEST SPEAKER AN	IND 2
DCPA INF 2-3, BIOGRAPHIES	INF 2,3
DCPA INF 7, CIVIL DEFENSE AWARDS	INF 7
DCPA LEG 5-INTEREST-CONFLICT REVIEW	LEG 5
DCPA LEG 7-1-CLAIMS (LITIGATION) - EMPLOYEES	LEG 7,1
DCPA LEG 7-2, CLAIMS (LITIGATION)-OTHER THAN EMPLOYEES	LEG 7,2
DCPA LFG 8-L ENFORCEMENT, COMPLIANCE AND SUPERVISION OF DCPA EMPLOYEE	LEG 8,1
DCPA LFG 8-2 ENFORCEMENT (COMPLIANCE) - INDIVIDUALS OTHER THAN DCPA E	LEG 8,2
DCPA MGT 10, PROGRAM MANAGEMENT INFORMATION SYSTEM	MGT 10
DCPA MGT 2-3, DELEGATIONS AND DESIGNATIONS FILES	MGT 2,3
DCPA MGT 4, COMMITTEE MANAGEMENT FILES	MGT 4
DCPA MGT-7, DEFENSE CIVIL PREPAREDNESS AGENCY (DCPA) CENTRAL FILES	MGT 7
DCPA OSV-5, OFFICE SERVICES FILE SYSTEM	OSV 5
DCPA PER 4, MILITARY RESERVE PROGRAM	PER 4
DCPA PER L, GENERAL PERSONNEL	PER 1
DCPA PER 1A, BOND, CHARITABLE, AND BLOOD DONOR DRIVES FILES	PER 1A
DCPA PER 5-1 EXECUTIVE RESERVES	PER 5,1
DCPA PER 6A, HANDICAPPED EMPLOYEES AND HANDICAPPED VETERANS	PER 6A
DCPA PER 7, EMERGENCY NOTIFICATION LISTS	PER 7
DCPA PER 7A, CLASSIFIED CLEARANCES	PER 7A
DCPA PER-6, EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT FIL	PER 6
DCPA PUB 3-2, STANDARD PUBLICATIONS DISTRIBUTION LISTS	PUB 3,2
DCPA PUB 3-2A, STATE CIVIL DEFENSE DIRECTORS	PUB 3,2A
DCPA PUB 3-2B, PUBLICATIONS DISTRIBUTION LISTS - COMPUTER CENTER	PUB 3,2B
DCPA RAD 2-3-2, INSTRUMENTS AND EQUIPMENT, LOANED, RADIOACTIVE MATERI	RAD 2,3,2
DCPA RAD 3, MAINTENANCE AND CALIBRATION	RAD 3
DCPA RAD 4, RADIATION EXPOSURE AND RADIOACTIVE MATERIALS; RADIATION C	RAD 4
DCPA SEC 2, CLASSIFIED DOCUMENTS CONTROL FILES	SEC 2
DCPA SHL 3, SUMMER HIRE	SHL 3
DCPA TES, 4, F.W. DODGE COMPANY REPORTS	TES 4
DCPA TNG 13, STUDENT ACADEMIC AND COURSE RECORDS, DCPA STAFF COLLEGE	TNG 13
DCPA TNG 14, HOME STUDY COURSES, DCPA STAFF COLLEGE	TNG 14
DCPA TNG 3,5,7, STATE AND LOCAL CIVIL PREPAREDNESS INSTRUCTIONAL PROG	TNG 3,5,7
DCPA TNG 8 B, DCPA FORM 1353, APPL. FOR ENROLLMENT IN ARCHITECTS AND	TNG 8B
DCPA TNG 8-A QUALIFIED INSTRUCTOR FILE	TNG 8A
DCPA WNG 2A, DECISION INFO DISTRIBUTION SYS (DIDS) VOLUNTEERS	WNG 2A
DCPA WNG 2B, LIST OF CUSTODIANS OF DECISION INFO SYS (DIDS) RADIO REC	WNG 2B

## NOTICES

40103

DEPARTMENT OF DEFENSE (D) 40 F.R. 35357--35401

AND 03-4 INDIVIDUAL PERSONNEL FILES, 03-18 CONSULTANTS FILES	AE02
ADMINISTRATIVE FILES FOR OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE	PA&E 02
ADMINISTRATIVE FILES ON ACTIVE PSYCHIATRIC CONSULTANTS TO DOD.	COMP SP03
APPLICATION FOR PENTAGON PARKING PERMIT	COMP SPM001
ASSIGNMENT FOLDERS	COMP P17
AR 340-18-4 LEGAL OPINION FILES	OCHA 04
AR 340-18-9 MEDICAL CARE INQUIRY FILES	OCHA 02
AR 340-18-9 POLICY AND PRECEDENT FILES	OCHA 06
BIOGRAPHICAL RECORD SYSTEM	SMS-05
BIOGRAPHIC DATA FILE.	LA02
BIOGRAPHY FILE	PA DDI.A 02
BLOOD DONOR FILES	COMP P14
CABLE BRANCH PERSONNEL ADMINISTRATION FILES	COMP CD02
CASE FILES	COMP P04
CASE FILES	PA DDI.C 04
CENTRAL AUTOMATED INVENTORY AND REFERRAL SYSTEM	MERA 08.0
CIVILIAN CAREER PROGRAM FOR COMPTROLLER/FINANCIAL MANAGEMENT PERSONNEL	COMP P06
CIVILIAN PAY TIME AND ATTENDANCE REPORT	COMP MS04
CLASSIFIED CONTAINER CUSTODIAN DATA, SD 411	COMP MS07
COMBAT AREA CASUALTIES	COMP MS10
COMPUTER DATA BASE	COMP P09
CONTACT FILES	H&E 02
CONTACT FILES	PA DXA.B 08
DEPARTMENT OF DEFENSE DISTINGUISHED SERVICE MEDAL FILES	COMP P15
DEPARTMENT OF DEFENSE OVERSEAS EMPLOYMENT PROGRAM	MERA 07.0
DEPARTMENT OF DEFENSE PRIORITY PLACEMENT PROGRAM	MERA 06.0
DOD PROGRAM FOR STABILITY OF CIVILIAN EMPLOYMENT	COMP P03
DUTY STATUS CARDS	COMP P21
DOD CIVILIAN PERSONNEL DATA FILE EXTRACT	PA&E 01
DRRI STUDENT FILE	MERA 09.1
DSMS ACADEMIC ANALYSIS SYSTEM	SMS-04
DSMS MAILING LIST	SMS-06
DSMS PERSONNEL INFORMATION FILES	SMS-01
DSMS STUDENT FILES	SMS-02
DSMS TRACK RECORD SYSTEM	SMS-03
EMPLOYER SUPPORT FILE	MERA 03.0
EQUAL OPPORTUNITY COMPLAINT FILE	MERA 10.0
EXECUTIVE DEVELOPMENT PROGRAMS FILE	COMP P12
FEDERAL EMPLOYMENT SERVICE RECORD CARD	COMP A01
FILE	PA DDI.B 03
FILES OF PERIODIC MANAGEMENT ASSESSMENTS OF CERTAIN KEY MANAGEMENT PERSONNEL	ATSD02
FILES OF PERSONNEL EVALUATED FOR EMPLOYMENT IN THE OFFICE OF THE ASD	H&E 03
FILES OF PERSONNEL EVALUATED FOR NON-CAREER EMPLOYMENT IN DOD	ATSD03
FILES OF PERSONNEL EVALUATED FOR PRESIDENTIAL SUPPORT DUTIES	ATSD01
FINANCIAL INTEREST STATEMENT FILE	GC01
FLAG AND GENERAL OFFICER FILE	MERA 05.0
FREEDOM OF INFORMATION PROGRAM CASE FILES	PA DFOI.A 05
GENERAL ADMINISTRATIVE FILE	GC03
GENERAL/FLAG OFFICER FILES	COMP P19
GENERAL/FLAG OFFICER ROSTER	COMP P22
HEALTH BENEFITS FILE	OCHA 01
HEALTH BENEFITS PREAPPROVAL FILES	OCHA 03
HEALTH FACILITIES FILE	OCHA 05
I&L ADMINISTRATIVE FILES	I&L01
INCENTIVE AWARDS RECORDS	COMP P07
INDUSTRIAL PERSONNEL SECURITY CLEARANCE CASE FILES.	COMP SP02
ISA LOCATOR FILE	ISA 02
ISA TELEPHONE DIRECTORY	ISA 01
JOB OPPORTUNITY ANNOUNCEMENTS	COMP P02
JOINT CIVILIAN ORIENTATION CONFERENCE FILES	PA DCR.A 01
JOINT SERVICE COMMENDATION MEDAL RECOMMENDATIONS FILE	COMP P16

## NOTICES

KEY PERSONNEL LIST	I 02
LIST OF PERSONNEL AND SECURITY CLEARANCES	COMP MS08
LIST OF FEMALE EMPLOYEES OF OSD/OJCS	COMP MS11
LONG TERM TRAINING PROGRAMS FILE	COMP P10
MANAGEMENT INTERN FILE	COMP P13
MEDICAL CLAIM HISTORY FILES	OCHA 07
MILITARY ABSENTEES IN FOREIGN COUNTRIES	M&RA 11.1
MARCAC DATA BASE	M&RA 14.0
NAVY OFFICER PERSONNEL SERVICE RECORDS.	COMP P24
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (INTELLIGENCE) PERSONNEL	I 01
OFFICE OF THE CASD (SECURITY POLICY) PERSONNEL FILES (ODASD	COMP SP01
OFFICE DIRECTOR OF RESEARCH AND DEVELOPMENT, (ODDR&E), INVENTOR'S FILE	DR&E03
OFFICE DIRECTOR OF RESEARCH AND DEVELOPMENT, (ODDR&E), PERSONNEL ADMIN	DR&E02
OFFICE SOCIAL ROSTER AND LOCATOR CARD.	AE01
ORGANIZATIONAL PERSONNEL FILES AND 201 FILES	ISA 03
OVERSEAS EDUCATION CORRESPONDENCE FILES	M&RA 01.0
OVERSEAS STAFFING FILES	COMP P25
OSD GENERAL CORRESPONDENCE FILES	COMP C001
PENTAGON BUILDING PASS APPLICATION FILE	COMP P27
PENTAGON COMPUTERIDE	COMP SPM002
PERSONNEL FILE/BIOGRAPHY	COMP PB01
PERSONNEL FILES	H&E 01
PERSONNEL FILES	PA DXA.A 07
PERSONNEL LEAVE SCHEDULE	COMP MS02
PERSONNEL RECORDS	COMP MS03
PERSONNEL ROSTER	COMP 01
PERSONNEL ROSTER	COMP PB02
PERSONNEL ROSTER	COMP PB03
PERSONNEL ROSTER	COMP PB04
PERSONNEL SECURITY CLEARANCE FILES	DR&E01
PRIVATE RELIEF LEGISLATION FILE	GC02
PROTECTIVE SERVICES FILE	COMP P26
PUBLIC CORRESPONDENCE FILES	PA DXA.C 09
REENLISTMENT ELIGIBLE FILE	M&RA 04.0
REPORT OF PERSONNEL ASSIGNED OUTSIDE OF DEPARTMENT OF DEFENSE	COMP P20
REQUEST FOR OVERTIME AUTHORIZATION	COMP MS05
REQUESTS FOR TWO-YEAR FOREIGN RESIDENCE WAIVER FILES	DR&E04
RESERVE COMPONENTS COMMON PERSONNEL DATA SYSTEM	M&RA 12.0
ROSTER OF MILITARY PERSONNEL	COMP P23
ROSTER OF WHEN ACTUALLY EMPLOYED EMPLOYEES	COMP P05
SECURITY CLEARANCE FILE	LA01
SECURITY INSPECTOR DUTY ROSTER	COMP MS09
SECURITY REVIEW INDEX FILE	PA DSR.A 06
SHORT TERM TRAINING FILES	COMP P11
STAFF TELEPHONE LISTING	I 03
SUPERGRACE CORRESPONDENCE, REPORTS, AND CASE FILES	COMP P01
SURVEY DATA BASE	M&RA 13.0
TEACHER APPLICATION FILES	M&RA 02.0
THE OFFICE OF THE SECRETARY OF DEFENSE CLEARANCE FILE	COMP P28
THE OFFICE OF THE SECRETARY OF DEFENSE IDENTIFICATION BADGE SUSPENSE	COMP P18
TIME AND ATTENDANCE REPORT	COMP MS06
TRAINING RECORDS	COMP MS01
TRAVEL FILES	COMP BF01
VARIABLE INCENTIVE PAY FOR MEDICAL OFFICERS-DATA MANAGEMENT SYSTEM	H&E 04
WORKER'S COMPENSATION-ON-THE-JOB INJURIES REPORT FILE	COMP P08



## NOTICES

40105

## DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (E) 40 F.R. 35401--35403

ARPA BASIC FILE  
 ARPA PERSONNEL  
 BIOGRAPHICAL SKETCH  
 TRAVEL FILE

ARPA 003  
 ARPA 004  
 ARPA 002  
 ARPA 001

## DEPARTMENT OF THE AIR FORCE (F) 40 F.R. 35403--35740

A RECORDS ON BAPTISMS, MARRIAGES AND FUNERALS BY AIR FORCE CHAPLAIN	26501XHC	A
A HAROLD BROWN AWARD	90001XRDE	A
A VETERINARY RECORDS	016301SGV	A
B PICKUP OR RESTRICTION ORDER	12501XSPP	B
B USAF RESEARCH AND DEVELOPMENT AWARD	90001XRDE	B
C AIR FORCE POLICY STATEMENT FOR FIREARMS SAFETY AND USE OF FORCE	12501XSPP	C
A PERSONAL PROPERTY MOVEMENT RECORDS	075031LGTT	A
A AIR FORCE DISCHARGE REVIEW BOARD ORIGINAL CASE FILES.	03501FSFPC	A
A USAF FOREIGN CRIMINAL JURISDICTION CASES	11001AJACI	A
AIR FORCE RESERVE APPLICATIONS FOR EXTENDED ACTIVE DUTY.	04501XOIA CYV B	
AIR FORCE SERVICE DATA OF EMPLOYEES AND RELATIVES.	04501XOIA CYV A	
AIR FORCE RESERVE OFFICER TRAINING CORPS (AFROTC) CONTRACT VIOLATORS	04501XOIA CYV D	
AIR FORCE SERVICE NUMBER/SOCIAL SECURITY ACCOUNT NUMBER CROSS REFERENCE	03501XOIA CYV H	
AIR RESERVE INFORMATION SQUADRON BIOGRAPHICAL FILES.	03501XOIA CYV P	
B FOREIGN CIVIL LITIGATION RECORDS	11001BJACI	B
BAC ADDRESS CARD FILES.	03501XOIA CYV J	
BIOGRAPHICAL FILE	03501XOIA CYV V	
C AUTOMATED MILITARY JUSTICE ANALYSIS AND MANAGEMENT SYSTEM	11101XJAJM	C
CHAPLAIN BIOGRAPHICAL FILES.	03501XOIA CYV T	
CHAPLAIN PERSONNEL MANAGEMENT FILES.	03501XOIA CYV R	
CONTROL CARD FOR VOUCHERS FOR MEDICAL SERVICES.	03501XOIA CYV K	
DPMDWV ASSIGNED OFFICE PERSONNEL FILE	03501 DPMDWV	
EDUCATION AND TRAINING FACT SHEETS.	03501A0SSGBP	
FEE CASE FILE	01201XOIA CYV A	
FKRSM A INDIVIDUAL RETIREMENT RECORD	17721 FKRSM A	
FKRSM A UNCOMMON TOURS OF DUTY.	C4008 FKRSM A	
INQUIRIES ON THE RESERVE PROGRAM	03001XOIA CYV B	
INVOLUNTARY RECALL.	04501XOIA CYV E	
MANAGEMENT CONTROL SYSTEM	03501X00TAYZA	
MEDICAL ACTIONS CARD FILE.	03501XOIA CYV N	
MEDICAL MOBILIZATION AUGMENTER PERSONNEL MANAGEMENT FILES.	03501XOIA CYV L	
MEDICAL SERVICE LIAISON OFFICER PROGRAM CARD FILE.	03501XOIA CYV M	
PERSONNEL COST ACCOUNTING SYSTEM	17802X00TAYZM	
PERSONNEL FOLDERS	03501C0SSGBP	
PERSONNEL MANAGEMENT FILES	03501XOIA CYV W	
PERSONNEL MANAGEMENT RECORDS	03501XOIA CYV S	
RESERVE SUPPLEMENT OFFICER (RSO) CASE FILE.	03501XOIA CYV A	
S MOBILIZATION AUGMENTEE TRAINING FOLDERS	03501AAFOI	S
S OFFICE PERSONNEL DATA INFORMATIONAL FILES	03504AAFSS	S
SERVICEMENS GROUP LIFE INSURANCE (SGLI) ENTITLEMENT CASE FILES.	03501XOIA CYV D	
POTENTIAL PROGRAM MANAGERS TRACKING SYSTEM	0300410HAJXFB	
ACADEMIC COUNSELING RECORD	03502X0BXQPCA	
ACCESSION LISTING.	03004XOIA CYV F	
ADMINISTRATIVE DISCHARGE FILE	03509A0SSGBP A	
ADMINISTRATIVE DISENROLLMENT AND INVESTIGATIONS	03501X0BXQPCA	
AIR FORCE ACADEMY PRE-CANDIDATE	05302X0BXQPCD	
AIR FORCE SYSTEMS COMMAND (AFSC) PERSONNEL RESOURCE MANAGEMENT SYSTEM	0300410HAJXFA	
AIRCREW QUALIFICATION REPORT	05101B0SSGBP B	
AIRCREW RESOURCE MANAGEMENT SYSTEM	05101A0SSGBP A	
AIRMAN AND OFFICER EFFICIENCY REPORT APPEALS FILE	03501G0SSGBP C	
AIRMAN HISTORY SYSTEM.	03004H0SSGBP H	
AIRMAN NAME REPORTS SYSTEM.	03004F0SSGBP F	
APPLICATION FOR SEPARATION FROM THE REGULAR AF TO AF RESERVE/AIR NATIONAL GUARD	03501XOIA CYV B	
ATHLETIC SQUAD LIST	01103X0BXQPC B	
AA A ACCOUNTS RECEIVABLE	17603 AA	A
AA A CIVILIAN PERSONNEL FILES	04008 AA	A
AA A BIOGRAPHICAL FILES	19001 AA	A
AA A OFFICE, SECRETARY OF AIR FORCE TRAVEL FILES	07503 AA	A
AA A OFFICIAL BIOGRAPHIES, OFFICE OF THE SECRETARY OF THE AIR FORCE	01001 AA	A
AA A SECRETARY OF THE AIR FORCE MILITARY PERSONNEL ADMINISTRATION	03504 AA	A
AA B SPEECH FILES	01101 AA	B
AA C CLIPPING FILES	01101 AA	C
AA D COLUMNIST FILES	01101 AA	D
ACFB LACKLAND ENTRY AIRMEN PAY SYSTEM	17730X0J ACFB	
ADPMSNA EMPLOYEE GROUP LIFE AND HEALTH INSURANCE PLAN	17721 ADPMSNA	

AFDPG D GENERAL OFFICER PERSONNEL DATA SYSTEM	03501 AFDPG D
AFDPG Z GENERAL OFFICER PERSONNEL DATA SYSTEM	03501 AFDPG Z
AFDPMDA CONTINGENCY PLANNING SUPPORT CAPABILITY (CPSC)-DATA SYSTEMS D	03004 AFDPMDA
AFDPMDB ADVANCED PERSONNEL DATA SYSTEM (APDS) - ADS: E300	03004 AFDPMDB
AFDPO U OFFICE FILE	03501 AFDPO U
AFDPXXW PERSONNEL FILES	03501 AFDPXXW
AFREP T FILES ON GENERAL OFFICERS AND COLONELS ASSIGNED TO GENERAL OF	03501 AFREP T
ANGBXOA ANG RATED REPORT	06003 ANGBXOA
ANGBXCB PROGRESS REPORT, UNDERGRADUATE PILOT TRAINING	06003 ANGBXOB
ASGH R AIR FORCE CLINICAL LABORATORY AUTOMATION SYSTEMS	16003 ASGH R
ASGHB R HEALTH AND OUTPATIENT RECORDS	16805 ASGHB R
ASGHB R PATIENT INDEX AND LOCATOR SYSTEM	16803 ASGHB R
ASGHB R SERIOUSLY ILL REPORTING SYSTEM	16802 ASGHB R
ASGPA R COMMUNICABLE DISEASE REPORT SYSTEM	16103 ASGPA R
ASGPA R USAF HEARING CONSERVATION RECORD SYSTEM	16006 ASGPA R
ASGPC R NATIONAL CIVILIAN CONSULTANT FILES	04008 ASGPC R
ASGSR R MEDICAL OPINIONS ON BOARD FOR CORRECTION OF AIR FORCE MILITAR	03501 ASGSR R
B AIR FORCE BLOOD PROGRAM	16803RSGHXO B
BALLISTIC MISSILE STAFF OFFICER COURSE QUOTAS.	05001BOS SGBPA
CADET AWARDS CASE FILES	90001XOBXQPCA
CADET COUNSELING INTERVIEW FILES	26501XOBXQPCB
CADET PERSONALITY FILE	53701XOBXQPCD
CADET RELIGIOUS INFORMATION CARD	26501XOBXQPCA
CLASS PICGRAPHS	53701XOBXQPCC
CLASS COMMITTEE PRODUCTS	01103XOBXQPCD
CLASSIFICATION ACTION FILE.	03504COSSGBPC
CONTINGENCY TEMPORARY DUTY SYSTEM.	03004COSSGBPC
CSGH R PAMS-R	16802 CSGH R
CVAE A SECRETARY OF THE AIR FORCE HISTORICAL RECORDS	01001 CVAE A
DRUG/ALCOHOL INTAKE INTERVIEW AND CHECKLIST	03501AOSPCZPB
DAC A AIR FORCE POSTAL DIRECTORY FILE	18201 DAC A
DAI A NOMINATION FILES OF PERSONNEL EVALUATED FOR PRESIDENTIAL SUPP	20503 DAI A
DAI A PERSONNEL SECURITY RECORD FILES	20505 DAI A
DAI B ASSIGNMENT RECORD FILES FOR PERSONNEL SELECTED FOR PRESIDENTI	20503 DAI B
DAYX A BASE, UNIT AND ORGANIZATIONAL MILITARY AND CIVILIAN PERSONNEL	01102 DAYX A
DAYY A ANNUAL OUTSTANDING AIR FORCE ADMINISTRATION AND EXECUTIVE SUP	90001 DAYY A
DAYYT A OPERATIONAL REFERENCE FILE	01101 DAYYT A
DAYYT A UNUSUAL AND INCOHERENT TRANSLATION MATERIAL	01001 DAYYT A
DP 3 UNIT ASSIGNED PERSONNEL INFORMATION FILE	03501 DP 3
DPCD A CIVILIAN PERSONNEL MANAGEMENT INFORMATION SYSTEM	040XX DPCD A
DPCD A CIVILIAN PERSONNEL STATISTICAL ACCOUNTING SYSTEM	04009 DPCD A
DPCE A ARBITRATIONS	04004 DPCE A
DPCE A SUPERVISOR'S RECORD OF EMPLOYEE	04008 DPCE A
DPCE B PERFORMANCE AWARDS AND OUTSTANDING PERFORMANCE RATINGS	04004 DPCE B
DPCE C SECURITY CASE FILES	20503 DPCE C
DPCMC B CIVILIAN PERSONNEL/CLASSIFICATION APPEAL RECORDS	04008 DPCMC B
DPCMC C CIVILIAN PERSONNEL/COMPENSATION CASE FILES	04008 DPCMC C
DPCMC D CIVILIAN PERSONNEL/ALLOWANCE APPEALS	04008 DPCMC D
DPCMC E CIVILIAN PERSONNEL/CLASSIFICATION SURVEY SHEETS	04008 DPCMC E

## NOTICES

40107

DPCMM A OFFICIAL PERSONNEL FOLDERS	04001 DPCMM A
DPCMS A APPLICANT SUPPLY FILES	04002 DPCMS A
DPCMS B CIVILIAN PERSONNEL TEST SCORE RECORD	04002 DPCMS B
DPCMS C JOB ELEMENT QUESTIONNAIRES FOR CIVILIAN TRADES AND LABOR OCCU	04002 DPCMS C
DPCMS D CIVILIAN PERSONNEL OCCUPATIONAL AND SUITABILITY EMPLOYMENT EX	04002 DPCMS D
DPCX A NON-APPROPRIATED FUND (NAF) CIVILIAN PERSONNEL RECORDS	04001 DPCX A
DPCXP A COMMITTEE MANAGEMENT RECORDS	02503 DPCXP A
DPMAJBA RECORDEE'S ROSTER	03508 DPMAJBA
DPMAJBB REGULAR AIR FORCE APPOINTMENT MANAGEMENT FILE	03508 DPMAJBB
DPMAJBC OFFICER PROMOTIONS AND APPOINTMENTS BRANCH ADMINISTRATIVE FIL	03508 DPMAJBC
DPMAJBD REGULAR AIR FORCE OFFICER SELECTION BOARD SUPPORT FILE	03508 DPMAJBD
DPMAJBE REGULAR AIR FORCE OFFICER PROMOTION LIST	03508 DPMAJBE
DPMAJBF AIR FORCE OFFICER CONFIRMED NOMINATION LISTS.	03508 DPMAJBF
DPMAJBG RESERVE PROMOTION ADMINISTRATIVE FILE.	03508 DPMAJBG
DPMAJBH OFFICER SELECTION BRIEF FILE	03508 DPMAJBH
DPMAJBI TEMPORARY PROMOTION SEQUENCE FILE	03508 DPMAJBI
DPMAJBJ REGULAR OFFICER HISTORY CARD FILE.	03508 DPMAJBJ
DPMAJBK US AIR FORCE RESERVE/AIR NATIONAL GUARD OF US (USAFR/ANGUS) A	03508 DPMAJBK
DPMAJDA FLYING STATUS BRANCH FILE	03507 DPMAJDA
DPMAK J SEPARATION CASE FILES	03501 DPMAK J
DPMAKEI ABSENTEE AND DESERTER INFORMATION FILES	03501 DPMAKEI
DPMAO A UNFAVORABLE INFORMATION FILES	03505 DPMAO A
DPMAO B PERSONNEL ACTION FILE	03505 DPMAO B
DPMAO K OFFICER EFFECTIVENESS REPORT (OER)/AIRMAN PERFORMANCE REPORT	03501 DPMAO K
DPMARAD DISABILITY RETIREMENTS RETAIN FOLDERS	03501 DPMARAD
DPMARAE DISABILITY RETIREMENTS CORRESPONDENCE FILES	03501 DPMARAE
DPMARBG SERVICE RETIREMENT CASE FILE - OFFICERS	03501 DPMARBG
DPMARBH SERVICE RETIREMENT CASE FILE - AIRMAN.	03501 DPMARBH
DPMARDC CONGRESSIONAL/HIGH LEVEL/CORRECTION MILITARY RECORDS INQUIRIE	03501 DPMARDC
DPMARDF TEMPORARY DISABILITY RETIRED LIST	03501 DPMARDF
DPMAW A AIR FORCE PERSONNEL TEST 851, TEST ANSWER CARDS.	03506 DPMAW A
DPMAW L HISTORICAL AIRMAN PROMOTION INTERIM ELIGIBILITY FILE	03508 DPMAW L
DPMAW M HISTORICAL AIRMAN PROMOTION MASTER TEST FILE	03508 DPMAW M
DPMAW N COMPUTATION OF PROMOTION SELECT/NON-SELECT STATUS.	03508 DPMAW N
DPMAW O AIRMAN PROMOTION MASTER SELECT/NONSELECT LISTINGS/PROMOTION S	03508 DPMAW O
DPMD 2 DIRECTORATE PERSONNEL FILES.	03501 DPMD 2
DPMDQIA MILITARY PERSONNEL RECORDS SYSTEM	03501 DPMDQIA
DPMDR P MILITARY PERSONNEL MICROFORM RECORDS SYSTEM	03501 DPMDR P
DPMDRAB CORRECTION OF MILITARY RECORD CARD	03501 DPMDRAB
DPMHC A CHAPLAIN PERSONNEL ACTION FOLDER	03504 DPMHC A
DPMHC B ASSIGNMENT ACTION FILE	03504 DPMHC B
DPMHC L CHAPLAIN APPLICANT PROCESSING FOLDER	03501 DPMHC L
DPMJA C LINE OF DUTY DETERMINATIONS AND INVESTIGATIONS	03505 DPMJA C
DPMMB A SELECTIVE REENLISTMENT CONSIDERATION	03502 DPMMB A
DPMMB B REQUEST FOR VARIABLE REENLISTMENT BONUS (VRB) AND/OR ADVANCE	03502 DPMMB B
DPMMP A AIR FORCE ENLISTMENT/COMMISSIONING RECORDS SYSTEM	03503 DPMMP A
DPMMP A EDUCATIONAL DELAY BOARD FINDINGS	04501 DPMMP A
DPMRA C AIRMEN UTILIZATION RECORDS SYSTEM	03504 DPMRA C
DPMRC D OFFICER UTILIZATION RECORDS SYSTEM	03504 DPMRC D

DPMSAAB MILITARY DECORATIONS	90001 DPMSAAB
DPMSACA AIR FORCE AID SOCIETY (AFAS) FINANCIAL ASSISTANCE RECORD SYST	17601 DPMSACA
DPMSACB CEASED SERVICE MEMBER'S DEPENDENT FILE	03003 DPMSACB
DPMSACC INCEDTEDNESS, NONSUPPORT, PATERNITY	03003 DPMSACC
DPMSC A CASUALTY FILES	03003 DPMSC A
DPMSG M HEALTH EDUCATION RECORDS.	03501 DPMSG M
DPMSG N APPLICATION FOR APPOINTMENT AND EXTENDED ACTIVE DUTY FILES.	03501 DPMSG N
DPMSG.O MEDICAL OFFICER PERSONNEL UTILIZATION RECORDS	03501 DPMSG O
DPMSN B EMPLOYEE'S QUARTERLY FEDERAL TAX RETURN	17721 DPMSN B
DPMSOAB AIR FORCE OPEN MESS PROGRAM	17607 DPMSOAB
DPMSOBA AERO CLUB MEMBERSHIP/TRAINING RECORDS	17607 DPMSOBA
DPMSPAA DISHONORED CHECK CONTRCL RECORD	17603 DPMSPAA
DPMSPAB INTERNAL ACCOUNTS RECEIVABLE SYSTEM	17603 DPMSPAB
DPMSPAB WORKMEN'S COMPENSATION CLAIMS FILE	17602 DPMSPAB
DPMSRAA PERSONNEL QUALITY CONTRCL	17602 DPMSRAA
DPMSS A AIR FORCE EDUCATIONAL ASSISTANCE LOANS	21301 DPMSS A
DPMYCOE OUTGOING CLEARANCE RECORD	03504 DPMYCOE
DPMYCOF INCOMING CLEARANCE RECORD	03504 DPMYCOF
DPMYCOG RELOCATION PREPARATION PROJECT FOLDERS	03504 DPMYCOG
DPMYCOH SEPARATION RELOCATION PROJECT FOLDERS	03504 DPMYCOH
DPMYR R STATUTORY TOUR PROGRAM	03501 DPMYR R
DPP A AIR FORCE ACADEMY APPOINTMENT AND SEPARATION RECORDS	05301 DPP A
DPPE A EDUCATION SERVICES PROGRAM RECORDS	05002 DPPE A
DPPPN B RESPONSES TO CONGRESSICNAL INQUIRIES	01102 DPPPN B
DPPPS S UNITED STATES AIR FORCE (USAF) AIRMAN RETRAINING PROGRAM.	03501 DPPPS S
DPPS D AIR FORCE SECURITY PROGRAM CASES	20595 DPPS D
DPXJ B RECORD OF AIR FORCE PERSONNEL ASSIGNED OUTSIDE THE DEPARTMENT	01101 DPXJ B
DPXJ Y DIVISION PERSONNEL FOLDER	03501 DPXJ Y
DPXJC C USAF RECONSTITUTION REQUIREMENTS FOR OFFICE OF JCS AND HQ US	01101 DPXJC C
DPXO X PERSONNEL FILES	03501 DPXO X
DPXOS I EFFECTIVENESS/PERFORMANCE REPORTING SYSTEMS.	03501 DPXOS I
DPXSE A COMMANDER'S OPERATIONAL REPORTING SYSTEM INCIDENT REPORTS	12001 DPXSE A
DPXSE A OFFICE OF SPECIAL INVESTIGATIONS REPORTS OF RACIAL INCIDENTS/	12402 DPXSE A
DPXSE B INVESTIGATIONS/COMPLAINTS FILES	12001 DPXSE B
DPXVE.C CONGRESSICNAL CORRESPONDENCE	01102 DPXVE.C
DPXVH A EQUAL OPPORTUNITY IN OFF-BASE HOUSING	03005 DPXVH A
DPXVH B OFF-BASE HOUSING REFERRAL SERVICE	03005 DPXVH B
DPXVH C BASE HOUSING MANAGEMENT	03005 DPXVH C
DPXVH F CONGRESSICNAL INQUIRIES	01102 DPXVH F
DPXVV A FILE DESIGNATION, DRUG ABUSE, WAIVER REQUESTS	03001 DPXVV A
DPXVV E CONGRESSICNAL INQUIRIES/LEGISLATIVE LIAISON	01102 DPXVV E
EDUCATION AND RESEARCH DATA BASE	05301X08XQPCB
EFFECTIVENESS REPORT REVIEW	03501F08XQPCD
EXACT MANNING TABLE	01101A0SSGBPA
ED A COMMUNITY COLLEGE OF THE AIR FORCE STUDENT RECORD SYSTEM	05002X0J ED A
E8/E9 PROMOTION SYSTEM.	03004G0SSGBPG
FACULTY, STAFF, GRADUATE WRITING FILE	21201X08XQPCD
FORMAL TRAINING SYSTEM.	03004E0SSGBPE
FZHTVA AIR FORCE LOGISTICS COMMAND (AFLC) SUPERGRADE INFORMATION FIL	40-1-7 FZHTVA



## NOTICES

40109

FZHTVA	E2015/RG ADVANCED LOGISTIC SYSTEM MISSION TRAINING SCHEDULING	40-3-5 FZHTVA
FZHTVA	E246 CIVILIAN SKILLS LOCATOR SYSTEM.	40-2-2 FZHTVA
FZHTVA	LOG-DP A 7303 APPRENTICE TRAINING REPORT.	40-3-4 FZHTVA
FZHTVB	DEFENSE SYSTEM MANAGEMENT SCHOOL GRADUATES. LOG-DPC M 7203.	40-3-5 FZHTVB
	GRADUATE PROGRAMS	03001XOBXQPCA
	GROUNDING INFORMATION DATA	16006B0SPZCPA
GHXO	S PATIENT EVACUATION MANIFEST	16401 GHXO S
	HISTORICAL FILES	21201XOBXQPCA
	HOUSEHOLD GOODS NONTEMPORARY STORAGE ACCOUNTS SYSTEM	07503100JUBJH
	HUMAN RELIABILITY PROGRAM DISQUALIFICATION CASE FILES.	03505B0SSGBPB
HC	CHAPLAIN FUND SERVICE CONTRACT FILE	17603 HC
HC	A CHAPLAIN PERSONNEL RECRD	03501 HC A
HC	A CHAPLAIN PRIVILEGED COMMUNICATION FILES	01001 HC A
HC	A CURRENT OFFICIAL ACTIVE DUTY CHAPLAINS MAILING LIST	18202 HC A
HC	A NON-CHAPLAIN ECCLESIASTICAL ENDORSEMENT FILES	26501 HC A
HC	B CHAPLAIN INFORMATION SHEET	03501 HC B
HC	B CHAPLAIN PERSONNEL ROSTER	26501 HC B
HC	C DIRECTORY OF ACTIVE DUTY AND RETIRED CHAPLAINS	26501 HC C
	INDIVIDUAL STATEMENT ON CIVILIAN MEDICAL/DENTAL SERVICE	16001A0SPCZPA
	INFORMATION OFFICER BACKGROUND RECORD	0350120SSGBPA
	INFORMATIONAL PERSONNEL RECORDS.	03501K0SSGBPA
	INPUT TRANSACTION REGISTERS.	03004X0IACYVG
IGQ	A INSPECTOR GENERAL RECORDS	12001 IGQ A
IGQ	A INSPECTOR GENERAL RECORDS FREEDOM OF INFORMATION ACT	11001 IGQ A
JA	A JUDGE ADVOCATE OFFICER PERSONNEL RECORDS	11001 JA A
JA	B RESERVE MOBILIZATION AUGMENTEE RECORDS	11001 JA B
JA	C CIVILIAN ATTORNEY QUALIFYING COMMITTEE RECORDS	11001 JA C
JA	D FUNDED LEGAL EDUCATION AND EXCESS LEAVE PROGRAM RECORDS	11001 JA D
JACA	F LEGAL ASSISTANCE ADMINISTRATION	11001 JACA H
JACC	A CLAIMS ADMINISTRATIVE MANAGEMENT PROGRAM (CAMP) E064	11201 JACC A
JACC	B CLAIMS RECORDS	11201 JACC B
JACC	G LITIGATION RECORDS; TORT CLAIMS, ADMIRALTY, COLLECTION AND HJ	11001 JACC G
JACL	E CIVIL LITIGATION RECORDS	11001 JACL E
JACL	F FREEDOM OF INFORMATION ACT APPEALS	11001 JACL F
JACP	A INVENTION, PATENT APPLICATION, AND PATENT FILES	11002 JACP A
JACP	B SECURITY RECORDS ON PATENT APPLICATIONS	11002 JACP B
JACP	C PATENT INFRINGEMENT AND LITIGATION RECORDS	11002 JACP C
JAJM	A COURT-MARTIAL RECORDS	11101 JAJM A
JAJM	B ARTICLE 15 RECORDS	11101 JAJM B
JALA	A CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTEREST	03001 JALA A
LGTN	A MOTOR VEHICLE OPERATORS' RECORDS	07702 LGTN A
LGYP	A PERSONAL CLOTHING AND EQUIPMENT RECORD	06711 LGYP A
LLI	A MICROFILM RECORDS CONGRESSIONAL/EXECUTIVE INQUIRIES	01102 LLI A
	MILITARY AND LEADERSHIP ORDER OF MERIT SYSTEM	03001XOBXQPCB
	NAME INDEX OF BOARD AND COMMITTEE MEMBERS	21201XOBXQPCC
	NAVIGATOR BACKGROUND INFORMATION	03501B0SPCZPB
NB	A BIOGRAPHICAL INFORMATION FILE	02503 NB A
NGBJA	A CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTEREST	17701 NGBJA A
	OFFICER EFFECTIVENESS REPORT DATA CARD	03504X0X0XASA

## NOTICES

OFFICER EVALUATION REPORT (OER) ANALYSIS SYSTEM.	03004D05 SGBPD
OFFICER TEMPORARY PROMOTION/REGULAR AIR FORCE APPOINTMENT SYSTEM	03004A05 SGBPA
ORIENTATION CHECKLIST AND PLACEMENT FOLLOWUP	04002X0B XQPCA
OBXQPCA ACTIVE CADET COUNSELING FILE	01103 OBXQPCA
OBXQPCA ACTIVE CADET COUNSELING FILE	05304 OBXQPCA
OBXQPCA AIR FORCE ACADEMY CANDIDATE SYSTEM	05301 OBXQPCA
OBXQPCA AIR FORCE ACADEMY CANDIDATE SYSTEM	05302 OBXQPCA
OBXQPCA AIR FORCE ACADEMY LIAISON OFFICERS LISTING	03501 OBXQPCA
OBXQPCA AIRCREW DATA	06005 OBXQPCA
OBXQPCA CADET ACCOUNTING AND FINANCE, SYSTEM CODE RZ, DATA SYSTEM DES	17701 OBXQPCA
OBXQPCA CADET EVALUATION	53701 OBXQPCA
OBXQPCA CADET INFORMATION CARD	05001 OBXQPCA
OBXQPCA CADET INJURY/ILLNESS REPORT	16001 OBXQPCA
OBXQPCA CADET PROMOTION LIST	01003 OBXQPCA
OBXQPCA CADET SUMMER TRAINING	02701 OBXQPCA
OBXQPCA CONSOLIDATED BASE PERSONNEL OFFICE, NAME, SPOUSE	03004 OBXQPCA
OBXQPCA MINNESOTA MULTIPHASE PERSONALITY INVENTORY RESEARCH PROGRAM	08003 OBXQPCA
OBXQPCA PREPARATORY SCHOOL AUTOMATED GRADE RETRIEVAL SYSTEM	01001 OBXQPCA
OBXQPCA PREPARATORY SCHOOL INSTRUCTOR'S GRADE SHEET	05303 OBXQPCA
OBXQPCA REQUEST FOR AND AUTHORIZATION OF ACADEMIC ABSENCE.	03504 OBXQPCA
OBXQPCA SELECTION RECORD SYSTEM	02002 OBXQPCA
OBXQPCA STUDENT INFORMATION CARDS	01102 OBXQPCA
OBXQPCA THOMAS D. WHITE NATIONAL DEFENSE AWARD NOMINATION RECORDS	90001 OBXQPCA
OBXQPCB ACADEMIC REQUIREMENTS	05304 OBXQPCB
OBXQPCB ACADEMIC SCHEDULING	05001 OBXQPCB
OBXQPCB AIR FORCE ACADEMY CANDIDATE SYSTEM	05302 OBXQPCB
OBXQPCB CADET PERSONNEL RECORDS SYSTEM	03502 OBXQPCB
OBXQPCB CADET RECORDS SYSTEM	02002 OBXQPCB
OBXQPCB CADET WING STRENGTH ACCOUNTING SYSTEM	53701 OBXQPCB
OBXQPCB DATE, LAST NAME, OFFICER CAREER OBJECTIVE STATEMENT	03004 OBXQPCB
OBXQPCB FILES OF NOMINATIONS FOR AWARD	01001 OBXQPCB
OBXQPCB INTERVIEW EVALUATION FILES	01102 OBXQPCB
OBXQPCB PREPARATORY SCHOOL MILITARY TRAINING EVALUATION	05303 OBXQPCB
OBXQPCB TEMPORARY QUARTERS SUBSISTENCE EXPENSE	04002 OBXQPCB
OBXQPCC ACADEMIC GRADES	05304 OBXQPCC
OBXQPCC ACTIVE CADET COUNSELING FILE	05302 OBXQPCC
OBXQPCC AEROBICS STATUS	03004 OBXQPCC
OBXQPCC CADET DISCIPLINARY SYSTEM	03501 OBXQPCC
OBXQPCC CADET PERSONNEL RECORDS SYSTEM	03502 OBXQPCC
OBXQPCC COMMANDER'S PATIENT STATUS REPORT	01001 OBXQPCC
OBXQPCC FACULTY BIOGRAPHICAL SKETCH	01103 OBXQPCC
OBXQPCC GRADUATE RECORD SYSTEM	02002 OBXQPCC
OBXQPCC INTRAMURAL/INTERCOLLEGIATE PARTICIPATION ROSTER	05001 OBXQPCC
OBXQPCC PHYSICAL EDUCATION RECORD	01102 OBXQPCC
OBXQPCC PREPARATORY SCHOOL PHYSICAL FITNESS PROGRAM	05303 OBXQPCC
OBXQPCD CONSOLIDATED BASE PERSONNEL OFFICE ACADEMIC, RANK, APPOINTME	03004 OBXQPCD
OBXQPCD US AIR FORCE ACADEMY HONOR GUARD MEMBERSHIP RECORD HONOR GUA	01102 OBXQPCD
OBXQPCC CADET APPOINTMENT SYSTEM	01001 OBXQPCD
OBXQPCC INTRAMURAL TEAM ROSTER	C5001 OBXQPCD

## NOTICES

40111

OBXQPCD MASTER CADET PERSONNEL RECORD (RR)/HISTORICAL	03502 OBXQPCD
OBXQPCD PREPARATORY SCHOOL INSTRUCTOR'S COMMENTS	05303 OBXQPCD
OBXQPCE CADET WING MOVEMENTS	01001 OBXQPCE
OBXQPCE CONSOLIDATED BASE PERSONNEL OFFICE ACADEMIC RANK	03004 OBXQPCE
OBXQPCE INTRAMURAL ABSENTEE AND INJURY REPORT	05001 OBXQPCE
OBXQPCE MASTER CADET PERSONNEL RECORD (RR)/ACTIVE, DIRECTORATE OF CAD	03502 OBXQPCE
OBXQPCE PREPARATORY SCHOOL STUDENT RECORD CARD	05303 OBXQPCE
OBXQPCF ADDITIONAL AIRMEN PERFORMANCE AND OFFICER EVALUATION REPORT	03004 OBXQPCF
OBXQPCF PLANNING AND RESOURCE MANAGEMENT INFORMATION SYSTEM	01001 OBXQPCF
OBXQPCF PREPARATORY SCHOOL THEME COVER SHEET	05303 OBXQPCF
OBXQPCF RESULTS OF INTRAMURAL COMPETITION	05001 OBXQPCF
OBXQPCG INTRAMURAL SEASON PARTICIPATION RECORD	05001 OBXQPCG
OBXQPCG NAVIGATION COURSE NUMBER 470, FLIGHT MISSION REPORT	01103 OBXQPCG
OBXQPCG PREPARATORY SCHOOL STANDARD ANSWER SHEET	05303 OBXQPCG
OBXQPCG REQUEST FOR ENROLLMENT, PART TIME PROFESSIONAL EDUCATION PROG	01001 OBXQPCG
OBXQPCF COLLATERAL TRAINING RECORDS	05001 OBXQPCF
OBXQPCF PREPARATORY SCHOOL REPORT OF OFFENSE	05303 OBXQPCF
OBXQPCI PREPARATORY SCHOOL RECORD OF DISENROLLMENT	05303 OBXQPCI
OI A AIR NATIONAL GUARD INFORMATION PERSONNEL BACKGROUND FILE	04501 OI A
OI A GRADUATES OF AIR FORCE SHORT COURSE IN COMMUNICATION	05002 OI A
OI /A OFFICIAL BIOGRAPHIES	19001 OI A
OI B AIR NATIONAL GUARD INFORMATION PERSONNEL BACKGROUND FILE	04501 OI B
OI B BIOGRAPHIES OF OFFICERS AND KEY CIVILIANS ASSIGNED TO SAF/OI	19001 OI B
OI B GRADUATES OF AIR FORCE SHORT COURSE IN COMMUNICATION	05002 OI B
OYUEBLA AIR TRAFFIC CONTROL (ATC) CERTIFICATION DOCUMENTATION	05002 OYUEBLA
OYUEBLA AIRCREW QUALIFICATION	06005 OYUEBLA
OYUEBLA INDIVIDUAL ACCIDENT/VIOLATION AND SAFETY TRAINING RECORD	12701 OYUEBLA
OYUEBLA INDIVIDUAL EARNING DATA	17603 OYUEBLA
OYUEBLA INFORMATIONAL PERSONNEL RECORDS.	03501 OYUEBLA
OYUEBLA LOCATOR OR PERSONNEL DATA.	01102 OYUEBLA
OYUEBLA MILITARY AFFILIATE RADIO SYSTEM (MARS) STATION QUESTIONNAIRE.	10010 OYUEBLA
OYUEBLA TRAINING STATUS CODE.	03504 OYUEBLA
OYUEBLB AIR TRAFFIC CONTROL (ATC) CERTIFICATION DOCUMENTATION	05002 OYUEBLB
OYUEBLB COMMANDER IDENTIFICATION.	03504 OYUEBLB
OYUEBLB INFORMATIONAL PERSONNEL RECORDS.	03501 OYUEBLB
OYUEBLB MILITARY AFFILIATE RADIO SYSTEM (MARS) PERSONNEL ACTION.	10010 OYUEBLB
OYUEBLC AIR TRAFFIC CONTROL RATING AND TRAINING PROGRAM DOCUMENTATION	05002 OYUEBLC
OYUEBLD STUDENT RECORD	05002 OYUEBLD
OYUEBLE INDIVIDUAL ACADEMIC TRAINING RECORD	05002 OYUEBLE
PALACE CHASE ASSIGNMENT APPLICATIONS.	03504B0SSG8PB
PERIODIC RECONCILIATION FILE.	03004X0IACYVE
PERSONNEL SELECTED FOR RELOCATION.	03504A0SSG8PA
PERSONNEL DATA FOLDERS	01101B0SSG8PA
PERSONNEL DATA USED FOR MANAGEMENT ENGINEERING (ME) PROGRAM MANNING P	1710100HAJXFA
PICTURE AND ROSTER INDEX	21201X0BXQPCB
PROCESSED TRANSACTIONS.	03004X0IACYVB
PROSPECTIVE CADET ATHLETE RECORDS/CADET ATHLETE RECORDS.	01103X0BXQPCF
PROSPECTIVE INSTRUCTOR FILES	03501X0BXQPCB
PULMONARY FUNCTION TEST	16006A0SPCZPA

RECREATIONAL EQUIPMENT STORAGE LOT FORM	01101BOSGHLNB
REQUEST FOR CLINICAL PRIVILEGE AT USAF HOSP BEALE	03501BOSBAEYA
RESERVE MEDICAL SERVICE CORPS OFFICER APPOINTMENTS.	C4501XOMUHHZA
RESERVE JUDGE ADVOCATE TRAINING REPORT	11001XOMUHHZA
REP A PERSONNEL FILES ON STATUTORY TOUR OFFICERS	03501 REP A
REP B FILES ON AF RESERVE GENERAL OFFICERS; COLONELS ASSIGNED TO G	03501 REP B
REPX A INQUIRIES	01001 REPX A
REPX D CONGRESSIONAL INQUIRY FILE	C1102 REPX D
SENIOR OFFICER INFORMATION FILE	03501FOSSGBPB
SOURCE SUPPORT OR CONTROL DATA	01101BOSFXBMA
SOURCE SUPPORT OR CONTROL DATA CENTRAL BASE FUND STATUS CARD	01101AOSFXBMA
SQUAD LIST ALPHA	01103XOBXQPCE
SQUAD LIST ALPHA	01103XOBXQPCH
STAFF BACKGROUND INFORMATION	03501BOSPCZPA
STANDARDIZATION WORK CARD	01101AOSGHLNA
SUPERVISOR'S MANAGEMENT TRAINING PROFILE	04003XOBXQPCA
SAC RETIREMENT APPLICATIONS FILE	03501HOSGBPD
SAC SENIOR OFFICER RECORD FILE	03501EOSGBPA
SAFCB A MILITARY RECORDS PROCESSED BY THE AIR FORCE CORRECTION BOARD	03501 SAFCB A
SAFOI B MOBILIZATION AUGMENTEE TRAINING FORCES	03501 SAFOI B
SAFOI R INFORMATION OFFICER SHORT COURSE ELIGIBILITY FILE	05001 SAFOI B
SAFPC A AIR FORCE DISCHARGE REVIEW BOARD RETAIN FILES	01001 SAFPC A
SAFPC A AIR FORCE DISCHARGE REVIEW BOARD VOTING CARDS	11001 SAFPC A
SAFPC B AIR FORCE DISCHARGE REVIEW BOARD CASE CONTROL/LOCATOR CARDS	11001 SAFPC B
SGA B MEDICAL SERVICE CORPS PERSONNEL FILES	01102 SGA B
SGAS E PERSONNEL LOCATOR CARDS	01102 SGAS E
SGD A DENTAL HEALTH RECORDS	16201 SGD A
SGD A DENTAL PERSONNEL ACTIONS	16202 SGD A
SGD B DENTAL PROFESSIONAL ACTIVITIES	16202 SGD B
SGH A CASIS	16803 SGH A
SGHB A AUTOMATED INPATIENT DATA SYSTEM	17101 SGHB A
SGHR A CLINICAL RECORDS AND RELATED DOCUMENTS	16804 SGHB A
SGHB A INPATIENT DATA SYSTEM	16806 SGHB A
SGHB B ADMISSION AND DISPOSITION SYSTEM	16803 SGHB B
SGHB B CASUALTIES IN SOUTHEAST ASIA	16802 SGHB B
SGHR B MEDICAL RECOMMENDATION FOR FLYING DUTY	17101 SGHB B
SGHC A CONTROL LOGS	17720 SGHC A
SGHC A MEDICAL SERVICE ACCOUNTS	16808 SGHC A
SGHXO A THIRD PARTY LIABILITY NOTIFICATION	16801 SGHXO A
SGI A BIOGRAPHIES	19001 SGI A
SGN A NURSING SERVICE RECORDS	16810 SGN A
SGPA A AIR FORCE AEROSPACE PHYSIOLOGY TRAINING PROGRAMS	16102 SGPA A
SGPA A APPLICATION FOR ADVANCED AERONAUTICAL RATING FILE	03507 SGPA A
SGPA A DRUG ABUSE REHABILITATION REPORT SYSTEM	16007 SGPA A
SGPA A MEDICAL RECOMMENDATION FOR FLYING DUTY	16101 SGPA A
SGPA A USAF AEROSPACE MEDICINE PERSONNEL CAREER INFORMATION SYSTEM	03004 SGPA A
SGPA A USAF MASTER RADIATION EXPOSURE REGISTRY	16104 SGPA A
SGPA A VENTREAL DISEASE EPIDEMIOLOGIC REPORT SYSTEM	16103 SGPA A
SGPA B BICENVIRONMENTAL ENGINEER PERSONNEL CAREER INFORMATION SYSTEM	03004 SGPA B



## NOTICES

40113

SGPA	B	USAF COMPRESSION CHAMBER OPERATION	16102	SGPA	B
SGPA	C	AEROSPACE PHYSIOLOGY PERSONNEL CAREER INFORMATION SYSTEM	03004	SGPA	C
SGPC	A	CENTRAL MEDICAL REGISTRY FILES	16006	SGPC	A
SGPC	A	CHILD ADVOCACY CASE FILES	16802	SGPC	A
SGPC	A	LABORATORY RECORDS	16003	SGPC	A
SGPC	A	PSYCHIATRIC TREATMENT RECORDS	16805	SGPC	A
SGPC	A	X-RAY NOMINAL INDEX FILE	16004	SGPC	A
SGPC	C	PROFESSIONAL INQUIRY RECORDS SYSTEM	01102	SGPC	C
SGPC	D	CHILDREN HAVE A POTENTIAL (CHAP) FILES	16802	SGPC	D
SGPC	M	PHYSICIAN PERSONNEL FILES	03501	SGPC	M
SGPS	A	AIRCREW STANDARDS CASE FILE	16001	SGPS	A
SGPS	A	DEPARTMENT OF DEFENSE MEDICAL EXAMINATION REVIEW BOARD MEDICAL	16002	SGPS	A
SGPS	B	RETIREMENTS/SEPARATIONS RECORDS SYSTEM	16002	SGPS	B
SGPS	D	FILES OF WAIVER FROM FLYING DUTY	01102	SGPS	D
SGPS	F	HIGH LEVEL INQUIRY FILE	01102	SGPS	F
SGV	A	VETERINARY PERSONNEL FILES	01102	SGV	A
SPI	A	DUTY AND TRAVEL RESTRICTION NOTIFICATION LETTERS.	03001	SPI	A
SPI	A	PERSONNEL SECURITY CLEARANCE INVESTIGATION RECORDS	20505	SPI	A
SPI	A	REQUESTS FOR ACCESS TO CLASSIFIED INFORMATION BY HISTORICAL R	20501	SPI	A
SPI	B	PERSONNEL SECURITY ACCESS RECORDS	20505	SPI	B
SPI	C	SPECIAL SECURITY FILES	20505	SPI	C
SPO	A	DOCUMENTATION FOR IDENTIFICATION AND ENTRY AUTHORITY .	03002	SPO	A
SPO	A	VEHICLE ADMINISTRATION RECORDS	12503	SPO	A
SPO	D	PROVISIONAL PASS	12501	SPO	D
SPO	E	REGISTRATION RECORDS	12501	SPO	E
SPO	F	NOTIFICATION LETTERS TO PERSONS BARRED FROM ENTRY TO AIR FORCE	12501	SPO	F
SPO	G	COMPLAINT/INCIDENT REPORTS	12501	SPO	G
SPO	H	SERIOUS INCIDENT REPORTS	12501	SPO	H
SPO	I	INCIDENT INVESTIGATION FILES	12501	SPO	I
SPO	J	TRAFFIC ACCIDENT AND VIOLATION REPORTS	12501	SPO	J
SPP	A	CORRECTION RECORDS	12502	SPP	A
SPP	A	FIRFARM AUTHORIZATION FOR CIVILIAN EMPLOYEES TRAINING ATTENDANCE.	12501	SPP	A
		UPGRADE TRAINING MISSILE PROCEDURES TRAINING (MPT) CRITIQUE FORM.	05001BOSGHLNB		
		USAF ACADEMY CADET HONOR COMMITTEE CASE FILES	05001AOSGHLNB		
XOOF	A	FLIGHT MANAGEMENT DATA SYSTEM (FMDS) DATA SYSTEM DESIGNATOR A	C3501XOBXQPC		
XOXX	A	AIR FORCE ADVISORY PERSONNEL IN LATIN AMERICA	06005	XOOF	A
XOXX		NEXT OF KIN INQUIRIES CIVILIAN MIA/PWS	03504	XOXX	A
OCGBUZA		AIRCREW TRAINING RECORDS, AEROSPACE DEFENSE COMMAND	03003	XOXX	
OCGBUZA		ALCOHOL ABUSE CONTROL CASE FILES.	05101	OCGBUZA	
OCGBUZA		CONTROL LOG FOR CIVILIAN MEDICAL CARE	03001	OCGBUZA	
OCGBUZA		INDIVIDUAL WEIGHT CONTROL FILE.	17720	OCGBUZA	
OCGBUZA		INFORMATIONAL PERSONNEL TRAINING RECORDS	01001	OCGBUZA	
OCGBUZA		REPORTS, CONTROLLED AND UNCONTROLLED	03501	OCGBUZA	
OCGBUZA		AIRCREW TRAINING RECORDS F106 AIRCRAFT	01101	OCGBUZA	
OCGBUZA		DRUG ABUSE CONTROL CASE FILE.	05101	OCGBUZA	
OCGBUZA		INFORMATIONAL PERSONNEL RECORDS.	03001	OCGBUZA	
OCGBUZA		AIRCREW TRAINING RECORDS F101 AIRCRAFT	03501	OCGBUZA	
OCGBUZA		AIRCREW TRAINING RECORDS F102 AIRCRAFT	05101	OCGBUZA	
			05101	OCGBUZA	

OCGBUZF	AIRCREW TRAINING RECORDS F4 AIRCRAFT	05101	OCGBUZE
OCGBUZF	AIRCREW TRAINING RECORDS T33 AIRCRAFT	05101	OCGBUZF
OEACYVA	PAY AND ALLOTMENT RECORDS	17726	OEACYVA
OEACYVA	CIVILIAN PAY RECORDS	17721	OEACYVA
OEACYVA	ACCOUNT RECEIVABLE RECORDS MAINTAINED BY ACCOUNTING & FINANCE	17718	OEACYVA
OEACYVA	ACCOUNTING AND FINANCE OFFICER ACCOUNTS AND SUBSTANTIATING D)	17705	OEACYVA
OEACYVA	ACCOUNTS PAYABLE RECORDS	07001	OEACYVA
OEACYVA	ACCRUED MILITARY PAY SYSTEM, DISCONTINUED	17722	OEACYVA
OEACYVA	AIR RESERVE PAY AND ALLOWANCE SYSTEM	17725	OEACYVA
OEACYVA	CLAIMS CASE FILE - CORRECTED MILITARY PAY AND ALLOWANCES.	17708	OEACYVA
OEACYVA	JOINT UNIFORM MILITARY PAY SYSTEM	17730	OEACYVA
OEACYVA	LEGAL ADMINISTRATION RECORDS OF THE STAFF JUDGE ADVOCATE	11001	OEACYVA
OEACYVA	LOSS OF FUNDS CASE FILES	17707	OEACYVA
OEACYVA	MILITARY PERSONNEL EXPENSE DISTRIBUTION LISTING.	03004	OEACYVA
OEACYVA	NONAPPROPRIATED FUNDS STANDARD PAYROLL SYSTEM	17602	OEACYVA
OEACYVA	REPORTS OF SURVEY.	17709	OEACYVA
OEACYVA	TRAVEL RECORDS	17720	OEACYVA
OEACYVA	UNITED STATES AIR FORCE RETIRED PAY SYSTEM.	17734	OEACYVA
OEACYVB	CLAIMS CASE FILE - MISSING IN ACTION DATA	17708	OEACYVB
OEACYVB	MICROFILM OF MILITARY PAY RECORDS.	17722	OEACYVB
OEACYVC	CLAIMS CASE FILE - DEATH GRATUITY RECORDS	17708	OEACYVC
OEACYVC	MILITARY PAY RECORDS	17722	OEACYVC
OEACYVC	INDEBTEDNESS AND CLAIMS	17708	OEACYVD
OEACYVD	UNIFORMED SERVICES SAVINGS DEPOSIT PROGRAM	17722	OEACYVD
OHCNBCA	AEROMEDICAL RESEARCH DATA.	08003	OHCNBCA
OHFRFZA	ROME AIR DEVELOPEMENT CENTER(RADC) MANPOWER RESOURCES EXPE	17801	OHFRFZA
OHMPLSA	PERSONNEL RESEARCH LABORATORY HISTORICAL DATA BASE FILE.	08003	OHMPLSA
OHZHTVA	INTERGRATED MANAGEMENT INFORMATION AND CONTROL SYSTEM	17801	OHZHTVA
OHZHTVA	MANHOOR ACCOUNTING SYSTEM	17101	OHZHTVA
OHZHTVD	MANAGEMENT ORIENTED PERSONNEL SYSTEM	17101	OHZHTVD
OIACYVA	FLYING STATUS ACTIONS.	03507	OIACYVA
OIACYVA	AIR FORCE RESERVE APPLICATIONS	04501	OIACYVA
OIACYVA	APPLICATIONS FOR IDENTIFICATION (ID) CARDS.	03002	OIACYVA
OIACYVA	CONGRESSIONAL INQUIRIES.	01102	OIACYVA
OIACYVA	DATA CHANGE/SUSPENSE NOTIFICATIONS.	03504	OIACYVA
OIACYVA	INFORMATIONAL PERSONNEL RECORDS.	03501	OIACYVA
OIACYVA	MANPOWER STANDARDS STUDY REPORTS.	02501	OIACYVA
OIACYVA	OFFICER PROMOTIONS.	03508	OIACYVA
OIACYVA	PHYSICAL EXAMINATION REPORTS SUSPENSE FILE	16002	OIACYVA
OIACYVA	PROFESSIONAL MILITARY EDUCATION	05001	OIACYVA
OIACYVA	REQUESTS FOR DISCHARGE FROM THE AIR FORCE RESERVE.	03509	OIACYVA
OIACYVA	UNFAVORABLE INFORMATION FILES (UIFS) ON OFFICERS AND AIRMEN.	03505	OIACYVA
OIACYVA	BACKGROUND MATERIAL	01003	OIACYVA
OIACYVA	DAILY STRENGTH REPORT	01101	OIACYVA
OIACYVA	INACTIVE DUTY TRAINING, EXTENSION COURSE INSTITUTE (ECI) TRAI	04502	OIACYVA
OIACYVB	AIR FORCE RESERVE AIRMAN DEMOTIONS	03508	OIACYVB
OIACYVB	ADMINISTRATIVE DISCHARGE FOR CAUSE ON RESERVE PERSONNEL	03509	OIACYVB
OIACYVB	APPLICATIONS FOR APPOINTMENT MEDICAL CORPS.	04501	OIACYVB
OIACYVB	INFORMATIONAL PERSONNEL RECORDS.	03501	OIACYVB

## NOTICES

40115

OIACYVB	LOCATOR PERSONNEL DATA.	01102	OIACYVB
OIACYVB	PERSONNEL DATA SYSTEM	03004	OIACYVB
OIACYVB	PRESENTATION AIDS AND OFFICE PROJECTS AND STUDIES	01101	OIACYVB
OIACYVC	INFORMATIONAL PERSONNEL RECORDS.	03501	OIACYVC
OIACYVC	PROFESSIONAL OFFICER COURSE(POC) AND FINANCIAL ASSISTANCE PROJ	C4501	OIACYVC
OIACYVC	INFORMATIONAL PERSONNEL RECORDS	03501	OIACYVD
OIACYVF	INFORMATIONAL PERSONNEL RECORDS.	03501	OIACYVF
OIACYVG	CORRECTION OF MILITARY RECORDS OF OFFICERS AND AIRMEN	03501	OIACYVG
OJ ACFA	SECURITY ASSISTANCE TRAINING MANAGEMENT INFORMATION SYSTEM	17720	OJ ACFA
OJ ACFA	SUPPLEMENTAL MILITARY PAYROLL SYSTEM.	17730	OJ ACFA
OJ ACMA	AIR TRAINING COMMAND MANAGEMENT ANALYSIS AWARDS PROGRAM.	90001	OJ ACMA
OJ DOSA	ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVA8) TEST CARDS	03506	OJ DOSA
OJ DOTA	PROGRAM ADMINISTRATION RECORDS.	05001	OJ DOTA
OJ DOTB	PROGRAM ADMINISTRATION RECORDS.	05001	OJ DOTB
OJ DOTC	INDIVIDUAL ACADEMIC RECORDS	C5002	OJ DOTC
OJ DOTD	FLYING TRAINING RECORDS	05101	OJ DOTD
OJ DOTD	INDIVIDUAL ACADEMIC RECORDS	05002	OJ DOTD
OJ DOTE	FLYING TRAINING RECORDS	05101	OJ DOTE
OJ DOTF	FLYING TRAINING RECORDS	05101	OJ DOTF
OJ DOVA	INDIVIDUAL FLIGHT AND AIRCREW EVALUATION RECORDS	06005	OJ DOVA
OJ DOVC	FLYING TRAINING RECORDS	05101	OJ DOVC
OJ DOXA	FLYING TRAINING RECORDS	05101	OJ DOXA
OJ DOXA	INDIVIDUAL ACADEMIC RECORDS	05002	OJ DOXA
OJ DOXB	FLYING TRAINING RECORDS	05101	OJ DOXB
OJ DOZB	INDIVIDUAL ACADEMIC RECORDS - SURVIVAL TRAINING STUDENTS	05002	OJ DOZB
OJ DP A	COMMAND OFFICERS ELIGIBILITY ROSTERS.	03508	OJ DP A
OJ DP A	AIR TRAINING COMMAND (ATC) OFFICERS EFFECTIVENESS ANALYSIS FI	C3004	OJ DP A
OJ DP A	FLYING EVALUATION BOARD(FEB) FILE	03507	OJ DP A
OJ DP A	COMMANDER COMMANDER SELECTION FILE.	02503	OJ DP A
OJ DP A	COMPLETION OF COURSES/DEGREES UNDER OPERATION ROCTSTRAP	21301	OJ DP A
OJ DP A	FACULTY BOARD LEDGER.	05001	OJ DP A
OJ DP A	HUMANITARIAN/PERMISSIVE REASSIGNMENT FILES	01001	OJ DP A
OJ DP A	OFFICER STATUS FILE	03501	OJ DP A
OJ DP A	RANDOLPH AIR FORCE BASE WOMEN OFFICERS LISTING.	01102	OJ DP A
OJ DP A	SENIOR OFFICER MANAGEMENT OFFICE FILES	01101	OJ DP A
OJ DP B	EDUCATION LEVELS OF AIR FORCE MILITARY PERSONNEL	21301	OJ DP B
OJ DP B	AIR TRAINING COMMAND (ATC) OFFICER ADD-ON DATA	03004	OJ DP B
OJ DP B	BRIGADIER GENERAL SCREENING BOARD RESULTS	02503	OJ DP B
OJ DP B	PERSONNEL LOCATOR ROSTER.	01102	OJ DP B
OJ DP B	PROMOTION AND REGULAR APPOINTMENT PROPRIETY MONITOR FILE.	03508	OJ DP B
OJ DP B	REPORT OF PROCESSING TIME FOR ADMINISTRATIVE DISCHARGE ACTION	01101	OJ DP B
OJ DP B	SPECIAL INTEREST ASSIGNMENT FILES	01001	OJ DP B
OJ DP B	STATUS OF INEFFECTIVE RECRUITER	03501	OJ DP B
OJ DP C	EDUCATION SERVICES TEST CONTROL OFFICERS	21301	OJ DP C
OJ DP C	ALPHABETICAL LISTING OF APPROVED RETIREMENTS	03004	OJ DP C
OJ DP C	COMMAND SECONDARY ZONE BOARD PROCEEDINGS.	03508	OJ DP C
OJ DP C	RECRUITER MANNING PERSONNEL LISTING.	01102	OJ DP C
OJ DP C	REGULAR AIR FORCE APPOINTMENT PROGRAM	01001	OJ DP C
OJ DP D	PREDISCHARGE EDUCATION PROGRAM CERTIFYING OFFICERS	21301	OJ DP D

## NOTICES

OJ DP D	COMMAND AIRMAN PROMOTION ELIGIBILITY ROSTERS	01001	OJ DP D
OJ DP D	KEY PERSONNEL STATUS REPORT	03501	OJ DP D
OJ DP E	AIR TRAINING COMMAND(ATC) PERSONNEL VIP ROSTER	03501	OJ DP E
OJ DP F	AIRMAN PROMOTION STATUS FILE	01001	OJ DP E
OJ DP F	DRUG ABUSE LEDGER	01001	OJ DP F
OJ DP G	SURVIVAL TRAINING ELIMINATION MESSAGES	01001	OJ DP G
OJ DP H	SQUADRON OFFICER SCHOOL(SOS) ELIGIBILITY ROSTER	01001	OJ DP H
OJ CP J	PROFESSIONAL MILITARY EDUCATIONAL(PME) ROSTERS	01001	OJ DP J
OJ IGYA	AIR TRAINING COMMAND AIRCRAFT ACCIDENT BOARD RESOURCES LIST	12701	OJ IGYA
OJ JA A	RECORD OF INDIVIDUAL COUNSELING	03501	OJ JA A
OJ RSSA	PROCESSING AND CLASSIFICATION OF ENLISTEES	03004	OJ RSSA
OJ RSSB	ENLISTEE QUALITY CONTROL MONITORING SYSTEM E818.	03004	OJ RSSB
OJ TTAA	FIELD TRAINING STUDENT ATTENDANCE AND RATING RECORDS	05002	OJ TTAA
OJ TTPA	TECHNICAL TRAINING COURSE MANAGEMENT INFORMATION SYSTEM	05002	OJ TTPA
OJ TTSA	STUDENT RECORD OF TRAINING	01101	OJ TTSA
OJ TTSA	STUDENT RECORD OF TRAINING	05002	OJ TTSA
OJ TTSB	GRADUATE EVALUATION MASTER FILE	01101	OJ TTSB
OJ TTSC	STANDARDIZATION EVALUATION PROGRAM	01101	OJ TTSC
OJDJDBA	ADVANCED DATA PERSONNEL SYSTEM OPTIONAL DIN Y06	03004	OJDJDBA
OJDJDBA	ADVANCED PERSONNEL DATA SYSTEM, CONSOLIDATED BASE PERSONNEL	03505	OJDJDBA
OJDJDBA	NATIONAL AGENCY CHECK - STATUS	01001	OJDJDBA
OJDJDBB	ADMINISTRATIVE DISCHARGE INFORMATION SUMMARY	01001	OJDJDBB
OJJCJCB	ADVANCED PERSONNEL DATA SYSTEM (APDS) CBFC OPTIONAL DINS Y01-	03004	OJDJDBB
OJEEPZA	ASSIGNMENT PREFERENCE APPLICATION DATE;	01001	OJEEPZA
OJMPLSA	CEASED INVESTIGATION DEPENDENT MILITARY BURIAL	14305	OJMPLSA
OJMPLSA	DISCHARGE AND SEPARATION RECORDS.	03509	OJMPLSA
OJMPLSA	DISCIPLINARY AND ADVERSE ACTION LOG.	04004	OJMPLSA
OJMPLSA	FLYING TRAINING RECORDS	05101	OJMPLSA
OJMPLSA	INSTRUCTOR OF THE MONTH RECORDS	01001	OJMPLSA
OJMPLSA	RESEARCH AND DEVELOPMENT (R&D) PROJECTS RECORDS.	08002	OJMPLSA
OJMPLSA	SOUND RECORDINGS.	09503	OJMPLSA
OJMPLSA	SOURCE SUPPORT AND CONTROL DATA BASIC TRAINEE RECORDS	01101	OJMPLSA
OJMPLSA	TRAINING PROGRESS READING PROFICIENCY CASE FILES	05002	OJMPLSA
OJMPLSB	APPEAL AND GRIEVANCE LOG.	04004	OJMPLSB
OJMPLSB	CLASSIFICATION SCREENING RECORDS.	03504	OJMPLSB
OJMPLSB	SOURCE SUPPORT AND CONTROL DATA SPECIAL TRAINING RECORDS	01101	OJMPLSB
OJMPLSB	STUDENT COLLATERAL TRAINING RECORDS.	05001	OJMPLSB
OJMPLSC	ASSESSMENTS SCREENING RECORDS.	03504	OJMPLSC
OJMPLSC	DRUG ABUSE CONTROL CASE FILES	03001	OJMPLSC
OJMPLSC	NELSON DENNY READING TEST ANSWER SHEETS	01101	OJMPLSC
OJMPLSD	REDLINE CONTROL REPORT.	03504	OJMPLSD
OJNTMUA	BEHAVIORAL AUTOMATED RESEARCH SYSTEM (BARS)	17101	OJNTMUA
OKPNQSA	STUDENT QUESTIONNAIRE	17801	OKPNQSA
OKPNQSA	AIR FORCE INSTITUTE OF TECHNOLOGY EDUCATION (AFIT) HISTORICAL	05003	OKPNQSA
OKPNQSA	AIR FORCE JUNIOR ROTC (AFJROTC) UNIT FILES.	01102	OKPNQSA
OKPNQSA	AIR FORCE RESERVE OFFICER TRAINING CORPS (AFROTC) MEMBERSHIP	01101	OKPNQSA
OKPNQSA	AIR FORCE RESERVE OFFICER TRAINING CORPS QUALIFYING TEST SCORE	03506	OKPNQSA
OKPNQSA	AIR FORCE ROTC CADET PAY SYSTEM	17724	OKPNQSA
OKPNQSA	AIR UNIVERSITY ACADEMIC RECORDS	05002	OKPNQSA



## NOTICES

40117

OKPNQSA	AIR UNIVERSITY OUTSTANDING JUNIOR OFFICER OF THE YEAR.	90001	OKPNQSA
OKPNQSA	CADET RECORDS.	04501	OKPNQSA
OKPNQSA	FIELD GRADE OFFICER PROMOTION ANALYSIS WORKSHEET.	03508	OKPNQSA
OKPNQSA	POTENTIAL FACULTY RATING SYSTEM	01001	OKPNQSA
OKPNQSA	PUPIL REGISTRATION AND CUMMULATIVE RECORD CARDS.	21401	OKPNQSA
OKPNQSA	REVIEW OF APPLICATION FOR CORRECTION OF MILITARY PERSONNEL RE	03501	OKPNQSA
OKPNQSB	AIR FORCE RESERVE OFFICER TRAINING CORPS EVALUATION INFORMATI	01001	OKPNQSB
OKPNQSB	AIR FORCE ROTC FIELD TRAINING ADMINISTRATION SYSTEM.	04501	OKPNQSB
OKPNQSB	AIR UNIVERSITY (AU) ADVANCED DEGREE APPLICATION.	03504	OKPNQSB
OKPNCSB	AU OER-TR REVIEWING SHEET	03501	OKPNQSB
OKPNQSB	FOUR YEAR RESERVE OFFICER TRAINING CORPS (AFROTC) SCHOLARSHIP	01101	OKPNQSB
OKPNQSB	STUDENT RECORD FOLDER	05002	OKPNQSB
OKPNQSC	AFJROTC INSTRUCTOR RECORDS SYSTEM	03501	OKPNQSC
OKPNQSC	AFROTC FIELD TRAINING ASSIGNMENT SYSTEM.	04501	OKPNQSC
OKPNQSC	INDIVIDUAL WEIGHT LOSS RECORD.	01101	OKPNQSC
OKPNQSC	OFFICER ASSIGNMENT FILES.	03504	OKPNQSC
OKPNQSD	AIR FORCE JUNIOR ROTC (AFJROTC) INSTRUCTOR APPLICANT SYSTEM.	03501	OKPNQSD
OKPNQSD	AIR FORCE RESERVE OFFICER TRAINING CORPS (AFROTC) GUEST LECTU	01101	OKPNQSD
OKPNQSD	AU POTENTIAL FACULTY LIST.	03504	OKPNQSD
OKPNQSD	FLIGHT INSTRUCTION PROGRAM	04501	OKPNQSD
OKPNQSE	OFFICER ASSIGNMENT LOGS.	03504	OKPNQSE
OKPNQSF	COOPERATIVE DEGREE ACCOUNTING SYSTEM.	03504	OKPNQSF
OLAEACA	CIVILIAN HEALTH/MEDICAL PROGRAM OF UNIFORMED SERVICES (CHAMPU	16802	OLAEAQA
OLAEAQA	RAW INTELLIGENCE.	29002	OLAEAQA
OMLCMMA	AIRMAN NCO RECOGNITION PROGRAM	01001	OMLCMMA
OMQJKLA	EMPLOYEE ORIENTATION CHECKLIST.	04008	OMQJKLA
OMQJKLA	EVASION AND ESCAPE KIT	06703	OMQJKLA
OMUHHZA	AIR FORCE OFFICE OF INFORMATION/OI PERSONNEL BACKGROUND RECOR	01102	OMUHHZA
OMUHHZA	AIR RESERVE TECHNICIAN (ART) OFFICER SELECTION FOLDERS	04002	OMUHHZA
OMUHHZA	MANNING SPECIALIST EVALUATION.	03502	OMUHHZA
OMUHHZA	PERSONNEL INTERVIEW RECCRD	03501	OMUHHZA
OMUHHZA	RESERVE MANNING REPORT.	03503	OMUHHZA
OMUHHZA	UNDERGRADUATE PILOT AND NAVIGATOR TRAINING.	05001	OMUHHZA
OMUHHZB	AIR FORCE RESERVE MEDICAL SCHOOL TOUR ALLOCATIONS.	05001	OMUHHZB
OMUHHZB	CURRICULUM VITAE	03501	OMUHHZB
OMUHHZB	GENERAL/COLONEL STATUS BOARD.	01102	OMUHHZB
OOJUBJA	PERSONNEL MANAGEMENT INFORMATION SYSTEM	01101	OOJUBJA
OOJUBJA	PLANNING AND RESOURCES MANAGEMENT INFORMATION SYSTEM	17101	OOJUBJA
OOJUBJA	TOOL KIT CONTROL CARD	06711	OOJUBJA
OOJURJB	MAINTENANCE MANAGEMENT INFORMATION AND CONTROL SYSTEM	05002	OOJURJB
OOJURJB	MAINTENANCE MANAGEMENT INFORMATION AND CONTROL SYSTEM MMICS	06608	OOJURJB
OOJUBJC	EXCEPTION TIME ACCOUNTING (ETA) SYSTEM	06608	OOJUBJC
OOJUBJC	VEHICLE INTEGRATED MANAGEMENT SYSTEM	07701	OOJUBJC
OOAGGNA	INFORMATIONAL PERSONNEL RECORDS.	03501	OOAGGNA
OOFJXTA	OFFICE PROJECTS/STUDIES	01001	OOFJXTA
OQKRSMA	ACADEMIC COMPLETION REPORT	01001	OQKRSMA
OQKRSMA	AIRCREW INSTRUCTION RECCRDS	05101	OQKRSMA
OQKRSMA	TRAINING INSTRUCTORS	05001	OQKRSMA
OQKRSMA	TRAINING SYSTEMS RESEARCH AND DEVELOPMENT MATERIALS	05004	OQKRSMA

## NOTICES

QQKRSMB TRAINING AIDS USAGE	C5101 QQKRSMB
QQPTFLA HUMAN RELIABILITY FOR SPECIAL MISSIONS	01001 QQPTFLA
QQPTFLA INFORMATION REQUESTS-FREEDOM OF INFORMATION ACT	01201 QQPTFLA
QQPTFLB VISITING OFFICER QUARTERS-TRANSIENT AIRMAN QUARTERS RESERVATI	03007 QQPTFLB
QQPTFLC DAILY REPORT OF FIRST AID, DENTAL ASSISTANCE AND OUTPATIENT W	01001 QQPTFLC
QQSCEYA TRAINING PROGRESS	05002 QQSCEYA
QQTPKHB LCCATOR OR PERSONNEL DATA	01102 QQTPKHB
QQVDYDA MILITARY AIRLIFT COMMAND (MAC) SPECIAL EXECUTIVE DEVELOPMENT	03004 QQVDYDA
QQVDYDA CLEARANCE CERTIFICATE RECORDS	20505 QQVDYDA
QQVDYDA MAJOR COMMAND (MAJCOM) SECONDARY ZONE PROMOTION NOMINATION B3	03508 QQVDYDA
QQVDYCA MILITARY AIRLIFT COMMAND (MAC) DISHONORED CHECK PROGRAM.	01002 QQVDYDA
QQVDYDA MILITARY AIRLIFT COMMAND AIRCREW RESOURCE MANAGEMENT SYSTEM	06005 QQVDYDA
QQVDYCA UNIT TRAINING PROGRAM	05002 QQVDYDA
QQVDYCB INTERGRATEC AIRCREW RESOURCE MANAGEMENT SYSTEM	06005 QQVDYDB
QQVDYDC FIELD INTERVIEW CARD	12501 QQVDYDC
ORKNMCA PERSONNEL APPRAISAL PACIFIC AIR COMMAND (PACAF) EXECUTIVE DEV	04003 ORKNMCA
ORKNMDA CIVILIAN HEALTH/MEDICAL PROGRAM OF UNIFORMED SERVICES (CHAMPU	16802 ORKNMDA
ORKNMDA GENERAL COLONEL PERSONNEL DATA ACTION REPORT.	01102 ORKNMDA
OFKNMCA INDIVIDUAL DECORATIONS APPROVED OR DISAPPROVED.	90001 ORKNMDA
ORKNMCA PERSONNEL MOVEMENT PROGRAM	21401 ORKNMDA
ORKNMCB DEPENDENT MISCONDUCT RECORDS	01101 ORKNMDB
OSAWUBA INDIVIDUAL ACADEMIC RECORDS	05002 OSAWUBA
OSAWUBA SOURCE SUPPORT/CONTROL DATA	01101 OSAWUBA
OSAWUBB SOURCE SUPPORT - CONTROL DATA	01101 OSAWUBB
OSAWUBC SOURCE SUPPORT - CONTROL DATA	01101 OSAWUBC
OSAWUBC SOURCE SUPPORT - CONTRCL DATA	01101 OSAWUBD
OSBAEYA ACCESS AUTHORIZATION.	20501 OSBAEYA
OSBAEYA NURSERY ATTENDANCE SHEET	21401 OSBAEYA
OSBWKRC ALPHABETIC ROSTER OF FLYING CREW MEMBERS AIR TRAFFIC CONTROL	03004 OSBWKRC
OSBWKRH ACCESS RECCROS	20501 OSBWKRH
OSFXBMC SOURCE SUPPORT OR CONTROL DATA	01101 OSFXBMC
OSFXBMD SOURCE SUPPORT OR CONTROL DATA TRAFFIC OFFENSES	01101 OSFXBMD
OSGHLNA BACHELOR AIRMEN'S QUARTERS (BAQ) TEMPORARY ISSUE RECEIPT	14001 OSGHLNA
OSGHLNA BASIC LOAD LIST FOR MISSILE MAINTENANCE	06703 OSGHLNA
OSGHLNA BIOGRAPHICAL DATA.	19001 OSGHLNA
OSGHLNA GROUP SCHEDULING LISTING	03004 OSGHLNA
OSGHLNA TRAINING WRK SHEET	05002 OSGHLNA
OSGHLNB EVALUATION DUE DATE LISTING	03004 OSGHLNB
OSGHLNB REMOVAL OF GOVERNMENT OPERATORS HCCNSC	03501 OSGHLNB
OSGHLNC DISASTER TEAMS AND TRAINING	03004 OSGHLNC
OSGHLNC GROUND SAFETY ACCIDENT BRIEFING	03501 OSGHLNC
OSGHLND RACE RELATIONS AND DRUG ABUSE TRAINING	03004 OSGHLND
OSGHLND ELECTRONIC WARFARE OFFICER EXAMINATION ANSWER SHEET.	05001 OSGHLND
OSGHLNE COMBAT INTELLIGENCE CREW TRAINING RECORD.	05001 OSGHLNE
OSGHLNF AIRCREW POSITIVE CONTROL STUDY RECORD.	05001 OSGHLNF
OSGHLNF LSAFE ACHIEVEMENT TEST III	03004 OSGHLNF
OSGHLNG OFFICERS ELECTRONIC WARFARE OFFICER (EWO) TRAINING RECORD.	05001 OSGHLNG
OSGHLNH DECORATIONS/CATE	03004 OSGHLNH
OSGHLNH MISSILE PROCEDURES TRAINING (MPT) ACCOMPLISHMENT.	05001 OSGHLNH

## NOTICES

40119

OSLWRC	SPECIAL EVENTS PLANNING - PROTOCOL ROSTER.	19001 OSLWRC
OSLWRCB	BIOGRAPHICAL FILES.	19001 OSLWRCB
OSLWRCC	DISTINGUISHED VISITORS PROGRAM DOCUMENTION.	19001 OSLWRCC
OSLWRCC	PERSONNEL DATA - PARTICIPATION OF THE LAITY LIST.	01102 OSLWRCC
OSMERMA	COMMANDERS CREW BIOGRAPHICAL INFORMATION FILE.	19001 OSMERMA
OSNLZGB	NIGHT MANAGERS LOG	03501 OSNLZGB
OSNRCHA	ACCREDITATION REFERENCES	16809 OSNRCHA
OSNRCHA	CLAIMS ADMINISTRATION PROPERTY REGISTRATION	11201 OSNRCHA
OSNRCHA	DENTAL ATTENDANCE RECORDS	16202 OSNRCHA
OSNRCHB	CLAIMS RECORD PRIVATE VEHICLE STORAGE	11201 OSNRCHB
OSPCZPA	ACCIDENT DATA	11201 OSPCZPA
OSPCZPA	ACTIVITIES THERAPY REFERRAL	16801 OSPCZPA
OSPCZPA	AREA 7 ACCESS RECORD	20501 OSPCZPA
OSPCZPA	BOMBER MOBILIZATION RECOVERY ROSTER.	03504 OSPCZPA
OSPCZPA	DIAGNOSTIC X-RAY FILM	16004 OSPCZPA
OSPCZPA	INDIVIDUAL CLASS RECORD FORM	21306 OSPCZPA
OSPCZPA	LABORATORY COURSE PHASE II	16003 OSPCZPA
OSPCZPA	LOW BACK EXAMINATION	16805 OSPCZPA
OSPCZPA	MILITARY JUSTICE ADMINISTRATION	11101 OSPCZPA
OSPCZPA	NURSING ASSESSMENT	16804 OSPCZPA
OSPCZPA	PERIODONTICS AND ORAL DIAGNOSIS	16201 OSPCZPA
OSPCZPB	ALLERGY PRESCRIPTION RECORD	16001 OSPCZPB
OSPCZPB	PROSTHETIC PATIENT INFORMATION CARD	16201 OSPCZPB
OSPCZPB	RELEASE OF REMAINS TO A MORTUARY	16804 OSPCZPB
OSPCZPC	ALLERGY CLINIC HISTORY RECORD	16804 OSPCZPC
OSPCZPC	PERIODIC OCCUPATION VISION RECORD	16201 OSPCZPC
OSPCZPC	PHYSICIAN ASSISTANT EVALUATION	16001 OSPCZPC
OSPCZPD	PROCEDURE FOR IMMUNOTHERAPY	16001 OSPCZPD
OSPCZPE	ALLERGY RE-ORDER INSTRUCTIONS	16001 OSPCZPE
OSPCZPG	PERSONNEL APPEARANCE COMMENDATION/VIOLATION CITATION	03501 OSPCZPG
OSSGBPA	AEROSPACE MEDICINE PROGRAM MEDICAL RECOMMENDATION MISSILE DUT	16101 OSSGBPA
OSSGBPA	BUSY MONITOR II FILE	01001 OSSGBPA
OSSGBPA	LABORATORY RECORDS SOBRIETY DETERMINATION REPORT	16003 OSSGBPA
OSSGBPA	MEDICAL SERVICE ACCOUNT-AUTHORIZATION FOR SUPPLEMENTAL CARE	16808 OSSGBPA
OSSGBPA	PHYSIOLOGICAL TRAINING INSIDE CHAMBER INSTRUCTOR OBSERVER	16102 OSSGBPA
OSSGBPA	RADIOLOGY RECORDS X-RAY PHOTO IDENTIFICATION AND FILE	16004 OSSGBPA
OSSZDTA	NURSING SKILL INVENTORY.	05001 OSSZDTA
OSSZDTA	PERSONNEL QUALITY CONTROL REPORT.	03505 OSSZDTA
OSSZDTA	X-RAY FILM IDENTIFICATION CARD	16004 OSSZDTA
OTGAMHA	INDIVIDUAL PROGRESS RECORD-SYNTHETIC TRAINERS.	06001 OTGAMHA
OTKWRDA	COMMANDER'S TAPECUTTER FILE.	19001 OTKWRDA
OTKWRDA	INFORMATIONAL PERSONNEL FILES	03501 OTKWRDA
OTKWRDB	INFORMATIONAL PERSONNEL RECORDS.	03501 OTKWRDB
OTKWRDC	COMPLAINTS AND INCIDENTS	12501 OTKWRDC
OTKWRDC	INFORMATIONAL PERSONNEL RECORDS.	03501 OTKWRDC
OTLFXJA	GUEST LECTURER BIOGRAPHICAL SKETCH FILE.	19001 OTLFXJA
OTLFXJB	BIOGRAPHICAL AND PERSONAL DATA ON VERY IMPORTANT PERSONNEL.	19001 OTLFXJB
OTMUHJA	INFORMATIONAL PERSONNEL RECORDS.	03501 OTMUHJA
OTMUHJA	SENIOR OFFICERS ROSTER	03004 OTMUHJA

## NOTICES

OTMUHJA SPECIAL AWARDS FILE.	90001 OTMUHJA
OTMUHJA STUDENT RECORD FILE	05002 OTMUHJA
OTMUHJB OFFICER PROMOTION ELIGIBILITY REPORT	03004 OTMUHJB
OTMUHJC OFFICER PROJECTED STATUS LISTING	03004 OTMUHJC
OTMUHJD AIRMAN PROJECTED STATUS LISTING	03004 OTMUHJD
OTMUHJC PCS FUNDS CONTROL LOG.	03504 OTMUHJD
OTMUHJE OFFICER DUTY AIR FORCE SPECIALTY CODE ROSTER	03004 OTMUHJE
OTMUHJF AIRMEN NAME ROSTER	03004 OTMUHJF
OTMUHJG AIRMAN ASSIGNMENT ACTION NUMBER LISTING	03004 OTMUHJG
OTMUHJH REPORT OF PERSONNEL ON TEMPORARY DUTY	03004 OTMUHJH
OTMUHJI REPORT OF PERSONNEL DEPLOYED IN SUPPORT OF SPECIFIC CONTINGEN	03004 OTMUHJI
OTMUHJJ TEMPORARY DUTY HISTORY FILE - LIST OF UPDATED TRANSACTIONS	03004 OTMUHJJ
OTMUHJK BASE AUTOMATED MOBILITY SYSTEM (BAMS) PERSONNEL EXTRACT TAPE	03004 OTMUHJK
OTNUEXA ALLERGY WORKSHEET	16001 OTNUEXA
OTNUEXA FIELD IDENTIFICATION CARD, LUKE FORM 042	12501 OTNUEXA
OTNUEXA SPECIAL GENERAL CHEMISTRY AND HEMATOLOGY WORKSHEETS	16003 OTNUEXA
OTNUEXB CRIME STOP FORM LETTER	12501 OTNUEXB
OTQYZHA INFORMATIONAL PERSONNEL RECORDS.	03501 OTQYZHA
OTRDRCA MINUTES OF 354 TFW QUALITY REVIEW COMMITTEE	01001 OTRDRCA
OTRDRDA INFORMATIONAL PERSONNEL RECORDS.	03501 OTRDRDA
OTRDRDA LISTING OF POTENTIAL HUMANITARIAN/PERMISSIVE REASSIGNMENT CAS	03504 OTRDRDA
OIJCGJA CAREER DEVELOPMENT GRADUATES HISTORICAL ROSTER	01101 OIJCGJA
OIJCGJA TRAINING SUMMARIES GRADUATION ROSTER.	05001 OIJCGJA
OIJCGJA TRAINING PROGRESS	05002 OIJCGJA
OIJCGJB CAREER DEVELOPMENT GRADUATES MONTHLY REPORT	01101 OIJCGJB
OIJCGJB TRAINING SUMMARIES ENTERING CLASS ROSTERS.	05001 OIJCGJB
OIJCGJB TRAINING PROGRESS STUDENT DATA RECORDS	05002 OIJCGJB
OIJCGJC CAREER DEVELOPMENT COURSE ENROLLEES	01101 OIJCGJC
OIJCGJC TRAINING SUMMARIES ALPHABETICAL ROSTER.	05001 OIJCGJC
OIJCGJD TRAINING SUMMARIES CLASS ROSTER.	05001 OIJCGJD
OUMCBVA COMPARTMENTED INTELLIGENCE ACCESS ROSTER	20501 OUMCBVA
OUMCBVA BIOGRAPHICAL FILES.	19001 OUMCBVA
OUMCBVA DEFENSE LANGUAGE INSTITUTE STUDENT HISTORY	05002 OUMCBVA
OUMCBVA FAMILY SERVICES VOLUNTEER OF YEAR.	21101 OUMCBVA
OUMCBVA GEOGRAPHICALLY SEPARATED UNIT COPY OFFICER EFFECTIVENESS & AI	03501 OUMCBVA
OUMCBVA MILITARY JUSTICE ADMINISTRATION	11101 OUMCBVA
OUMCBVA MILITARY PERSONNEL MANAGEMENT SYSTEM	17101 OUMCBVA
OUMCBVA OUTSTANDING AIRMAN OF YEAR.	90001 OUMCBVA
OUMCBVA SECURITY RECORDS BEHAVIORAL DATA REPORTS	20505 OUMCBVA
OUMCBVB JUDGE ADVOCATE COMMAND FOSTER	11101 OUMCBVB
OUMCBVB MAILING LISTS FOR MAGAZINES	01101 OUMCBVB
OUMCBVB VISUAL AID.	01102 OUMCBVB
OQKKA 6987 SECURITY SQUADRON OFFICE ALPHA ROSTER AND SQUADRON ROSTE	01102 OQKKA
OXOXASX PERSONNEL INFORMATION FILE	03501 OXOXASX
OOJUBJA MAINTENANCE MANAGEMENT INFORMATION AND CONTROL SYSTEM	06608 OOJUBJA
OOVDYDA INFORMATIONAL PERSONNEL RECORDS.	03501 OOVDYDA
02 ALSA BACKGROUND INFORMATION QUESTIONNAIRE	16805 02 ALSA
02 ALSA CHAIN OF CUSTODY RECEIPT	16003 02 ALSA
02 ALSA CIVILIAN PAY - CONTROL DATA	17721 02 ALSA



## NOTICES

40121

02 ALSA ENTRY CONTROL ROSTER	03002 02 ALSA
02 ALSA INFORMATION PROGRAM REFERENCE AND GUIDANCE MATERIAL	19001 02 ALSA
02 ALSA CN/OFF-BASE HOUSING RECORDS	03005 02 ALSA
02 ALSA RELIGIOUS EDUCATION REGISTRATION AND ATTENDANCE RECORDS	26501 02 ALSA
02 ALSA REPORTING CRIMES AND SERIOUS INCIDENTS	12501 02 ALSA
02 ALSA REQUEST FOR AND REPORT OF PULMONARY FUNCTION STUDY	16804 02 ALSA
02 ALSB ALASKAN AIR COMMAND CIVILIAN IDENTIFICATION CARDS	03002 02 ALSB
02 ALSB BICYCLE REGISTRATION FILE	12503 02 ALSB
02 ALSB CIVIL ENGINEER PERSONNEL DATA CARDS	01102 02 ALSB
02 ALSB COMPLAINTS AND INQUIRIES	01101 02 ALSB
02 ALSB TEMPORARY PRIVATE VEHICLE IMPOUNDMENT RECORD	12501 02 ALSB
02 ALSC INSPECTION AUGMENTOR DATA	01101 02 ALSC
02 ALSC STORAGE AND SPECIAL PERMITS FOR RECREATIONAL AND UTILITY TRAIL	12503 02 ALSC
02 ALSC WEAPONS DENIAL ROSTER	12501 02 ALSC
02 ALSD TRAILER LOT REGISTRATION	12503 02 ALSD
02SCEYA AIRCRAFT ACCIDENTS AND INCIDENTS COMPUTER FILE	12702 02SCEYA
02SCEYA INDIVIDUAL FLIGHT RECORDS	06005 02SCEYA
02SCEYA MILITARY PERSONNEL FOLDERS.	04501 02SCEYA
02SCEYA SAFETY EDUCATION FILE	12701 02SCEYA
02SCEYA UNITED STATES AIR FORCE (USAF) INSPECTION SCHEDULING SYSTEM	12301 02SCEYA
02SCEYB HUMAN FACTORS IN AIRCRAFT ACCIDENT/INCIDENT COMPUTER FILE.	12702 02SCEYB
02SCEYC UNITED STATES AIR FORCE (USAF) GROUND ACCIDENT FATALITY FILE	12702 02SCEYC
05HCHLA FOR CAUSE SEPARATIONS OF PERSONNEL WITH DUTY AND TRAVEL RESTRICTIONS	00401 05HCHLA
05HCHLA OPERATIONS SECURITY FILE FOR FOREIGN INTELLIGENCE COLLECTION	20002 05HCHLA
05HCHLB SENSITIVE COMPARTMENTED INFORMATION (SCI) PERSONNEL SECURITY	00401 05HCHLB
05HCHLC AIR FORCE ATTACHE RECORD SYSTEM	01001 05HCHLC
05HCHLC EVENTS AND INSTALLATION FILE	20002 05HCHLC
05HCHLD MASTER ALPHA RESOURCE LIST	20002 05HCHLD
05HCHLD USAF PRISONER OF WAR (PW) DEBRIEFING FILES	01001 05HCHLD
05HCHLG AIR INTELLIGENCE MANPOWER MANAGEMENT SYSTEM	03501 05HCHLG
05HCHLH RESERVE MANAGEMENT AND MOBILIZATION SYSTEM	03501 05HCHLH
06SCFY AIR FORCE AUDIT AGENCY (AFAA) MANAGEMENT INFORMATION SYSTEM -	02701 06SCFY
06SCFYA ADVANCED DEGREE FILE	05001 06SCFYA
06SCEYA AIR FORCE AUDIT AGENCY (AFAA) PERSONNEL ELECTRONIC EVALUATION	03501 06SCEYA
06SCEYA AIR FORCE AUDIT AGENCY MANAGEMENT INFORMATION SYSTEM - REPORT	17501 06SCEYA
06SCEYA MERIT PROMOTION FILE	04001 06SCEYA
06SCEYA CFF DUTY EDUCATION FILE	04003 06SCEYA
06SCEYB AIR FORCE AUDIT AGENCY OFFICE TRAINING FILE	05001 06SCEYB
06SCEYB INFORMAL AIRMEN/RESERVE INFORMATION RECORD	03501 06SCEYB
06SCFYB INTERNAL AUDIT AND CONTROL RECORDS	17501 06SCFYB
06SCEYB LONG-TERM FULL-TIME TRAINING FILE	04003 06SCEYB
06SCEYC AFAA MANAGEMENT INFORMATION SYSTEM - CAREER FILE	03501 06SCEYC
06SCEYC EXECUTIVE DEVELOPMENT COUNCIL FILE	04003 06SCEYC
06SCEYD AIR FORCE AUDIT AGENCY OFFICE PERSONNEL FILE	03501 06SCEYD
06SCEYE AIR FORCE AUDIT AGENCY OFFICE FILE	03501 06SCEYE
07YLNGA BADGE AND CREDENTIALS	12401 07YLNGA
07YLNGA CAREER DEVELOPMENT FOLDER.	03502 07YLNGA
07YLNGA COUNTERINTELLIGENCE OPERATIONS AND COLLECTION RECORDS	12408 07YLNGA
07YLNGA CRIMINAL RECORDS	12410 07YLNGA
07YLNGA INFORMATIONAL PERSONNEL RECORDS.	03501 07YLNGA
07YLNGA INVESTIGATIVE SUPPORT RECORDS	12404 07YLNGA
07YLNGA RESERVE OFFICER/AIRMAN PERSONNEL DATA CARD INDEX	04501 07YLNGA
07YLNGA SECURITY AND RELATED INVESTIGATIVE RECORDS	12406 07YLNGA
07YLNGA UNITED STATES AIR FORCE SPECIAL INVESTIGATIONS SCHOOL INDIVIDUAL	05002 07YLNGA
07YLNGB INTERNAL PERSONNEL DATA SYSTEM	03501 07YLNGB
07YLNGB INVESTIGATIVE APPLICANT PROCESSING RECORDS	12401 07YLNGB
1PTAYZC CIVILIAN PAY-PERSONNEL-MANPOWER (PAPERMAN) - E205	04001 1PTAYZC
22 ALSA AIRCREW INTELLIGENCE TRAINING REPORT	05001 22 ALSA
22 ALSA AAC QUALITY FORCE RECORDS SYSTEM	03501 22 ALSA
22 ALSB ALASKAN AIR COMMAND (AAC) QUALITY FORCE RECORD SYSTEM	03501 22 ALSB
22 ALSB OPERATIONS TRAINING RECORDS	05001 22 ALSB
22 ALSC AAC QUALITY FORCE RECORDS SYSTEM	03501 22 ALSC

## NOTICES

## NATIONAL SECURITY AGENCY (G) 40 F.R. 35741--35748

NSA/CSS ACCESS, AUTHORITY AND RELEASE OF INFORMATION FILE	NSA01
NSA/CSS APPLICANTS	NSA02
NSA/CSS CORRESPONDENCE, CASES, COMPLAINTS, VISITORS, REQUESTS	NSA03
NSA/CSS CRYPTOLOGIC RESERVE MOBILIZATION DESIGNEE LIST	NSA04
NSA/CSS EQUAL EMPLOYMENT OPPORTUNITY DATA	NSA05
NSA/CSS HEALTH, MEDICAL AND SAFETY FILES	NSA06
NSA/CSS MOTOR VEHICLES AND CARPOOLS	NSA07
NSA/CSS PAYROLL AND CLAIMS	NSA08
NSA/CSS PERSONNEL FILE	NSA09
NSA/CSS PERSONNEL SECURITY FILE	NSA10
NSA/CSS TIME, ATTENDANCE AND ABSENCE	NSA11
NSA/CSS TRAINING	NSA12

## DEFENSE NUCLEAR AGENCY (H) 40 F.R. 35748--35750

BIOGRAPHY FILES	DNA 412-14
FCDNA PERSONNEL DATA SYSTEMS	DNAFCP041
HEADQUARTERS PERSONNEL ROSTER	DNA 102-03
PERSONNEL SECURITY FILES	DNA 501-01
VISITOR ACCESS CONTROL SYSTEM	DNA 505-18

## ORGANIZATION OF THE JOINT CHIEFS OF STAFF (J) 40 F.R. 35750--35752

DIRECTORATE ADMINISTRATIVE SERVICES MESSAGE INFORMATION SYSTEM	OJCS003SMB 631201
MILITARY PERSONNEL FILES	OJCS002MILPERS
OJCS MEDALS AND AWARDS FILES AND REPORTS SYSTEM; MICROFILMED HISTORIC	OJCS001MILPERS
PERSONNEL SECURITY FILE, SECURITY DIVISION, DAS	OJCS004SECDIV

## NOTICES

40123

DEFENSE INTELLIGENCE AGENCY (L) 40 F.R. 35796--35852

ADMINISTRATIVE PUBLICATIONS	DIA 0241
AGENCY CHECKOUT FILE	DIA 0003
APPLICANTS FOR EMPLOYMENT	DIA 0442
APPLICATION, CHANGE, CANCELLATION FOR U.S. SAVINGS BOND CLASS A PAY R	DIA 1727
ATTACHES AND HUMAN RESOURCES PERSONNEL INFORMATION FILES	DIA 0801
AUTOMATED BIBLIOGRAPHIC DATA FILES, ASDIA, IRISA, IRFLA	DIA 0813
ASDIA ALL SOURCE DOCUMENT INDEX	DIA 0812
BIOGRAPHICAL SKETCH	DIA 0015
BOARD OF VISITORS FILE	DIA 0107
CANCELLATION OF ALLOTMENT OF PAY FOR CREDIT TO FINANCIAL INSTITUTION.	DIA 0879
CIVILIAN EMPLOYEE COMPENSATION RECORDS	DIA 0008
CIVILIAN PAYROLL/EARNINGS AND LEAVE STATEMENTS	DIA 0330
CIVILIAN PERSONNEL ADMINISTRATIVE RECORDS	DIA 0416
CLAIM FOR REIMBURSEMENT FOR EXPENDITURES ON OFFICIAL BUSINESS.	DIA 1164
CLASSIFIED LETTERS OF APPRECIATION FILE	DIA 0436/01
CLEARANCE CERTIFICATION FILE	DIA 0650/04
COLLECTION OF INDEBTEDNESS DUE U.S. GOVERNMENT	DIA 0819
COMPLAINTS	DIA 0272
COMPLAINTS/INVESTIGATIONS	DIA 0430
CONTRACT CORRESPONDENCE	DIA 0710
COST OF ANNUAL LEAVE BALANCE REPORT	DIA 0815
DEFENSE ATTACHE INVESTIGATION FILE	DIA 0803
DEFENSE ATTACHE ROSTER	DIA 0804
DEFENSE INTELLIGENCE AGENCY PERSONNEL ROSTER	DIA 0013
DEFENSE INTELLIGENCE AGENCY, DIRECTORATE FOR INFORMATION SYSTEMS SECURITY	DIA 0600
DEFENSE INTELLIGENCE SPECIAL CAREER AUTOMATED SYSTEM	DIA 0590
DEFENSE SPECIAL CAREER AUTOMATED SYSTEM	DIA 0420/01
DIRECTOR'S CORRESPONDENCE FILE.	DIA 0285
DIA AWARDS FILES	DIA 0435
DIA EMPLOYEE BOND ISSUANCE SCHEDULE DD 1084C	DIA 0817
DIA EMPLOYEE CIVILIAN PAYROLL CHECKS LISTING	DIA 0818
DIA EMPLOYEE PAYROLL AUTHORIZATION FOR DISPOSITION OF SALARY CHECK, 3	DIA 0820
DIA EMPLOYEE PERSONAL SERVICES CA 2449	DIA 0816
DIA FORM 209	DIA 0460/01
DIA PRISONER OF WAR INTELLIGENCE ANALYSIS AND DEBRIEFING FILES	DIA 1728
DIA TRAVEL RECORD DIA 766	DIA 0821
DIA 53 PAYCLERK/SUPERVISOR NAME CARD	DIA 0825
DOD PRIORITY PLACEMENT AND OVERSEAS EMPLOYMENT PROGRAMS	DIA 0006
EMERGENCY ALERT AND RECALL ROSTERS	DIA 0019
EMPLOYEE GRIEVANCES AND APPEALS	DIA 0430/01
EMPLOYEE PERFORMANCE APPRAISALS	DIA 0001
FIELD PERSONNEL FOLDER	DIA 0014
FREEDOM OF INFORMATION ACT (FOIA) FILES	DIA 0010
GRAPHIC ARTS MANAGEMENT SYSTEM	DIA 0127
GUEST LECTURER FILE	DIA 0309
HEALTH, WELFARE AND CHARITIES	DIA 0108/01
HEALTH, WELFARE AND RECREATION	DIA 0108/02
INCENTIVE AWARDS	DIA 0436
INDIVIDUAL IDENTIFICATION RECORDS	DIA 0145
INTELLIGENCE COLLECTION RECORDS	DIA 0530
INTELLIGENCE REPORT INDEXING SYSTEM	DIA 0811
INVESTIGATIONS	DIA 0271
JOB OPPORTUNITIES	DIA 0443
JOINT TABLE OF DISTRIBUTION	DIA 0020
LEGAL OPINIONS AND RELATED DOCUMENTATION	DIA 0209
LIBRARY CIRCULATION FILE	DIA 0810
LOCAL TRANSPORTATION RECORDS	DIA 0138
LOCATOR CARDS/ROSTERS	DIA 0012
LOCATOR SERVICE/POSTAL DIRECTORY	DIA 0121
MANAGEMENT ANALYSIS	DIA 0807
MILITARY PERSONNEL PROCUREMENT	DIA 0490
MILITARY PERSONNEL PROCUREMENT, DIA FORM 83	DIA 0018
MILITARY SERVICE ADMINISTRATIVE RECORDS	DIA 0470
MOVEMENT OF PERSONNEL	DIA 0022

MOVEMENT OF PERSONNEL/TRAVEL	DIA 0136
OFF DUTY EMPLOYMENT REPORT	DIA 0809
OFFICE ADMINISTRATION-DINING ROOM PASSES	DIA 0100/14
ORGANIZATION PLANNING AND MANPOWER	DIA 0230
PASSPORTS AND VISAS	DIA 0140
PAYROLL SERVICE REQUEST FORM	DIA 0860
PERSONNEL ACTIONS	DIA 0017
PERSONNEL FILE INDEX	DIA 0100/04
PERSONNEL SECURITY AND SECURITY CLEARANCE STATUS INDEX	DIA 0103/01
PERSONNEL SECURITY CASE RECORDS RETIREMENT RETRIEVAL INDEX	DIA 0103/02
PERSONNEL SECURITY INVESTIGATION FILES	DIA 0640/01
POSITION DESCRIPTIONS	DIA 0451
PRODUCTION CONTROL SYSTEM	DIA 0400
PROJECT FILES	DIA 0800
PROJECT FILES	DIA 0802
PERSONNEL MANAGEMENT INFORMATION SYSTEM	DIA 0005
QUALIFICATIONS, PLACEMENTS AND PROMOTIONS	DIA 0440/01
REDUCTION IN FORCE (RIF) CASE FILES	DIA 0007
REEMPLOYMENT RIGHTS FILE	DIA 0004
REPORTS OF SURVEY	DIA 0733
REQUEST BY EMPLOYEE FOR ALLOTMENT OF PAY FOR CREDIT TO SAVINGS ACCOUNT	DIA 1198
REQUEST FOR CLEARANCE	DIA 0600/02
REQUEST FOR DOD MANAGEMENT EDUCATION AND TRAINING PROGRAM COURSES	DIA 0826
REQUEST FOR IRREGULAR OVERTIME	DIA 0805
REQUEST FOR TRAINING	DIA 0808/01
REQUESTS FOR REASSIGNMENT	DIA 0440
REQUESTS FOR WAIVER OF INDEBTEDNESS RESULTING FROM ERRONEOUS PAYMENTS	DIA 0823
RESERVE PERSONNEL STATJS (DIA FORM 266) FILE	DIA 0002
RESERVE TRAINING RECORDS	DIA 0480
RETIREMENT RECORDS SF2806	DIA 0824
ROTARY CARD FILE	DIA 0016
SECURITY	DIA 0806
SECURITY MANAGEMENT INFORMATION SYSTEM	DIA 0650/02
SECURITY VIOLATION FILES	DIA 0660
SECURITY VIOLATIONS	DIA 0660/01
SENSITIVE COMPARTMENTED INFORMATION (SCI) ACCESS FILES	DIA 0650/03
SERVICE RECORD CARD (SF-7) FILE	DIA 0413
SIGNATURE CARD DD 577, INDIVIDUAL SIGNATURE CARDS	DIA 0822
STUDENT INFORMATION FILES	DIA 0011
SUPERVISOR'S RECORDS OF EMPLOYEES	DIA 0414
SUPPLY, SPACE & FACILITIES, POLICY AND PLANNING	DIA 0700
SYSTEM ACCESS LOG AND DIRECTORY	DIA 0620
TELEPHONE RECORDS	DIA 0116
TIMEKEEPER STATION LISTING	DIA 0814
TRAINING FACILITIES RECORDS	DIA 0808
TRAINING LOCATOR CARDS	DIA 0021
TRANSPORTATION OFFICERS LISTS	DIA 0137
TRAVEL VOUCHER OR SUBVOUCHER.	DIA 1351
VEHICLE PARKING	DIA 0139
VISITOR ACCREDITATION FILE	DIA 0640/02



## NOTICES

40125

UNITED STATES MARINE CORPS (M) 40 F.R. 35853--35878

PERSONNEL FILES	HQ00005
ALPHABETIC AL ROSTER OF OFFICERS ATTACHED TO HQMC IN THE WASHINGTON D	HQ00001
ASSIGNMENT AND OCCUPANCY OF FAMILY HOUSING RECORDS	IL00001
AUTOMATED LEAVE AND PAY SYSTEM	FD00001
BIOGRAPHIC AL FILES	HQ00001
BOND AND ALLOTMENT (B&A) SYSTEM	FD00004
CAR POOL LOCATER LIST	HQ00002
CASUALTY CARDS	HQ00002
CENTRALIZE D AUTOMATED RESERVE PAY SYSTEM	FD00006
CONTROLLED CORRESPONDENCE LOCATOR SYSTEM	HQ00003
COURIER PASS SYSTEM	HQ00004
DESERTER INQUIRY FILE	MN00001
DIRECTORY AND LOCATOR MAIL SERVICE	HQ00005
EXAMINATION DIVISION RECORDS SYSTEM	FD00007
FEDERAL BUILDING NUMBER 2, (FB 2), CAR POOL LOCATER FILE	HQ00013
FLIGHT READINESS EVALUATION DATA SYSTEM	AA00001
FORT RITCHIE PASS ROSTER FOR HEADQUARTERS, U S MARINE CORPS PERSONN	HQ00006
HEADQUARTERS MARINE CORPS LOCATOR FILES	HQ00009
HEADQUARTERS, U S MARINE CORPS ACCESS STRIPS	HQ00007
HEADQUARTERS, U S MARINE CORPS EMERGENCY RECALL LISTING ESSENTIAL	HQ00008
JOINT UNIFORM MILITARY PAY SYSTEM/MANPOWER MANAGEMENT SYSTEM	FD00003
LISTING OF RETIRED MARINE CORPS PERSONNEL	MN00002
MARINE CORPS AIRCREW PERFORMANCE/QUALIFICATION INFORMATION	AA00002
MARINE CORPS CLUB AND MESS MEMBERSHIP	MN00004
MARINE CORPS EDUCATION PROGRAM APPLICANT/PARTICIPANT INFORMATION FILE	MN00005
MARINE CORPS MILITARY PERSONNEL RECORDS	MN00006
MARINE CORPS MOTION PICTURE/INSTRUCTIONAL TELEVISION (ITV) ARCHIVES	MN00007
MARINE CORPS STILL PHOTOGRAPHIC ARCHIVES	MN00008
MILITARY POLICE INFORMATION SYSTEM	MN00009
MUSTER ROLLS/UNIT DIARIES	HQ00003
MANPOWER MANAGEMENT SYSTEM	MN00003
NARRATIVE BIOGRAPHICAL DATA WITH PHOTOS	HQ00004
NAVAL AVIATOR/NAVAL FLIGHT OFFICER REPORTING MANAGEMENT SYSTEM	AA00003
OFFICE OF THE JOINT CHIEFS OF STAFF ROSTER	HQ00010
PERSONAL AFFAIRS BRANCH WORKING FILES	MN00010
PRIMARY MANAGEMENT EFFORTS (PRIME)/OPERATIONS SUBSYSTEM	FD00002
REGISTER/L INFAL LISTS	HQ00006
RESERVE PERSONNEL MANAGEMENT INFORMATION SYSTEM	RS00001
RETIRED PAY/PERSONNEL SYSTEM	FD00005
SECURITY FOLDERS IN HEADQUARTERS, U S MARINE CORPS PERSONNEL	HQ00011
SOURCE DATA AUTOMATED FITNESS REPORT SYSTEM	MN00011
SPECIAL ACCESS LIST FOR PERSONNEL OF HEADQUARTERS MARINE CORPS.	HQ00012
UNIT DIARIES/UNIT TRANSACTION REGISTERS	MN00012
WORKING FILES, PERSONNEL MANAGEMENT DIVISION, MANPOWER DEPARTMENT, HE	MN00013

DEPARTMENT OF THE NAVY (N) 40 F.R. 35879--36017

'INCNSCCPF' CLAIMS FILES	00013H
POW/MIA CAPTIVITY STUDIES	63116 POW/MIA FILE
STATISTICS.	00013 5
ACADEMIC POTENTIAL CODING.	62271 APC FILE
ACADEMIC REGISTRATION SYSTEM.	62271 ARISE
ACCESS CONTROL SYSTEM	00011 J02
ACTIVE DUTY NAVY AND MARINE CORPS DEATH SYSTEM	00018 07
ADMINISTRATIVE CIVILIAN PERSONNEL MANAGEMENT SYSTEM	00011 J09
ADMINISTRATIVE FILES SYSTEM	63285 ADMIN
ADMINISTRATIVE PERSONNEL MANAGEMENT SYSTEM	00011 J01
ADMIRALTY CLAIMS FILES	00013J
AFFIRMATIVE CLAIMS FILES	00013E
AIRCRAFT MISHAP	63393 F0015BA054
APPLICATION FOR U.S. NAVY RATION PERMIT	64980 RATION PRMT LOG
APPRAISALS OF PERFORMANCE RECORD SYSTEM	96021-261
AREA COORDINATOR INFORMATION AND OPERATION FILES	96021-07
ARMED FORCES -- CONFINEMENT REPORTS	00013 9
ARMED FORCES HEALTH PROFESSIONAL SCHOLARSHIP SYSTEM	00034 AFHPSP
ARTICLE 138 COMPLAINT OF WRONGS.	00013 3
ARTICLE 69 PETITIONS.	00013 4
ARTICLE 73 PETITIONS FOR NEW TRIAL.	00013B
AUTHOR PUBLICATION INDEX	00173 1200-3
AUTOMATED STUDENT INFORMATION SYSTEM	62271 NPS 1
AVIATION MEDICAL OFFICER'S REPORT	63393 F0013BA013
AVIATION TRAINING JACKET	63110 ATJ
ADP BUDGET	00173 DEC10-ADPBUD
BAD CHECK LIST	61174 CPSBADCHECKS
BAD CHECKS AND INDEBTEDNESS LISTS	00250 CHK/DEBT-LIST
BASE SECURITY INCIDENT SYSTEM	00011 J03
BINGO WINNERS	00034 14
BLOOD DONOR PROGRAM FILES	00011 J06
BOND ACCOUNTING	0003402
BUREAU OF MEDICINE AND SURGERY PERSONNEL MANAGEMENT INFORMATION SYSTEM	00018 02
BUREAU OF MEDICINE AND SURGERY PERSONNEL MANAGEMENT INFORMATION SYSTEM	00018 09
BIBLIOGRAPHY	60530 1
CAREER DEVELOPMENT PROGRAM FOR COMMUNICATORS	00063CDP
CASE REPORT	0529A NAVJAG 5813-1
CASUALTY INFORMATION SUPPORT SYSTEM	00022CASINFOSUPPSYS
CIVIL LITIGATION FILES	96021-01A
CIVILIAN PAY SYSTEM	0003401
CIVILIAN PERSONNEL ADMINISTRATIVE SERVICES RECORD SYSTEM	00022CIVPER SADMSYS
CIVILIAN PERSONNEL SECURITY FILES	96021-44B
CIVILIAN VOLUNTEER FROM DISASTER PREPAREDNESS UNIT 2.1.1.	70092NSSS80PAC02
CLAIMS FILE, NAVY EXCHANGE, GUAM	61755-K
COMBINED FEDERAL CAMPAIGN	00011 J07
COMMERCIAL INVOICE PAYMENTS HISTORY SYSTEM	0003412
COMMISSARY STORE MONETARY ALLOWANCE RECORDS	62932 COMSYSTOSHOPRE
COMMONWEALTH PASS APPLICATION FORM	63427 COMWEALTHPASS
COMMUNICATIONS SECURITY REPORT	00069NSGHG60PAC01
COMPUTER ASSISTED MANPOWER ANALYSES SYSTEM	96021-64A
CONFLICTS OF INTEREST AND EMPLOYMENT ACTIVITIES.	00013 13
CONGRESSIONAL BIOGRAPHICAL DATA INDEX	66123 CONGBIODATA
CONTINUING EDUCATION TUTOR FILE	62271 NPS 7

## NOTICES

40127

CONTRACT FIELD SERVICE FILE	00039 CONTFLDSERV
CORRESPONDENCE FILES	00011 C01
COUNTRY FILES AND TRIAL OBSERVER FILES	00013 8
CURRICULAR OFFICE STUDENT GRADE SUMMARY.	62271 NPS 6
CURRICULAR OFFICER STUDENT TRAINING AND INFORMATION FILES	62271 NPS 8
DECEDENT AFFAIRS RECORDS SYSTEM	00018 04
DEFENSE CENTRAL INDEX OF INVESTIGATIONS	63285 03
DESIGN OF TRAINING SYSTEMS DATA BASE - INSTRUCTOR FILE	61339 WA1144
DETERMINATIONS ON ORIGINS OF DISABILITIES FOR WHICH MILITARY MEMBERS	00013 11
DIRECTORY OF RETIRED REGULAR AND RESERVE JUDGE ADVOCATES	00013S
DIVING ACCIDENTS AND INJURIES	63393 F0024CA174
DIVING LOG	63393 F0024CA171
DUTY FREE VEHICLE LOG	64980 CONCESSION VEH
EMPLOYEE ASSISTANCE PROGRAM CASE RECORD SYSTEM	96021-433
EMPLOYEE EXPLOSIVES CERTIFICATION PROGRAM	00164 01
EMPLOYEE GRIEVANCES, COMPLAINTS, AND ADVERSE ACTION APPEALS.	64648-EARB
EMPLOYEE RELATIONS INCLUDING DISCIPLINE, EMPLOYEE GRIEVANCES, COMPLAINTS	96021-431
EMPLOYEE SALARY AND OVERTIME REPORT/BUDGET BOOK	65872SA14203
ENLISTED DEVELOPMENT AND DISTRIBUTION SUPPORT SYSTEM	00022ENLDEVISTSYS
ENLISTED MASTER FILE AUTOMATED SYSTEM	00022ENLMAUSTSYS
EQUAL OPPORTUNITY INFORMATION AND SUPPORT SYSTEM	00022EQOPPINFOSYS
ETHICS FILE.	00013 6
FACULTY ACTIVITY RECORD - REPORT OF TEACHING AND PROFESSIONAL ACTIVITIES	00161.5314
FAMILY HOUSING ASSIGNMENT APPLICATION SYSTEM	00025 FAMHSGASSIGNSY
FAMILY HOUSING REQUIREMENTS SURVEY RECORD SYSTEMS	00025 FAMHSGRMTSUSY
FEDERAL TORT CLAIMS FILES	00013D
FIELD TRAINING ASSISTANCE REPRESENTATIVES (FTAR) FILE	00063FTAR
FILE OF RECORDS OF ACQUISITION, TRANSFER AND DISPOSAL OF PRIVATELY OWNED	63395 11240.3E
FLEET BALLISTIC MISSILE SUBMARINE DEMO AND SHAKEDOWN OPERATION CREW EVALUATION	00030 DASO CREW EVAL
FLIGHT INSTRUCTION STANDARDIZATION AND TRAINING (FIST) JACKET	63110 FIST
FOREIGN CLAIM FILES	00013F
GASOLINE RATION SYSTEM	64980GAS RATION FILE
GENERAL COURT-MARTIAL RECORDS OF TRIAL.	00013 1
HEALTH PROGRAMS, INSURANCE AND ANNUITIES	96021-53
HOUSING REFERRAL SERVICES RECORDS SYSTEM	00025 HSGREFSVCSYS
INDEBTEDNESS CORRESPONDENCE FILE.	03363LEGAL ASSISTANC
INDEX AND SUMMARY	09520 CMIS
INDIVIDUAL FACULTY/SUPPORT PERSONNEL FILES	62271 NPS 9
INDIVIDUAL FLIGHT ACTIVITY REPORT	63393 F0048BA111
INDIVIDUAL MERCHANDISE CONTROL RECORD	62769 02
INDUSTRIAL RELATIONS PERSONNEL RECORDS	00250 IR-PERS-RECORD
INTELLIGENCE RESERVE PERSONNEL MANAGEMENT FILE	00015.050132
INTERNATIONAL LEGAL HOLD FILES	6276903
INVESTIGATORY	00037 CNM (MAT 09G1)
JOB EVALUATION, POSITION CLASSIFICATION, JOB GRADING, POSITION MANAGEMENT	96021-51
JOINT UNIFORM MILITARY PAY SYSTEM	0003404
JAG CORPS OFFICER PERSONNEL INFORMATION	00013 R
JAG CORPS OFFICER PERSONNEL INFORMATION	0001314
JAG MANUAL INVESTIGATIONS	00013A

LABOR MANAGEMENT RELATIONS RECORDS SYSTEM	96021-41
LABORATORY INFORMATION SYSTEM	00018
LARGE DOLLAR VOLUME PURCHASERS	61174CPSLGEVOLPURCH
LARGE PURCHASES IN NAVY EXCHANGE.	63427 NEXSALESSLIP
LARGE SALES SLIPS; NAVY EXCHANGE, GUAM	61755-J
LAYAWAY SALES RECORDS	00250 LAYAWAYS
LEGAL ASSISTANCE CARD FILES	09013C
LEGAL DIARY	30460(STUDENT)
LEGAL OFFICE LITIGATION/CORRESPONDENCE FILES	00251 007
LEGAL RECORDS SYSTEM	68056 005
LIST OF CHINESE EXILE FAMILIES AT U.S. NAVAL BASE GUANTANAMO BAY, CUBA	00060 CUBEX
LISTING OF PERSONNEL - SENSITIVE COMPARTMENTED INFORMATION	09173 1200-5
LIVING QUARTERS ALLOWANCE	61581QUARTERS ALLOW
LOCAL AUTOMATED PERSONNEL INFORMATION SYSTEM (LAPIS)--PROTOTYPE.	96021-63
LOW QUALITY RECRUITING REPORT	00062 LORR 1130
MAIL ORDER CUSTOMER LISTING	61581 MAIL LIST
MAINTENANCE OF HOLDING UNIT	00251 065
MANHOOR ACCOUNTING SYSTEM	68142MHAS
MEDICAL DEPARTMENT TRAINING RECORDS SYSTEM	00018 01
MEDICAL TREATMENT RECORD SYSTEM	00018 03
MIDSHIPMAN PAY SYSTEM	0003408
MILITARY AND CIVILIAN EMPLOYEE DEPENDENTS HURRICANE SHELTER ASSIGNMEN	63425 SHELTER LIST
MILITARY CLAIMS FILES	00013G
MILITARY JUSTICE CORRESPONDENCE FILE	00013M
MILITARY JUSTICE DOCKET CARD FILE, ACTIVE/CLOSED	68366 MILJUSDOCFILE
MILITARY JUSTICE CASE FILE	03363MIL JUSTCE FILE
MILITARY PAY SYSTEM	0003403
MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS	00013I
MINORITY GROUP IDENTIFICATION FILE	96021-EEO
MISSING PERSONS AND DEATH CASES	96021-52
MODELS FOR ORGANIZATIONAL DESIGN AND STAFFING	96021-64B
MOTOR VEHICLE ACCIDENTS AND INJURIES	63393 F0026EA033
MAIL ORDERLY	61581 MAIL ORDERLY
NAME/LEAD PROCESSING SYSTEM	66715.1RLPS
NAVAL EDUCATIONAL DEVELOPMENT	00062 INSGEN
NAVAL EDUCATIONAL DEVELOPMENT RECORDS.	00062 NEDRECS
NAVAL HEALTH RESEARCH CENTER DATE FILE	63116 MASTER FILE
NAVAL HOME RESIDENT INFORMATION SYSTEM	00022NAVHOMRESINFSY
NAVAL MATERIAL COMMAND CONTINGENCY/EMERGENCY PLANNING CADRE	00037 NAVMAT COOPLAN
NAVAL OFFICER DEVELOPMENT AND DISTRIBUTION SUPPORT SYSTEM	00022OFFDEVDISTSYS
NAVAL RESEARCH RESERVE PROGRAM PERSONNEL ACCOUNTING SYSTEM	00014ONR723-1
NAVAL RESERVE LAW COMPANIES	00013 0
NAVAL RESERVE LAW PROGRAM OFFICER PERSONNEL INFORMATION	00013Q
NAVAL RESERVE OFFICER TRAINING CORPS PAY SYSTEM	00034 NROTC
NAVAL SECURITY GROUP PERSONNEL SECURITY/ACCESS FILES	00069NSGHG12PAC01
NAVAL TRAINING INFORMATION SYSTEM	00600NAVTIIS
NAVY CENTRAL CLEARANCE GROUP (NCCG) RECORDS	96021-44A
NAVY CIVILIAN CAREER MANAGEMENT INVENTORY AND REFERRAL SYSTEM	96021-21
NAVY EXCHANGE SECURITY INVESTIGATION	00129 01



## NOTICES

40129

NAVY EXCHANGE, GUAM - MAJOR APPLIANCE CONTRACTS	61755-I
NAVY LODGE RECORDS	00250NAVLODGE RECORD
NAVY MEDICAL DEPARTMENT, INPATIENT DATA SYSTEM MED-6300-2.	00018 06
NAVY MEDICAL DEPARTMENT, MEDICAL BCARD DATA SYSTEM	00018 08
NAVY PERSONNEL EVALUATION SYSTEM	00022.82
NAVY PERSONNEL RECORDS SYSTEM	00022PERSRECSYS
NAVY RECRUITING COMMAND ATTRITION TRACKING SYSTEM	66715.4RATS
NAVY RECRUITING SUPPORT SYSTEM	66715.5RCS
NAVY STRATEGIC WEAPONS SYSTEM PERSONNEL AND TRAINING EVALUATION PROGR	68338 PTEPPERSRECSYS
NEXT OF KIN INFORMATION FOR SEA TRIAL RIDERS	64168 SEA TRIAL
NONAPPROPRIATED FUND ACTIVITY INFORMATION SUPPORT SYSTEM	00022 NONAPACTSUPSYS
NUCLEAR PROGRAM INTERVIEW AND SCREENING	64168 NUC
NAD HAWTHORNE POLICE RECORDS SYSTEM	00238103PRS.
NAVAL RESERVE SECURITY GROUP PERSONNEL RECORDS	00069NSGHG11PAC01
NAVSEA RADIATION INJURY CLAIM RECORDS	64168 RADINJCLRDS
NAVY RESEARCH AND DEVELOPMENT PLANNING SUMMARY (DC-1634) SYSTEM	00037 R&D PLANNING
NAVY TECHNICAL REPORTS SYSTEM	00037 TECH REPORTS
NAVY WORK UNIT INFORMATION SYSTEM	00037 NAVMUIS
NIS INVESTIGATIVE FILES SYSTEM	63285 01
NPS GRADUATES HISTORICAL FILE	62271 NPS 3
NROTC EDUCATIONAL DEVELOPMENT RECORDS	00062 NROTC
OCCUPATIONAL INJURY AND ILLNESS	63393 F0025AA041
OFFICE OF THE JUDGE ADVOCATE GENERAL, REPORTING QUESTIONNAIRE	000137
OFFICER MASTER FILE AUTOMATED SYSTEM	00022OFFMAUSTSYS
OFFICER PROMOTION SYSTEM	00022OFFPROMSYS
OFFICER SELECTION AND APPOINTMENT SYSTEM	66715.20SAS
ORGANIZATION LOCATOR AND SOCIAL ROSTER	00011 C04
OTSU PRISON HEALTH AND COMFORT ITEMS	61581 LOGISTICS
PAYROLL AND EMPLOYEE BENEFITS RECORDS	00250 PAY&BENEFITS
PEOPLE FILES	00019 AIR 953 BIO
PERSONAL INJURY AND ILLNESS REPORTS ON CIVILIAN AND GOVT-SERVICE SEAM	00013N
PERSONAL COMMERCIAL AFFAIRS SOLICITATION PRIVILEGE FILE SYSTEM	00022PERSCOMSOLPRSY
PERSONAL SERVICES AND DEPENDENTS SERVICES SUPPORT SYSTEM	00022PERSRVDEPSEVS
PERSONAL DATA BASE APPLICATION/STUDENT INSTRUCTOR PERFORMANCE MODULE	68142PDBA/SIPM
PERSONNEL AUTOMATED DATA SYSTEM	96021-62
PERSONNEL INFORMATION SYSTEM	00063NC09PS
PERSONNEL MANAGEMENT AND TRAINING RESEARCH STATISTICAL DATA SYSTEM	68221 PERSRESCHSYSTM
PERSONNEL REHABILITATION SUPPORT SYSTEM	00022PERSREHSUPPSYS
PERSONNEL RESOURCES INFORMATION SYSTEM FOR MANAGEMENT	00069NSGHG13PAC01
PERSONNEL SECURITY ELIGIBILITY INFORMATION SYSTEM	00022.81
PERSONNEL TRANSPORTATION SYSTEM	00022PERSTRANSSYS
PET REGISTRATION	00011 JOB
PHYSICAL DISABILITY EVALUATION PROCEEDINGS	0001310
POSTAL SERVICE INDEMNITY CLAIMS FILES	00013L
PREREGISTRATION SYSTEM	62271 NPS 5
PRINCIPAL INVESTIGATOR RECORD OF ACTIVE CONTRACTS	000140NR400-1
PRIVATE RELIEF LEGISLATION	66123 PRIVATE RELIEF
PROFESSIONAL QUALIFICATIONS RECORDS	00069NSGAGNPAC01
PROJECT ANALYSIS AND CONTROL SYSTEM	65872SA14102

## NOTICES

PROPERTY ACCOUNTABILITY RECORDS  
 PUGET SOUND NAVAL SHIPYARD, NAVY EXCHANGE TOBACCO SALES  
 RATION CARD, LUXURY PERMIT RECORD CARDS.  
 RECORD OF ISSUE; PRESCRIPTION SAFETY GLASSES  
 RECORD OF IMPORT AND EXPORT OF FOREIGN MADE AUTO VEHICLES INTO AND OUT  
 RECORD SYSTEM FOR CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND (NAF) AC  
 RECORDS OF LITIGATION  
 RECRUITING ENLISTED SELECTION SYSTEM  
 RECRUITMENT, EMPLOYMENT AND INTERNAL PLACEMENT  
 RELIEF OF ACCOUNTABLE PERSONNEL FROM LIABILITY FOR LOSSES OF PUBLIC F  
 RESALE SYSTEM MILITARY MANAGEMENT INFORMATION SYSTEM  
 RESERVE PAY SYSTEM  
 RESERVE PERSONNEL HISTORY FILE  
 RESERVISTS REPORTING FOR ACTIVE DUTY FOR TRAINING, BACKGROUND QUESTIO  
 RETIRED PAY SYSTEM  
 SALARY REPORT FOR BUDGET FOR PARS, IMMS AND NON-ADP  
 SAVINGS DEPOSIT  
 SECURITY INSPECTION AND VIOLATION SYSTEM  
 SEISMIC SURVEY LIST OF COMPANIES INVOLVED IN OUTER CONTINENTAL SHELF.  
 SHOPLIFTING  
 SLOT MACHINE WINNINGS  
 SPECIAL COURT-MARTIAL RESULTING IN BAD CONDUCT DISCHARGE OR CONCERNIN  
 SPECIAL INTELLIGENCE PERSONNEL ACCESS FILE  
 SPECIAL MEMBERSHIP LISTING OF THE ORGANIZATIONAL RECREATION ASSOCIATI  
 SPECIAL ORDER RECORD; NEX GUAM  
 STAFF JUDGE ADVOCATE'S MEMORANDUM FILE  
 STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST  
 STATUS OF DOWNED NAVAL AVIATION PERSONNEL, SOUTHEAST ASIA OPERATIONS  
 STUDENTS AT CIVILIAN UNIVERSITIES  
 STUDENTS AWAITING LEGAL, MEDICAL ACTION ACCOUNT  
 SUGGESTIONS AND AWARDS RECORD SYSTEM  
 SUMMARY COURT-MARTIAL AND NON-BAD CONDUCT DISCH SPEC COURT-MARTIAL--N  
 SUMMARY DEBRIEFS OF FORMER PRISONERS OF WAR.  
 SUPERVISOR'S AUTHORIZATION FOR ISSUANCE OF PRESCRIPTION GROUND SAFET  
 SUPERVISOR'S REPORT OF POTENTIAL TO PERFORM AND REFERENCE CHECK RECOR  
 SUPPORT PERSONNEL - FACULTY PERSONNEL BILLET COUNT/BILLET COST SYSTEM  
 TAX-FREE VEHICLE RECORD CARDS. TAX-FREE GASOLINE RECORD CARDS.  
 TECHNICAL PAPER/AUTHOR CROSS INDEX SYSTEM  
 TEMPORARY LODGING ALLOWANCE  
 TENANT COMMAND DISCIPLINARY ACTION FILE.  
 TESTS AND EXAMINATIONS RECORD SYSTEMS  
 TRAINING AND EMPLOYEE DEVELOPMENT RECORD SYSTEM  
 TRAVEL ALLOWANCE CLAIMS RECORD SYSTEM  
 TRAVEL PAY SYSTEM  
 UNCOLLECTIBLE ACCOUNTS  
 USAREUR/LSAFERATION CARD  
 VEHICLE CONTROL SYSTEM  
 VOLUNTEER TUTORIAL PROGRAM  
 VGA PERSONNEL AND MANPOWER INFORMATION SYSTEM  
 WEAPONS REGISTRATION  
 WELFARE AND RECREATION TICKET SELECTION PROGRAM  
 YOUTH ACTIVITIES ASSOCIATION MEMBERSHIP RECORD

00028 PROP ACCT REC  
 00251 080  
 62585 RATION PERMITS  
 60921 ISSUE GLASSES  
 63427 AUTOIMPEXPREC  
 00022CIVEMPNF  
 00282 OJ-LIT  
 66715.3RESS  
 96021-26  
 00013 12  
 00250 MILITARY-MISYS  
 00034 NRDP PAY SYS  
 00015. 050101  
 00013P  
 00034 NFC RET PAY  
 65872SA14304  
 00034 SAV-DEP-SYS  
 00011 J05  
 00159 D-3/01  
 61174 NAVYEXCHANGE  
 00034 13  
 00013 2  
 00015.00K1  
 00011 C03  
 61755-M  
 00175 03004  
 30571 STAEMP/FININ  
 00015.ONI53-1A  
 62271 NPS 2  
 30640 NATTCL 1080/1  
 96021-434  
 00013 17  
 09191 POW DEBRIEFS  
 60921 AUTH GLASSES  
 56021-02  
 62271 NPS 4  
 62585POV/GAS RECORDS  
 66001 TECHAUTHIND  
 61581LODGING ALLOW  
 63042 TDAF  
 96021 - 263  
 96021/23  
 96021-54  
 0003411  
 00018 05  
 63395 10140.IF  
 00011 C02  
 00039 TUTORIAL FILE  
 65872SA53105  
 00011 J04  
 60258 002  
 00344 BP 714003

## NOTICES

40131

## DEFENSE CONTRACT AUDIT AGENCY (R) 40 F.R. 36018--36044

EEO BACKGROUND DOCUMENTS NOT INCLUDED IN CASE FILES.	DCAA 358.24
STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST	DCAA 240.2
APPLICANT CORRESPONDENCE	DCAA 311.4
APPLICANT SUPPLY FILE INDEX	DCAA 311.3
CAREER FILES	DCAA 315.11
CLEARANCE CERTIFICATION	DCAA 152.7
CONGRESSIONAL COMMITTEE CORRESPONDENCE	DCAA 260.5
CONGRESSIONAL CORRESPONDENCE	DCAA 260.6
CROSS REFERENCE INDEX TO LEGAL OPINIONS	DCAA 240.1 2
DELEGATIONS OF AUTHORITY	DCAA 205.09
DISBURSEMENT VOUCHERS	DCAA 422.5
DCAA AUTOMATED PERSONNEL INVENTORY SYSTEM	DCAA 590.9
DCAA MANAGEMENT INFORMATION SYSTEM	DCAA 590.8
EXECUTIVE DEVELOPMENT PROGRAM	DCAA 315.10
EEO CASES RESOLVED BY CSC.	DCAA 358.22
EEO COMPLAINTS RESOLVED BY DCAA	DCAA 358.21
FREEDOM OF INFORMATION ADMINISTRATIVE APPEALS	DCAA 502.6
GENERAL	DCAA 240.1
GENERAL EEO FILES	DCAA 358.1
GRIEVANCE & APPEAL FILES	DCAA 358.3
INACTIVE SERVICE RECORDS	DCAA 371.8
KEY CONTROL RECORDS	DCAA 153.3
LEGAL OPINIONS	DCAA 240.3
LETTERS OF COMMENDATION AND APPRECIATION	DCAA 341.6
LOCATOR RECORDS	DCAA 371.5
NAME FILES	DCAA 371.1
NOTIFICATION OF SECURITY DETERMINATIONS	DCAA 152.5
NOTIFICATIONS OF SECURITY CLEARANCE STATUS	DCAA 152.11
NOTIFICATIONS OF VISITS	DCAA 152.13
OFFICIAL PERSONNEL FOLDERS	DCAA 371.13
OTHER COPIES OF EEO COMPLAINT CASE FILES	DCAA 358.23
PARKING PERMITS AND VEHICLE REGISTRATION	DCAA 110.8
PERSONNEL SECURITY ADJUDICATION FILE	DCAA 152.4
PERSONNEL SECURITY DATA FILES	DCAA 152.2
POSTAL DIRECTORY	DCAA 575.4
PRIVACY ACT ADMINISTRATIVE APPEALS	DCAA 503.5
PROPERTY PASS FILES	DCAA 120.8
REGIONAL SECURITY CLEARANCE REQUEST FILES	DCAA 152.6
REPORTS OF PERSONNEL SECURITY INVESTIGATIONS	DCAA 152.3
SECURITY STATUS MASTER LIST	DCAA 152.17
SECURITY TRAINING AND ORIENTATION	DCAA 151.11
SERVICE RECORD FILE	DCAA 371.7
STANDARDS OF CONDUCT, CONFLICT OF INTEREST	DCAA 240.5
STUDENTS AND INSTRUCTORS	DCAA 322.7
SUPERVISOR PERSONNEL RECORDS	DCAA 371.2
TEMPORARY PASSES AND PERMITS FOR VISITORS AND VEHICLES	DCAA 110.9
TIME AND ATTENDANCE REPORTS	DCAA 440.2
WHITE HOUSE CORRESPONDENCE	DCAA 260.4

## DEFENSE SUPPLY AGENCY (S) 40 F. R. 36045--36076

CONTRACTING OFFICER FILES	810.50 DSAH-P-1
DATA PROCESSING PROJECT CONTROL ASSIGNMENT AND MACHINE UTILIZATION	233.10 DSAH-L
EMERGENCY TRANSPORTATION OF ESSENTIAL PERSONNEL	214.10 DCRN-MA
FRAUD & IRREGULARITIES	255.01 DSAH-G
INDIVIDUAL ACCESS FILES	161.25 DSAH-T
INDIVIDUAL VEHICLE OPERATORS FILE	690.10 DSAH-W
NONAPPROPRIATED FUND (NAF) MEMBERSHIP RECORDS	491.10 DSAH-M
RESERVE AFFAIRS	322.70 DSAH-M
FOR ASSISTANCE AND INFORMATION	270.10 DSAH-K
ATLANTA PERSONNEL DATA BANK SYSTEM.	111.11 DCRA-AA
ATTORNEY PERSONAL INFORMATION AND APPLICANT FILES	333.10 DSAH-G
AUDITOR PROFILE	339.10 DSAH-C
AUTHORIZATION FILE	330.15 DPSC-G
AUTOMATED PAYROLL COST AND PERSONNEL SYSTEM	434.15 DSAH-C
AUTOMATED PAYROLL, COST AND PERSONNEL SYSTEM (APCAPS) - SEGMENT II	434.15 DSAH-K
BIOGRAPHY FILE	270.30 DSAH-B
CIVILIAN PERSONNEL AND MANPOWER CONTROL SYSTEM	111.11 DESC-KER
CIVILIAN PERSONNEL ADMINISTRATIVE CAREER PROGRAM	334.05 DSAH-K
CLAIMS & LITIGATION, OTHER THAN CONTRACTUAL	252.50 DSAH-G
COMPLAINTS	233.30 DSAH-I
COMPLAINTS	243.30 DSAH-K
CRIMINAL INCIDENTS/INVESTIGATIONS FILE	160.50 DSAH-T
DALLAS INTERNAL PERSONNEL MANAGEMENT INFORMATION SYSTEM	330.60 DCRT-E-2
DEBT RECORDS FOR INDIVIDUALS	434.87 DSAH-C
DEFENSE CONTRACT ADMINISTRATION SERVICES REGION (DCASR) DALLAS PERSON	111.11 DCRT-E
DEFENSE PERSONNEL SUPPORT CENTER (DPSC) CIVILIAN PERSONNEL FILE	330.50 DPSC
DEPENDENTS TRAVEL	672.70 DSAH-X
EMPLOYMENT INQUIRIES	332.01 DSAH-KS
ENROLLMENT, REGISTRATION AND COURSE COMPLETION RECORD.	155.05 DCAS-NS
FIREARMS REGISTRATION RECORDS	161.70 DSAH-T
GRIEVANCE EXAMINERS AND EQUAL EMPLOYMENT OPPORTUNITY INVESTIGATORS PR	390.01 DSAH-KS
GUEST INSTRUCTOR INTRODUCTION CARD 155.02 2	155.05 2DCAS-NS
HEADQUARTERS DEFENSE SUPPLY AGENCY (DSA) AUTOMATED CIVILIAN PERSONNEL	339.10 DSAH-K
INDIVIDUAL ACCIDENT CASE FILES	370.20 DSAH-KH
INDIVIDUAL DEVELOPMENT PLAN	334.10 DSAH-KT
INDUSTRIAL PERSONNEL SECURITY CLEARANCE FILE	155.53 DCAS-NS
INFORMATION MILITARY PERSONNEL RECORDS	322.15 DSAH-M
INVENTION DISCLOSURES	253.10 DSAH-G
INVENTORY, COMPTROLLER/FINANCIAL MANAGEMENT CAREER PROGRAM	334.10 DSAH-KM
LOCAL CIVILIAN PERSONNEL DATA BANK	111.11 DDCR-R
MANUFACTURING PAYROLL SYSTEM; WEEKLY PIECE WORK	866.15 DPSC
MECHANIZATION OF CONTRACT ADMINISTRATION SERVICES - 1B PAYROLL	434.20 DSAH-C
MILITARY PERSONNEL DATA BANK SYSTEM	322.45 DSAH-M
MONTHLY QUALITY ASSURANCE ACTIVITY REPORT BY PERSON	850.10 DCAS-Q 2
MOTOR VEHICLE REGISTRATION FILES	161.30 DSAH-T
NOMINATIONS FOR AWARDS	352.10 DSAH-K
OFFICER/ENLISTED EVALUATION REPORT FILE AND FILE SUMMARY	322.35 DSAH-M
OFFICIAL PERSONNEL FOLDERS FOR NON-APPROPRIATED FUND EMPLOYEES	493.10 DSAH-K
PATENT INFRINGEMENT.	253.40 DSAH-G
PATENT LICENSES AND ASSIGNMENTS	253.30 DSAH-G 2
PERSONNEL COST FORECAST SYSTEM	336.10 DCRS-F
PERSONNEL SECURITY CLEARANCE STATUS - CAPSTONE	153.20 DSAH-T
PERSONNEL SECURITY FILES	153.01 DSAH-T
POLICE FORCE RECORDS	162.60 DSAH-T
POSITION CLASSIFICATION APPEALS	336.60 DSAH-KM
POSITION SURVEYS	336.50 DSAH-KM
QUALITY ASSURANCE ACTIVITY CERTIFICATION REPORT	850.10 DCAS-Q 1
QUALITY ASSURANCE STAFF DEVELOPMENT PROGRAM	335.80 DSAH-Q
ROTATION OF EMPLOYEES FROM FOREIGN AREAS AND THE CANAL ZONE	111.11 DSAH-K
ROYALTIES	253.30 DSAH-G I
SCHEDULE AND RECORD OF OVERTIME ASSIGNMENT AND REQUEST	120.05 DSAH-K
SECURITY VIOLATIONS FILES	150.20 DSAH-T
SEIZURE AND DISPOSITION OF PROPERTY RECORDS	161.60 DSAH-T
STANDARDS OF CONDUCT	257.10 DSAH-G
SUPERVISORS' RECORDS AND REPORTS OF EMPLOYEE ATTENDANCE AND LEAVE.	120.05 2 DSAH-K
TRAFFIC VIOLATIONS FILE	161.50 DSAH-T
TRAVEL RECORD	431.15 DSAH-C
VEHICLE ACCIDENT INVESTIGATION FILES	161.40 DSAH-T
VISITORS AND VEHICLE TEMPORARY PASSES AND PERMITS FILE	161.20 DSAH-T
WORK ASSIGNMENT, PERFORMANCE AND PRODUCTIVITY RECORDS AND REPORTING S	233.10 DSAH-K



NOTICES

40133

DEFENSE INVESTIGATIVE SERVICE (V) 40 F.R. 36077--36088

ADVERSE ACTIONS, GRIEVANCE FILES AND ADMINISTRATIVE APPEALS	4-07
CIVILIAN APPLICANT RECORDS	4-04
CIVILIAN EMPLOYEE PERSONNEL RECORDS	4-01
CIVILIAN PERSONNEL MANAGEMENT INFORMATION SYSTEM	4-06
DEFENSE CASE CONTROL SYSTEM	5-04
DEFENSE CENTRAL INDEX OF INVESTIGATIONS	5-02
EEO COMPLAINTS	4-08
INCENTIVE AWARDS	4-10
INSPECTOR GENERAL COMPLAINTS	2-01
INVESTIGATIVE FILES SYSTEM	5-01
MERIT PROMOTION PLAN RECORDS	4-09
MILITARY PERSONNEL MANAGEMENT INFORMATION SYSTEM	4-05
NATIONAL AGENCY CHECK (NAC) CASE CONTROL SYSTEM	5-03
OPTICNAL PERSONNEL MANAGEMENT RECORDS	4-02
PERSONNEL ASSIGNMENT DOCUMENT	4-03
PERSONNEL SECURITY FILES	6-01
PRIVACY AND FREEDOM OF INFORMATION REQUEST RECORDS	1-01
SPECIAL COMPARTMENTED INTELLIGENCE (SCI) ACCESS FILE.	6-02

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (W) 40 F.R. 36088

USUHS APPLICANT RECORD SYSTEM	USU04
USUHS PAYROLL SYSTEM	USU02
USUHS PERSONNEL FILFS	USU01
USUHS STUDENT RECORD SYSTEM	USU03

**Title 49—Transportation**  
**CHAPTER VIII—NATIONAL**  
**TRANSPORTATION SAFETY BOARD**  
**PART 802—RULES IMPLEMENTING**  
**THE PRIVACY ACT OF 1974**

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a et seq.)), the National Transportation Safety Board on July 17, 1975, at 40 FR 30130, published a notice of proposed rulemaking to add to its regulations a new Part 802—Rules Implementing the Privacy Act of 1974. On July 24, 1975, at 40 FR 30988, the proposed rule was amended to provide Subpart H—Specific Exemptions.

Comments were invited, on or before August 18, 1975, on both documents. No comments have been received. However, the following minor editorial and language changes have been made for the purpose of clarification:

1. In § 802.1, reference to specific systems of records has been deleted, since such systems of records and their routine uses are the subject of special notices published in the FEDERAL REGISTER as required by the Privacy Act of 1974.

2. A definition of "System Manager" has been added to § 802.2.

3. In § 802.6(c), the term "System Manager" has been substituted for "Comptroller" and reference to the Comptroller's jurisdiction has been deleted.

4. In Subparts C, D, and E, "System Manager," as defined, has been substituted for "General Manager."

5. In § 802.12(b), the phrase "including the General Manager and the Comptroller, where applicable;" has been deleted in conformance with other language changes made herein.

Accordingly, as adopted by the National Transportation Safety Board on August 22, 1975, 49 CFR Part 802 is added as set forth below:

**Subpart A—Applicability and Policy**

Sec.

802.1 Purpose and scope.

802.2 Definitions.

**Subpart B—Initial Procedures and Requirements**

802.5 Procedures for requests pertaining to individual records in a record system.

802.6 Times, places, and requirements for identification of individuals making requests.

**Subpart C—Initial Determination**

802.8 Disclosure of requested information.

**Subpart D—Correction or Amending the Record**

802.10 Request for correction or amendment to record.

802.11 Agency review of request for correction or amendment of record.

802.12 Initial adverse agency determination on correction or amendment.

**Subpart E—Review of Initial Adverse Determination**

802.14 Review procedure.

**Subpart F—Fees**

802.15 Fees.

**Subpart G—Penalties**

802.18 Penalties.

**Subpart H—Specific Exemptions**

802.20 Security records.

**AUTHORITY:** Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a); Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2186 (49 U.S.C. 1901 et seq.); and Freedom of Information Act, Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552.

**Subpart A—Applicability and Policy**

**§ 802.1 Purpose and scope.**

The purpose of this part is to implement the provisions of 5 U.S.C. 552a with respect to the availability to an individual of records of the National Transportation Safety Board (NTSB) concerning all NTSB records maintained on individuals, whether the records predate or post-date September 72, 1975, the effective date set forth in section 8 of the Privacy Act of 1974 (Act). NTSB policy encompasses the safeguarding of individual privacy from any misuse of Federal records and the provision of access to individuals to NTSB records concerning them, except where such access is in conflict with the Freedom of Information Act, or other statute.

**§ 802.2 Definitions.**

In this part:

"Board" means the five Members of the National Transportation Safety Board, or a quorum thereof;

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

"National Transportation Safety Board (NTSB)" means the agency set up under the Independent Safety Board Act of 1974;

"Record" means any item, collection, or grouping of information about an individual that is maintained under the control of the NTSB pursuant to Federal law or in connection with the transaction of public business, including, but not limited to, education, financial transactions, medical history, and criminal or employment history, and that contains a name, or an identifying number, symbol, or other identifying particular assigned to an individual, such as a finger or voice imprint or photograph;

"Routine use" means the use of such record for a purpose compatible with the purpose for which it was collected, including, but not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court referral to potential employers, and for security clearance;

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and which is not used wholly or partially in any determination concerning an identifiable individual;

"System Manager" means the agency official who is responsible for the policies and practices of his particular system or systems of record, as specified in the NTSB notices of systems of records; and

"System of records" means a group of any records under the control of the NTSB from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual, whether presently in existence or set up in the future.

**Subpart B—Initial Procedures and Requirements**

**§ 802.5 Procedures for requests pertaining to individual records in a record system.**

The NTSB may not disclose any record to any person or other agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, provided the record under the control of the NTSB is maintained in a system of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to such individual. Written consent is not required if the disclosure is:

(a) To officers or employees of the NTSB who require the information in the official performance of their duties;

(b) Required under 5 U.S.C. 552, Freedom of Information Act;

(c) For a routine use compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for uses pursuant to Title 13, U.S. Code;

(e) To a recipient who has provided the NTSB with advance adequate assurance that the record will be used solely as a statistical research or reporting record and that it is to be transferred in a form not individually identifiable; or

(f) Pursuant to the order of a court of competent jurisdiction.

**§ 802.6 Times, places, and requirements for identification of individuals making requests.**

(a) All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name, the individual's full name, and other information helpful in identifying the records shall be included.

(b) All requests for access to records shall be made in writing addressed to the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. The request shall clearly state on the envelope and in the letter that it is a "Privacy Act Request." Actual receipt by the General Manager, or his designee, shall constitute receipt.

(c) The request for the record, if reasonably identified, shall be promptly forwarded by the General Manager to the appropriate System Manager.

(d) The requester's identity must be verified before the release of any record unless exempted under the Freedom of Information Act. This may be accomplished by adequate proof of identity in the form of a driver's license or other acceptable item of the same type.

(e) A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the NTSB will require the requester to furnish the General Manager, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

(f) Where a request is made for reproduced records which are to be delivered by mail, the request must include a notarized statement verifying the requester's identity.

(g) Requests shall be handled on work days—Monday through Friday, excluding legal holidays, at official hours, between 8:30 a.m. and 5 p.m., at the offices of the National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

#### Subpart C—Initial Determination

##### § 802.8 Disclosure of requested information.

(a) The System Manager may initially determine that the request be granted. If so, the individual making the request shall be notified in writing, and the notice shall include:

- (1) A brief description of the information to be made available;
- (2) The time and place where the record may be inspected, or alternatively, the procedure for delivery by mail to the requesting party;
- (3) The estimated cost for furnishing copies of the record;
- (4) The requirements for verification of identity;
- (5) The requirements for authorizing discussion of the record in the presence of an accompanying person; and
- (6) Any additional requirements needed to grant access to a specific system of records or record.

(b) Within 10 working days after receipt of the request by the General Manager in appropriate cases, the requester will be informed:

- (1) That the request does not reasonably describe the system of records or record sought to permit its identification, and shall set forth the additional information needed to clarify the request; or
- (2) That the system of records identified does not include a record retrievable by the requester's name or other identifying particulars.

(c) The System Manager may also, in appropriate cases, advise the requester within 10 working days after receipt of the request that the request for access has been denied, and the reason for the denial, or that the determination has been made to grant the request, either in whole or in part, in which case the relevant information will be provided.

#### Subpart D—Correction or Amending the Record

##### § 802.10 Request for correction or amendment to record.

All requests for correcting or amending records shall be made in writing to the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall be deemed received upon actual receipt by the General Manager. The request shall clearly be marked on the envelope and in the letter with the legend that it is a "Privacy Act Request for Correcting or Amending Records." The request must reasonably set forth the

portion of the record which the individual contends is not accurate, relevant, timely, or complete.

##### § 802.11 Agency review of request for correction or amendment of record.

Within 10 working days after receipt of the request to correct or amend the record, the System Manager shall acknowledge receipt of the request in writing and shall either make the correction of the portion of the record which has been requested or inform the individual of the refusal to correct or amend the record as requested.

##### § 802.12 Initial adverse agency determination on correction or amendment.

If the System Manager determines that the record should not be corrected or amended in whole or in part, he will forthwith make such finding in writing, after consulting with the General Counsel, or his designee. The requester shall be notified within 10 working days of the refusal to correct or amend the record. The notification shall be in writing, signed by the System Manager, and shall include—

- (a) the reason for the denial;
- (b) the name and title or position of each person responsible for the denial of the request;
- (c) the appeal procedures for the individual for a review of the denial; and
- (d) notice that the denial from the System Manager is appealable within 30 days from the receipt thereof by the requester to the Board;

The System Manager is allotted 10 working days (or within such extended period as is provided in the section concerning "unusual circumstances" *infra*) to respond to the request for review. If the requester does not receive an answer within such time, the delay shall constitute a denial of the request and shall permit the requester immediately to appeal to the Board, or to a district court.

#### Subpart E—Review of Initial Adverse Determination

##### § 802.14 Review procedure.

(a) A requester may appeal from an adverse determination within 30 days after receipt of a denial notice from the System Manager. The appeal must be in writing addressed to the Chairman, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594, and shall contain a statement on the envelope and in the letter: "Appeal from Privacy Act Adverse Determination."

(b) The Board shall make a determination with respect to the appeal within 30 working days after the receipt of the appeal, except as provided for in "unusual circumstances" *infra*.

(c) If the appeal upholds the denial in whole or in part, the Board shall notify the requester in writing. The notice shall contain: A brief explanation for the affirmance of the initial denial; a statement that the denial is a final agency action and judicial review is available in

a district court of the United States in the district where the requester resides or has his principal place of business, or where the agency records are located, or in the District of Columbia; and a request that the requester file with the Board a concise statement enumerating the reasons for his disagreement with the denial.

(d) If the denial is reversed on appeal, the Board shall notify the requester in writing of the reversal. The notice shall include a brief statement outlining the portions of the individual's record which were not accurate, relevant, timely, or complete, and the corrections of the record which were made, and the time and place where the individual may review the corrected record to verify that the corrections were made.

(e) Copies of all appeals and written determinations will be furnished by the System Manager to the Board.

(f) In unusual circumstances, time limits may be extended by not more than 10 working days by written notice to the individual making the request. The notice shall include the reasons for the extension and the date on which a determination is expected to be forthcoming. "Unusual circumstances" as used in this section shall include circumstances where a search and collection of the requested records from field offices or other establishments are required, cases where a voluminous amount of data is involved, and cases where consultations are required with other agencies or with others having a substantial interest in the determination of the request.

#### Subpart F—Fees

##### § 802.15 Fees.

No fees shall be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee schedule for other records is the same as that appearing in the Appendix to Part 801 of this chapter, implementing the Freedom of Information Act.

#### Subpart G—Penalties

##### § 802.18 Penalties.

(a) An individual may bring a civil action against the NTSB to correct or amend the record, or where there is a refusal to comply with an individual request or failure to maintain any record with accuracy, relevance, timeliness and completeness, so as to guarantee fairness, or failure to comply with any other provision of 5 U.S.C. 552a. The court may order the correction or amendment. It may assess against the United States reasonable attorney fees and other costs, or may enjoin the NTSB from withholding the records and order the production to the complainant, and it may assess attorney fees and costs.

(b) Where it is determined that the action was willful or intentional with respect to 5 U.S.C. 552a(g)(1)(c) or (d), the United States shall be liable for the actual damages sustained, but in no case less than the sum of \$1,000 and the costs of the action with attorney fees.

## NOTICES

(c) Criminal penalties may be imposed against an officer or employee of the NTSB who fully discloses material which he knows is prohibited from disclosure, or who willfully maintains a system of records without meeting the notice requirements, or who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses. These offenses shall be misdemeanors with a fine not to exceed \$5,000.

**Subpart H—Specific Exemptions****§ 802.20 Security Records.**

Pursuant to, and limited by, 5 U.S.C. 552a(k) (5), the NTSB's system of records, which contains the Security Records of NTSB employees, prospective employees, and potential contractors, shall be exempt from disclosure of the material and the NTSB's handling thereof under subsections (d), (e) (1) and (e) (4) (H) and (I) of 5 U.S.C. 552a.

Approved by the National Transportation Safety Board on August 22, 1975, to be effective August 28, 1975.

Signed at Washington, D.C., August 22, 1975.

JOHN H. REED,  
*Chairman.*



**NATIONAL TRANSPORTATION SAFETY BOARD**  
**IMPLEMENTATION OF PRIVACY ACT OF 1974**  
**Notice of Systems of Records; Amendment**

The notice of the systems of records of the National Transportation Safety Board, published at 40 FR 33811 on Monday, August 11, 1985, is hereby amended to add two systems of records, one entitled "Reports of Employees' Financial Interests and Outside Employment," and one entitled "Employee Payroll, Leave, and Attendance Records," in accordance with the requirements of 5 U.S.C. 552a(e)(4) (Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896).

Public comment is solicited on the routine use portions of this notice. Comments should be submitted on or before September 15, 1985, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

Fritz L. Puls,  
*General Counsel.*

August 22, 1975.

**Authority for maintenance of the system:** Federal Personnel Manual and Treasury Fiscal Requirements Manual; and Pub. L. 93-633, 88 Stat. 2168 (sec. 303(c)(3) of the Independent Safety Board Act of 1974, 49 U. S.C. 1902).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** For preparation of payroll, to fulfill Government payroll recordkeeping and reporting requirements; and to retrieve and supply payroll and leave information as required for NTSB needs. Other routine uses for certain records are specified in the Civil Service Commission notice: "C.S.C.—General Personnel Records (Official Personnel Folder and records related thereto)." Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employees, and for security clearance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Storage for NTSB is maintained by the Federal Highway Administration (FHWA), 400 7th Street, S.W., Washington, D.C. 20590.

**Retrievability:** Time cards are machine-printed, 7-1/2 inch by 3-1/2 inch cards (FHWA Form 320A); tapes are standard 2, 400-foot IBM tapes.

**Safeguards:** There are no safeguards for the time cards. The tapes, however, are maintained in the computer center and access is permitted only to certain specified FHWA employees or appropriate employees of contractor agencies.

**Retention and disposal:** The time cards are maintained in the office for the current and prior year and are thereafter sent to the Federal Records Center in St. Louis. The tapes are retained, based on the cycle of the particular system. The disposal occurs when the cycle ends. The tapes are kept by employee number, which is a number assigned to the employee on hiring.

**System manager(s) and address:** Director of Administration, Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Notification procedure:** Address inquiries to System Manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** NTSB employees.

**NTSB—5**

**System name:** Reports of Employee's Financial Interests and Outside Employment.

**System location:** National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594

**Categories of individuals covered by the system:** NTSB employees.

**Categories of records in the system:** Confidential statements of financial interests and outside employment required of certain employees. The statements set forth the financial interests of the employees and members of their immediate families and specify the employment of the members of the immediate family or any other employment of the NTSB employees involved.

**Authority for maintenance of the system:** 5 CFR Part 735 (Federal Personnel Manual), implemented by 49 CFR Part 805.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** These records are used by authorized personnel for ascertaining conflicts or apparent conflicts of interest and for recommending appropriate action to NTSB employees. In the event of a violation or potential violation of law, whether civil, criminal, or regulatory, the records may be referred to the appropriate agency. Routine use includes, but is not limited to, referral to law enforcement agencies of violations of the law and for discovery purposes ordered by a court, referral to potential employers, and for security clearance.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Records are maintained on 8-1/2 inch by 10-1/2 inch forms kept in a manila folder.

**Retrievability:** Indexed alphabetically by name.

**Safeguards:** Records are stored in a locked safe.

**Retention and disposal:** Records are manually kept during employment of the individual and then destroyed.

**System manager(s) and address:** Director of Administration, Office of the General Manager, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Notification procedure:** Address inquiries to System Manager.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** NTSB employees.

**NTSB—6**

**System name:** Employee Payroll, Leave, and Attendance Records—NTSB

**System location:** National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

**Categories of individuals covered by the system:** NTSB employees.

**Categories of records in the system:** Manual files and computer-retrievable data containing payroll-related information covering NTSB employees. Payroll, leave and attendance records include many records or information also maintained in the employees' Personnel Nonpermanent Records and related files which are maintained in accordance with Civil Service Commission regulations and noticed by the Commission in its Governmentwide systems of personnel records. Payroll and related information consists of various forms and computer-retrievable data which discloses on a biweekly, year-to-date, and/or annual basis, payroll and leave data for each NTSB employee. This data relates to the rate and amount of pay, leave, hours worked, and leave balances. It also includes tax and retirement deductions, life insurance and health deductions, savings allotments, savings bond and charity deductions, mailing addresses, and home addresses.

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*Just Released*

## CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 32A—National Defense, Appendix----- \$2. 85

Title 40—Protection of Environment (Parts 0-49)----- 2. 90

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