

software products, including SoftRAM and SoftRAM⁹⁵.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The Commission's complaint charges that the proposed respondents made the following unsubstantiated representations about SoftRAM: (1) SoftRAM uses compression technology to double the random access memory ("RAM") available to a computer using any of Microsoft, Inc.'s Windows 3.0, 3.1, or 3.11 operating systems (collectively "Windows 3.x"); (2) SoftRAM produces the effect of doubling RAM in a computer using Windows 3.x; (3) use of SoftRAM will permit a Windows 3.x user to open more applications simultaneously on a computer; and (4) use of SoftRAM in a computer using Windows 3.x will substantially reduce or eliminate the occurrence of computer screen messages that indicate insufficient memory.

With respect to SoftRAM⁹⁵, the complaint charges that the proposed respondents made the following unsubstantiated representations: (1) SoftRAM⁹⁵ increases RAM in a computer using Microsoft, Inc.'s Windows 95 operating system ("Windows 95") to a greater extent than other software products; (2) SoftRAM⁹⁵ uses compression technology to at least double the RAM available to a computer using Windows 3.x or Windows 95, and achieves RAM compression ratios of up to five times and higher in such a computer; (3) SoftRAM⁹⁵ produces the effect of at least doubling RAM in a computer using Windows 3.x or Windows 95; (4) use of SoftRAM⁹⁵ in a computer will speed up Windows 3.x or Windows 95; (5) use of SoftRAM⁹⁵ will permit a Windows 3.x or Windows 95 user to run larger applications on a computer, and to open more applications simultaneously; and (6) use of SoftRAM⁹⁵ with Windows 3.x or Windows 95 will result in expanded systems resources on a computer and will substantially reduce or eliminate the occurrence of computer screen messages that indicate insufficient memory. The complaint also charges that claims (1) through (6) are false to the extent that they apply to use of SoftRAM⁹⁵ with Windows 95. Further, the complaint charges that the proposed

respondents have falsely represented that Microsoft, Inc. has licensed, endorsed, or otherwise approved SoftRAM⁹⁵ for use with Windows 95.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent proposed respondents from engaging in similar acts in the future.

Part I of the proposed order, in connection with SoftRAM⁹⁵ or any substantially similar product, prohibits the proposed respondents from misrepresenting that: (1) such product increases RAM in a computer using Windows 95 to a greater extent than other software products; (2) such product uses compression technology to increase the RAM available to a computer using Windows 95 or achieves RAM compression ratios of up to five times or higher in a computer using Windows 95; (3) such product produces the effect of increasing the RAM available to a computer using Windows 95; (4) use of such product in a computer will speed up Windows 95; (5) use of such product will permit a Windows 95 user to run larger applications on a computer or to open more applications simultaneously; (6) use of such product with Windows 95 will result in expanded systems resources on a computer and will substantially reduce or eliminate the occurrence of computer screen messages that indicate that the computer has insufficient memory to run the user's application(s); or (7) Microsoft, Inc. has licensed, endorsed, or otherwise approved such product for use with Windows 95.

Part II of the proposed order prohibits any representation which relates to the relative or absolute performance, attributes, benefits, or effectiveness of SoftRAM, SoftRAM⁹⁵, or any substantially similar product, unless such representation is true and proposed respondents possess and rely upon competent and reliable evidence that substantiates the representation. Part III of the proposed order prohibits the proposed respondents from representing that any product intended to improve the performance of any computer has been authorized, certified, licensed, endorsed, or otherwise approved by any person or organization, unless such representation is true. In addition, Part IV prohibits any representation which relates to the relative or absolute performance, attributes, benefits, or effectiveness of any product intended to improve the performance of any computer, unless proposed respondents possess and rely upon competent and reliable evidence that substantiates the representation.

The proposed order (Part V) contains recordkeeping requirements for materials that substantiate, qualify, or contradict covered claims and requires the proposed respondents to keep and maintain all advertisements and promotional materials containing any representation covered by the proposed order. In addition, the proposed order (Part VI) requires distribution of a copy of the consent decree to current and future officers and agents. Further, Part VII provides for Commission notification upon a change in the corporate respondent and Commission notification when each of the individual respondents changes his present business or employment (Part VIII). The proposed order also requires the filing of compliance report(s) (Part IX).

Finally, Part X provides for the termination of the order after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 96-18856 Filed 7-24-96; 8:45 am]

BILLING CODE 6750-01-U

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; System of Record

AGENCY: General Services Administration (GSA).

ACTION: Notice to amend a record system that is subject to the Privacy Act of 1974.

SUMMARY: GSA proposes amending a record system that is subject to the Privacy Act of 1974 (5 U.S.C. 522a), as amended.

DATES: The proposed action becomes effective 30 days after the publication of this notice, unless comments received result in a contrary decision.

ADDRESSES: Send comments to Ms. Elaine P. Dade, Acting Records Officer, 18th and F Streets NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Wm. McHugh, Privacy Act Liaison (202) 501-2983).

SUPPLEMENTARY INFORMATION: The record system Investigation Case Files, GSA/ASM-24, is used for deciding employment suitability, issuing subpoenas and security clearances; and taking civil, criminal, and administrative actions.

The changes to the record system are set forth below. The proposed amendments do not fall within the scope of subsection (r) of the Privacy Act of 1974, which requires submitting a new or altered system report.

Dated July 17, 1996.

Kenneth S. Stacey,
Acting Director, Information Management Division.

System name:

Investigation Case Files.

Changes:

System location:

Delete entry and insert: "The system is located in the Office of Inspector General, 18th and F Streets NW., Washington, DC 20405. The data base for the system, known as the Investigative Information System (IIS), is on a local area network and is located in room 5315 of the GS Building. The IIS is operated by the System Development and Support Division of the Office of Inspector General (JPM)."

Authority for maintenance of the system:

The citation to the United States Code should read "5 U.S.C., App. 3, sec. 2 et seq." The citation to the first Executive Order should read "EO 10450." Also, the second citation to the United States Code should read "40 U.S.C., secs. 275a through a-7, 276c, 318 (a) through (d), and 327 through 331."

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

For routine use 1(C), add the quoted words below: A record related to a case or matter may be disclosed in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice, "even when the agency is not a party to the litigation."

For routine use 1(h), the quoted words represent updated material: A record may be "disclosed" to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuing of a security clearance, the reporting of an investigation of an employee, "the reporting of an arrest or investigative information, or disposition thereof, of an employee received from a State, local, or Federal law enforcement unit," the letting of a contract, or the issuing of a license, grant, or other benefit by the requesting agency to the extent that the information relates to the requesting agency's decision on the matter; * * *

For routine use 2, the first part of the sentence should read: "A record from

this system of records * * *." Also, the quoted words below provide more specific information: Grievance, complaint, appeal: A record from this system of records may be disclosed to an authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee, "which includes matters and investigations involving the Merit Systems Protection Board or the Office of Special Counsel." A record from the system or records may be disclosed to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation of Federal personnel management.

For routine use 4, the second part of the first sentence should read "* * * as set forth in OMB Circular No. A-19 at any stage of the legislative clearance process."

For routine use 5, the quoted words below represent new information: a record from this system of records may be disclosed as a routine use (a) to an expert, a consultant, or a contractor of GSA "engaged in a duty related to an agency function" to the extent necessary to further the performance of "and agency function" and (b) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

For all routine uses, the verb "disclose" is used in place of "disseminate."

Storage:

Delete entry and insert: "Paper records are kept in files and file folders, and electronic records are kept on hard or floppy disks and on tapes."

Retrievability:

Delete entry and insert: "Paper records are retrievable by name from files indexed alphabetically and filed numerically by location and incident. Electronic records are retrievable by letter or number."

Safeguards:

Delete entry and insert: "Paper records are stored in locked, alarmed vault-type rooms or in locked safes with access limited to authorized persons. Computer-based records are available only to authorized users with a need to know and are protected by a network logon password, user password, and right of access to the software, system (IIS), file, date element, and report."

Retention and disposal:

Delete entry and insert: "The records are destroyed by shredding or burning as scheduled in the handbook, GSA

Records Maintenance and Disposition System (OAD P 1820.2A)."

System manager and address:

Delete entry and insert: "The system manager is an employee of the Investigations Operations Division (JIB) of the Office of Inspector General, Room 5321, 18th and F Streets NW., Washington, DC 20405."

Notification procedure:

Delete entry and insert: "An individual who wishes to be notified whether the system contains a record concerning him- or herself should address a request to the Office of Counsel to the Inspector General (JC), General Services Administration, Room 5324, 18th and F Streets NW., Washington, DC 20405."

Record access procedures:

Delete entry and insert: "An individual seeking access to a record should put his or her request in writing and address it to the Office of Counsel to the Inspector General (JC), including full name (maiden name if appropriate), address, and date and place of birth. General inquiries may be made by telephone."

Contesting record procedures:

Delete entry and insert: "GSA rules for contesting the content of a record or appealing the denial of a request to amend a record are in 41 CFR part 105-64, published in the Federal Register."

GSA/ADM-24 (23-00-0024)

SYSTEM NAME:

Investigation Case Files.

SECURITY CLASSIFICATION:

Some of the material contained in the system has been classified in the interest of national security pursuant to EO 11652.

SYSTEM LOCATION:

The system is located in the Office of Inspector General, 18th and F Streets NW., Washington, DC 20405. The data base for the system, known as the Investigative Information System (IIS), is on a local area network in room 5315 of the GS Building. The IIS is operated by the System Development and Support Division of the Office of Inspector General (JPM).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals covered by the system are employees, former employees, applicants for employment with GSA, and commissions, committees, and small agencies serviced

by GSA. It includes historical researchers, employees of contractors performing custodial or guard services in buildings under GSA control, any person who was the source of a complaint or an allegation that a crime had taken place, a witness who has information or evidence on any side of an investigation, and any possible or actual suspect in a criminal, administrative, or civil action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative files contain information such as name, date and place of birth, experience, and investigative material. The records are used as a basis for issuance of subpoenas, security clearances, suitability decisions; and civil, criminal, and administrative actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3, sec. 2 et seq.; Executive Order (EO) 10450, April 27, 1953; EO 11246, September 24, 1965; EO 11478, August 8, 1969; EO 11652, March 8, 1972 and 40 U.S.C. secs. 276 a through a-7, 276c, 318 (a) through (d), and 327 through 331.

PURPOSE(S):

The system serves as the basis for deciding employment suitability, issuing security clearances and subpoenas; and taking civil, criminal, and administrative actions.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USES:

The records are used by GSA officials and representatives of other Government agencies on a need-to-know basis in performing their official duties under the authorities set forth above and for the following routine uses.

1. Records maintained by the Office of Inspector General may be disclosed as follows:

a. A record of any case in which there is an indication of a violation of law, whether civil, criminal, or regulatory in nature, may be disclosed to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting the violation or charged with enforcing or implementing the law.

b. A record may be disclosed to a Federal, State, local, or foreign agency or to an organization in the course of investigating a potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or in preparing for a trial or hearing on such a violation, if there is reason to believe that the agency, individual, or organization possesses information

related to the investigation and disclosing information is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

c. A record related to a case or matter may be disclosed in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice, even when the agency is not a party to the litigation.

d. A record related to a case or matter may be disclosed to an actual or potential party or to his or her attorney for the purpose of negotiation or discussion on matters such as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

e. A record related to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement or that involves a case or matter within the jurisdiction of any agency may be disclosed to the agency to notify it of the status of the case or matter or of any determination or decision that has been made or to make such other inquiries and reports as are necessary during the processing of the case or matter.

f. A record related to a case or matter may be disclosed to a foreign country under an international treaty or convention ratified by the United States or by Executive agreement.

g. A record may be disclosed to a Federal, State, local, foreign, or international law enforcement agency to assist in crime prevention and detection or to provide leads for investigation.

h. A record may be disclosed to a Federal agency in connection with the hiring or retaining of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the reporting of an arrest or investigative information or the disposition thereof, or an employee received from a State, local, or Federal law enforcement unit, the letting of a contract, or the issuing of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

i. A record may be disclosed to the public, news media, trade associations, or organized groups when the purpose is educational or informational, such as describing crime trends or a distinctive modus operandi, provided the record does not identify a specific individual.

2. A record may be disclosed to an appeal or grievance examiner, formal complaints examiner, equal opportunity investigator, arbitrator, or other

authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. This includes matters and investigations involving the Merit Systems Protection Board or the Office of Special Counsel. A record may also be disclosed to the United States Office of Personnel Management under the agency's responsibility for evaluating Federal personnel management.

3. A record may be disclosed to a Member of Congress or to a congressional staff member in response to a request from the person who is the subject of the record.

4. Information may be disclosed to the Office of Management and Budget for reviewing private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative clearance process.

5. A record may be disclosed (a) to an expert, consultant, or contractor of GSA engaged in a duty related to an agency function to the extent necessary to perform the function and (b) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, REVIEWING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are kept in files and file folders, and electronic records are stored on hard or floppy disks and on tapes.

RETRIEVABILITY:

Paper records are retrievable manually by name from files indexed alphabetically and filed numerically by location and incident. Electronic records are retrievable by number or letter.

SAFEGUARDS:

Paper records are stored in locked, alarmed vault-type rooms or in a locked safe with access limited to authorized persons. Computer-based records are available only to authorized users with a need to know and are protected by a network logon password, user password, and right of access to the software, system (IIS), file, date element, and report.

RETENTION AND DISPOSAL:

The records are disposed of by shredding or burning, as scheduled in the handbook, GSA Records Maintenance and Disposition System (OAD P 1820.2A).

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is an employee of the Investigations Operations

Division (JIB) of the Office of Inspector General, Room 5321, 18th and F Streets, NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

An individual who wishes to be notified whether the system contains a record concerning him- or herself should address a request to the Office of Counsel to the Inspector General (JC), General Services Administration, Room 5324, 18th and F Streets, NW., Washington, DC 20405.

RECORD ACCESS PROCEDURE:

An individual seeking access to a record should put his or her request in writing and address it to the Office of Counsel to the Inspector General (JC), including full name (maiden name if appropriate), address, and date and place of birth. General inquiries may be made by telephone.

CONTESTING RECORD PROCEDURE:

GSA rules for contesting the content of a record or appealing a denial of a request to amend a record are in 41 CFR part 105-64, codified in the Code of Federal Regulations.

RECORD SOURCE CATEGORIES:

The sources are individuals, employees, informants, law enforcement agencies, other Government agencies, employers, reference, co-workers, neighbors, educational institutions, and intelligence sources.

SYSTEM EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:

Under 5 U.S.C. 552a(j), the record system is exempt from the Privacy Act of 1974 except subsections (b); (c) (1) and (2); (e)(4) (A) through (F); (e) (6), (7), (9), (10) and (11); and (i) of the Act, to the extent that the information in the system relates to enforcing criminal laws, including police efforts to prevent, control, or reduce crime or to arrest criminals; to the activities of prosecutors, courts, and correctional, probation, pardon, or parole authorities; and to (1) information compiled to identify criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, and nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (2) information compiled for criminal investigation, including reports of informants and investigators that is associated with an identifiable person; or (3) reports of criminal law enforcement, from arrest or indictment through release from supervision. The system is exempted to maintain the efficiency and integrity of law

enforcement by the Office of Inspector General.

Under 5 U.S.C. 552a(k), 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. The system is exempt:

a. To the extent that the system consists of investigative material compiled for law enforcement; however, if any individual is denied any right, privilege, or benefit to which he or she would otherwise be eligible as a result of maintaining such material, the material will be provided to the individual, except to the extent that disclosing it 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, before the effective date of the Act, under an implied promise that the identity of the source would be held in confidence; and

b. To the extent that the system consists of investigative material compiled solely for deciding suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosing the 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, before the effective date of the Act, under an implied promise that the identity of the source would be held in confidence.

The system of records has been exempted to maintain the efficiency and integrity of lawful investigations conducted under the Office of Inspector General's law enforcement responsibilities, and responsibilities in the areas of Federal employment, Government contracts, and access to security-classified information.

[FR Doc. 96-18946 Filed 7-24-96; 8:45 am]

BILLING CODE 6820-30-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: This notice announces that the Nominee Information Form (NIF) is coming up for renewal. This is the application that candidates are required to complete to be considered for a Truman Scholarship. Before submitting the renewal package to the Office of

Management and Budget, the Harry S. Truman Scholarship Foundation (Foundation) is soliciting comments on the specific aspects of the information collection as described below. The Foundation proposes to renew the NIF without making any changes.

DATES: Comments must be submitted on or before September 23, 1996.

ADDRESSES: Bring or submit written comments to: Mrs. Tonji Wade Barrow, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW, Washington, DC 20006. Copies of the NIF may be obtained by writing to the Foundation or from the World Wide Web [<http://www.act.org/truman>]. Comments may be submitted electronically to hstsf@access.digex.com. All written comments will be available for public inspection at the Foundation at the address given above from 8:00 a.m. to 5:00 p.m., Monday through Thursday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Mrs. Tonji Barrow, Senior Program Assistant, telephone 202-395-7430.

I. Information Collection Request

The Foundation is seeking comments on the following request.

Title: Nominee Information Form, OMB No. 3200-0004. Approved for use through 11/30/96.

Affected entities: Parties affected by this information collection are college juniors who wish to compete for Truman Scholarships.

Abstract: PL 93-642 authorizes the Foundation to provide for the conduct of a national competition for the purpose of selecting Truman scholars. The purpose of this information collection through the NIF is to enable a committee to review the credentials of applicants and to determine which appear to meet the selection criteria and should be designated as Finalists and invited to an interview. For persons invited to the interview, the information collection through the NIF helps the Truman Scholars Selection Panel make its decisions after interviewing the Finalists. Data collected include: schools attended; campus, community and government activities and services; awards received; leadership and public service interests and ambitions; graduate study plans; and other information that candidates deem significant. It also includes a 700-800 analysis of a public policy issue chosen by the applicant to demonstrate analytical and writing skills. The data are used only by Foundation staff or selection committees except for items that may be used to publicize the