

The OMB is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility, and clarity of the information to be collected; and

- \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment Standards Administration, Office of Federal Contract Compliance Programs.

*Title:* Recordkeeping and Reporting Requirements—Supply and Service.

*OMB Number:* 1215-0072.

*Frequency:* As requested.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 88,797.

*Estimated Time Per Respondent:* 163.83 hours.

*Total Burden Hours:* 14,547,229.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* This final rule makes three general types of revisions to the current regulations implementing section 503 of the Rehabilitation Act of 1973. First, the regulations' nondiscrimination provisions generally are conformed to the regulations published by the Equal Employment Opportunity Commission implementing Title I of the Americans with Disabilities Act of 1990. Second, the regulations incorporate recent statutory amendments to section 503. Third, the regulations are revised to strengthen and clarify various existing provisions relating to affirmative action for qualified individuals with disabilities, record retention, enforcement and other issues.

The interim rule published concurrent with this final rule modifies the OFCCP regulation requiring Government contractors to invite job applicants to inform the contractor whether the applicant believes that he

or she may be covered by the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and wishes to benefit under the contractor's affirmative action program. These changes are substantively identical to OFCCP's revision to the rule requiring invitations to self-identify under section 503 of the Rehabilitation Act of 1973.

*Agency:* Employment Standards Administration, Office of Federal Contract Compliance Programs.

*Title:* Recordkeeping and Reporting Requirements—Construction.

*OMB Number:* 1215-0163.

*Frequency:* As requested.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 136,321.

*Estimated Time Per Respondent:* 38.32 hours.

*Total Burden Hours:* 5,223,173.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* This final rule makes three general types of revisions to the current regulations implementing section 503 of the Rehabilitation Act of 1973. First, the regulations' nondiscrimination provisions generally are conformed to the regulations published by the Equal Employment Opportunity Commission implementing Title I of the Americans with Disabilities Act of 1990. Second, the regulations incorporate recent statutory amendments to section 503. Third, the regulations are revised to strengthen and clarify various existing provisions relating to affirmative action for qualified individuals with disabilities, record retention, enforcement and other issues.

The interim rule published concurrent with this final rule modifies the OFCCP regulation requiring Government contractors to invite job applicants to inform the contractor whether the applicant believes that he or she may be covered by the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and wishes to benefit under the contractor's affirmative action program. These changes are substantively identical to OFCCP's revision to the rule requiring invitations to self-identify under section 503 of the Rehabilitation Act of 1973.

Theresa M. O'Malley,

*Acting Departmental Clearance Officer.*

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BILLING CODE 4510-27-M

## MERIT SYSTEMS PROTECTION BOARD

### Privacy Act of 1974; Proposed New System of Records

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Privacy Act of 1974; Notice of New System of Records.

**SUMMARY:** As required by The Privacy Act of 1974, 5 U.S.C. 552a, the Merit Systems Protection Board (Board) is publishing a notice proposing establishment of a new system of records. This new records system is the Office of Appeals Counsel Decision Data Base. The system is intended to provide research materials to Board employees involved in the adjudication of petitions for review and other matters under the Board's original and appellate jurisdictions. Information contained in these records will be used in drafting various legal documents in the adjudication process.

**DATES:** Comments must be received on or before August 1, 1996. This system of records becomes effective as proposed, without further notice, on September 3, 1996, unless comments are received which would result in a contrary determination. Comments may be mailed to the Merit Systems Protection Board, Office of the Clerk of the Board, 1120 Vermont Avenue, NW., Washington, DC. 20419, or faxed to the same address on 202-653-7130. Electronic mail comments may be sent via the Internet to mspb@mspb.gov.

**FOR FURTHER INFORMATION CONTACT:** Michael H. Hoxie, Office of the Clerk of the Board, 202-653-7200.

Dated: June 27, 1996.

Robert E. Taylor,  
*Clerk of the Board.*

### MSPB/INTERNAL-4

#### SYSTEM NAME:

Office of Appeals Counsel Decision Data Base

#### SYSTEM LOCATION:

Office of Appeals Counsel, Merit Systems Protection Board (MSPB), 1120 Vermont Avenue, NW., Washington, DC 20419.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Current and former Federal employees, applicants for employment, annuitants, and other individuals who have filed petitions or requests for review with MSPB or its predecessor agency, or have been a party in an original jurisdiction case.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

a. These records contain advisory memoranda prepared by the Office of Appeals Counsel for the Board, or individual members of the Board, and instructions from members of the Board regarding the preparation of decisions for Board issuance. These records also contain individual appellant's names, and may contain social security numbers, home addresses, veterans status, race, sex, national origin and disability status data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1205, 1206, 1207, 1208, 7701 and 7702.

**PURPOSE:**

These records are used for internal legal research by Board employees involved in adjudicating petitions for review and other matters arising under the Board's original and appellate jurisdictions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Information from the record may be disclosed:

a. to the Government Accounting Office in response to an official inquiry or investigation;

b. to the Department of Justice for use in litigation when:

(1) The Board, or any component thereof; or

(2) Any employee of the Board in the employee's official capacity; or

(3) Any employee of the Board in the employee's individual capacity where the Department of Justice has agreed to represent the employee; or

(4) The United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation, provided, however, that in each case, the agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected, or approval or consultation is required.

c. In any proceeding before a court or adjudicative body before which the Board is authorized to appear, when:

(1) The Board, or any component thereof; or

(2) Any employee of the Board in the employee's official capacity; or

(3) Any employee of the Board in the employee's individual capacity where

the agency has agreed to represent the employee; or

(4) The United States, where they agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case the agency determines that the disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected, or approval or consultation is required.

d. To the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906; and

e. In response to a request for discovery or for appearance of a witness, if the requested information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are maintained in electronic form on a file server connected to a local area network serving the Office of Appeals Counsel.

**RETRIEVABILITY:**

These records are retrieved by the names of the individuals on whom they are maintained, and by MSPB docket numbers.

**SAFEGUARDS:**

Access to these records is limited to persons whose official duties require such access. Automated records are protected from unauthorized access through password identification procedures and other system-based protection methods.

**RETENTION AND DISPOSAL:**

Electronic records in this system may be maintained indefinitely, or until the Board no longer needs them.

**SYSTEM MANAGER AND ADDRESS:**

The Office of Appeals Counsel, 1120 Vermont Avenue, NW., Washington, DC. 20419.

**NOTIFICATION PROCEDURES:**

Individuals wishing to inquire whether this system of records contains information about them should contact the Clerk of the Board and must follow the MSPB Privacy Act regulations at 5 CFR 1205.11 regarding such inquiries.

**RECORD ACCESS PROCEDURES:**

Individuals requesting access to their records should contact the Clerk of the Board. Such requests should be addressed to the Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419. Requests for access to records must follow the MSPB Privacy Act regulations at 5 CFR 1205.11.

**CONTESTING RECORD PROCEDURES:**

Individuals requesting amendment of records should write the Clerk of the Board. Requests must follow the MSPB Privacy Act regulations at 5 CFR 1205.21.

These provisions for amendment of the record are not intended to permit the alteration of evidence presented in the course of adjudication before the MSPB either before or after the MSPB has rendered a decision on the appeal.

**RECORD SOURCE CATEGORIES:**

The sources of these records are:

a. The individual to whom the record pertains;

b. The agency employing the above individual;

c. The Merit Systems Protection Board, the Office of Personnel Management, the Equal Employment Opportunity Commission, the Office of the Special Counsel; and

d. Other individuals or organizations from whom the MSPB has received testimony, affidavits or other documents.

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BILLING CODE 7400-01-M

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Records Schedules; Availability and Request for Comments**

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration, (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records