

(U.S.A.), Inc., The Toronto Dominion Bank, 31 West 52nd Street, 20th Floor, New York, New York 10019-6101, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 C.F.R. 107.102 (1996)) for a license to operate as a small business investment company.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0568 on August 1, 1996, to Toronto Dominion Capital (U.S.A.), Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 26, 1996.

Don A. Christensen,

*Associate Administrator for Investment.*

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## SOCIAL SECURITY ADMINISTRATION

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

**AGENCY:** Social Security Administration (SSA).

**ACTION:** New system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), we are notifying the public of our intent to establish a new system of records. The proposed system is entitled "Plans for Achieving Self-Support (PASS) Management Information System, SSA/OPBP, 05-009." Supplemental Security Income (SSI) recipients can engage in gainful employment or receive income in other ways that contribute toward their regaining the ability to participate normally in the work force. Individuals can report their earnings from work activity or other job-related income by means of a PASS, which becomes part of their SSI claim documentation.

The system will maintain information about plans to establish financial self-sufficiency submitted by certain recipients of SSI under title XVI of the Social Security Act. SSA management will use the information in the system to keep track of SSI claims involving PASS and perform quality assurance and program reviews and other studies regarding PASS.

We are also proposing to establish certain routine use disclosures of the information to be maintained in the

system. The routine uses are discussed below.

We invite public comment on this publication.

**DATES:** We filed a report of the proposed system of records with the Senate Committee on Governmental Affairs, the House Committee on Government Reform and Oversight, and the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, on August 20, 1996. We have requested a waiver of the OMB 40-day advance notice period for this system of records. If OMB grants the waiver, the system of records is effective upon publication in the Federal Register; if OMB does not grant the waiver, we will implement the system on October 4, 1996. In any event, we will not disclose any information under a routine use until 30 days after publication. We may defer implementation of this system of records or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

**ADDRESSES:** Interested individuals may comment on this proposal by writing to the SSA Privacy Officer. The mailing address is 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235; telephone 410-965-1736. Comments may be faxed to 410-966-0869. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter J. Benson, Office of Disclosure Policy, 6401 Security Boulevard, Baltimore, Maryland 21235; telephone 410-965-1736.

#### SUPPLEMENTARY INFORMATION:

##### I. Description of the Proposed System of Records

Sections 1612(b)(4)(A), 1612(b)(4)(B), and 1613(a)(4) of the Social Security Act authorize the Commissioner of Social Security, when determining eligibility for, or the amount of, supplemental security income (SSI) benefits, to exclude such income or resources as determined to be necessary for the fulfillment of Plans for Achieving Self-Support (PASS) approved by the Commissioner.

We are proposing to establish a more effective and efficient case control and management information system than we now have for PASS program evaluation purposes. The system would maintain information about individuals who have submitted a PASS.

The proposed system will consist of computerized files and some paper records retrievable by the Social Security number (SSN) and name of the

individual who has submitted a PASS. Based on past experience, we expect to process approximately 5,500 new PASS per year. We will collect and maintain only the information that is essential for program evaluation and case control purposes.

##### II. Collection and Maintenance of Data in the System

Most of the information in this system of records will already be in existing SSA Privacy Act systems of records, in the Claims Folder system (09-60-0089) or the Supplemental Security Income Record system (09-60-0103). Some new information will be obtained from SSI recipients or from other persons, or will be generated by SSA. Holding this information together will facilitate review and oversight of SSI claims involving PASS by SSA management.

##### III. Proposed Routine Use Disclosures of Data in the System

We are proposing to establish the following routine use disclosures of information which will be maintained in the system:

1. To third-party contacts when the party to be contacted has, or is expected to have, information relating to the individual's PASS, when:

(a) The individual is unable to provide the information being sought. An individual is considered to be unable to provide certain types of information when:

- (1) He or she is incapable or of questionable mental capability;
- (2) He or she cannot read or write;
- (3) He or she cannot afford the cost of obtaining the information;
- (4) He or she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;
- (5) A language barrier exists; or
- (6) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual in connection with his or her PASS; or SSA is reviewing the information as a result of suspected abuse or fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

Although most of the information that will be maintained in this system will already be in SSA's files, SSA will occasionally need to obtain additional information from SSI recipients or other sources. When an SSI recipient has difficulty communicating with SSA or obtaining needed information because

of a physical handicap, a language barrier, or other reason, SSA helps the individual as needed. There can also be other situations in which SSA requests information from a source other than the subject individual. To request needed information from such other sources, SSA must disclose minimal information about the individual to them, for example, information identifying the individual and the fact that the subject individual is, or was, a recipient of SSI payments.

2. To a Congressional office in response to an inquiry from that office made at the request of the subject of the record.

Individuals sometimes request the help of a Member of Congress in resolving some issue relating to a matter before SSA. The Member of Congress then writes SSA, and SSA must be able to give sufficient information to be responsive to the inquiry.

3. To the Department of the Treasury, Internal Revenue Service, for the purpose of auditing SSA's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

Wage and self-employment income information in SSA's files, obtained through the Federal tax reporting process, is considered to be "tax return" information, subject to the confidentiality provisions of section 6103 of the Internal Revenue Code, 26 U.S.C. 6193, administered by the Internal Revenue Service (IRS). SSA must give IRS information to allow IRS to carry out its necessary auditing functions under that statute to determine whether SSA is maintaining and disclosing tax return information in accordance with that statute.

4. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

Individuals sometimes request the help of the President in resolving some issue relating to matters before SSA. The Office of the President then writes SSA, and SSA must be able to give sufficient information to be responsive to the inquiry.

5. Information may be disclosed to a contractor or another Federal agency, as necessary for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an SSA function relating to this system of records.

SSA occasionally contracts out certain of its functions when this would contribute to effective and efficient operations. SSA must be able to give a contractor whatever information is necessary for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract.

6. Nontax return information that is not restricted from disclosure by Federal law may be disclosed to the General Services Administration or the National Archives and Records Administration (NARA) for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906.

The General Services Administration (GSA) and NARA are responsible for archiving old records no longer actively used but which may be appropriate for preservation; they are responsible in general for the physical maintenance of the Federal government's records. SSA must be able to turn records over to these agencies in order to determine the proper disposition of such records.

7. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

- (a) SSA or any component thereof, or
- (b) any SSA employee in his or her official capacity, or
- (c) any SSA employee in his or her individual capacity when DOJ (or SSA when it is authorized to do so) has agreed to represent the employee, or
- (d) the United States or any agency thereof (when SSA determines that the litigation is likely to affect the operations of SSA or any of its components) is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court, or other tribunal, or party before such court or tribunal is relevant and necessary to the litigation, provided, however, that in each case SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information that is subject to the disclosure provisions of the Internal Revenue Code (IRC, 26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

Whenever SSA is involved in litigation, or occasionally when another party is involved in litigation and SSA's policies or operations could be affected by the outcome of the litigation, SSA would be able to disclose information to the court or the parties involved. A

determination would be made in each instance that, under the circumstances involved, the purpose served by the use of the information in the particular litigation is compatible with a purpose for which SSA collects the information.

#### IV. Compatibility of the Proposed Routine Uses

We are proposing the routine use statements discussed above in accordance with the Privacy Act (5 U.S.C. 552a(a)(7), (b)(3), (e)(4) and (e)(11) and our disclosure regulation (20 CFR part 401).

The Privacy Act permits us to disclose information about individuals without their consent for a routine use, i.e., when the information will be used for a purpose that is compatible with the purpose for which we collected the information.

Our disclosure regulation allows us to disclose information under a routine use when the disclosure will be used to administer one of our programs or a similar program of another government agency, or when disclosure is required by law. See 20 CFR 401.205 and 401.310.

In all of the routine use disclosures described above, either the recipient of the information will use the information in connection with a matter relating to one of SSA's programs (for example, disclosures to obtain other information needed for a purpose related to PASS from sources other than the SSI recipient, disclosures to contractors assisting SSA with an administrative function, disclosure in connection with litigation relating to (or affecting) a program administered by SSA) or disclosure is required by law (for example, to IRS, GSA and NARA). Uses of information in connection with matters affecting SSA's programs are self-evidently "compatible." Where disclosure is required by law, the statute establishes that the mandated use of information described in that statute is one of the statutorily prescribed uses for which that information is collected and maintained by SSA.

#### V. Safeguards

We will employ a number of security measures to minimize the risk of unauthorized access to or disclosure of personal data in the proposed system. These measures include the use of passwords and access codes to enter the computer system which will maintain the data, and storage of the computerized records and paper records, in secured areas which are accessible only to employees who require the information in performing their official duties. SSA employees

who have access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in the system.

#### VI. Effect of the Proposed System of Records on Individual Rights

While some new information will be collected or generated by SSA for this system, most of the information maintained in the system will be obtained from other SSA systems of records. Routine use disclosures of information in this system will be even more limited than those permitted from the other systems or records furnishing information to this system. SSA will use the data internally to track cases involving PASS, and perform quality assurance and program integrity reviews and other management studies. SSA will apply the safeguards described above to information in this system and will comply with the provisions of the Privacy Act, the Social Security Act and other laws pertaining to the maintenance, use and disclosure of such information. Any action, resulting from SSA's use of information maintained in this system of records and affecting an individual's Supplemental Security Income benefits, will be taken in accordance with the Social Security Act and regulations and procedures established to implement that statute. Consequently, we do not anticipate that this system of records or the routine uses established for the disclosure of information maintained in this system of records would have any unwarranted adverse effect on the privacy rights or other rights of individuals covered by the system.

Dated: August 20, 1996.

Shirley S. Chater,

*Commissioner of Social Security.*

#### 05-009

##### SYSTEM NAME:

Plans for Achieving Self-Support (PASS) Management Information System, SSA/OPBP.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

Social Security Administration, Office of Program Benefits Policy, 760 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235

In addition, PASS documents may be temporarily transferred to other locations within the Social Security Administration (SSA). Contact the system manager to inquire about these addresses.

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

This system maintains information on disabled and blind individuals who are Supplemental Security Income recipients and who have submitted plans for achieving self-support under sections 1612(b)(4)(A), 1612(b)(4)(B), and 1613(a)(4) of the Social Security Act.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the beneficiary's name; Social Security number (SSN); disability diagnosis; occupational objective; information as to whether the individual's plan was developed by a third party and, if so, the identity of the third party; if the PASS was disapproved, terminated or suspended, the basis for that action; information relating to his or her earnings and employment at the beginning and end of the PASS; the nature and costs of those goods and services which the individual has purchased or proposes to purchase under his or her plan; information about goods and services actually purchased with respect to an approved plan; and information about plans that were not approved (e.g., the basis for denial of approval of a plan).

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Secs. 1602, 1612(b)(4)(A), 1612(b)(4)(B), and 1613(a)(4) of the Social Security Act.

##### PURPOSE(S):

SSA uses the information in the system for program evaluation purposes and to determine the number and types of individuals that are successfully returning to work as a result of the PASS.

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

Disclosure may be made for routine uses as indicated below:

1. To third-party contacts when the party to be contacted has, or is expected to have, information relating to the individual's PASS, when:

(a) The individual is unable to provide the information being sought. An individual is considered to be unable to provide certain types of information when:

- (1) He or she is incapable or of questionable mental capability;
- (2) He or she cannot read or write;
- (3) He or she cannot afford the cost of obtaining the information;
- (4) He or she has a hearing impairment, and is contacting SSA by telephone through a telecommunications relay system operator;

(5) A language barrier exists; or  
(6) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual in connection with his or her PASS; or SSA is reviewing the information as a result of suspected abuse or fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

2. To a Congressional office in response to an inquiry from that office made at the request of the subject of the record.

3. To the Department of the Treasury, Internal Revenue Service, for the purpose of auditing SSA's compliance with the safeguard provisions of the Internal Revenue Code of 1986, as amended.

4. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his or her behalf.

5. Information may be disclosed to a contractor or another Federal agency, as necessary for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an SSA function relating to this system of records.

6. Nontax return information that is not restricted from disclosure by Federal law may be disclosed to the General Services Administration or the National Archives and Records Administration for the purpose of conducting records management studies with respect to their duties and responsibilities under 44 U.S.C. 2904 and 2906.

7. To the Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when:

(a) SSA or any component thereof, or  
(b) Any SSA employee in his or her official capacity, or

(c) Any SSA employee in his or her individual capacity when DOJ (or SSA when it is authorized to do so) has agreed to represent the employee, or

(d) The United States or any agency thereof (when SSA determines that the litigation is likely to affect the operations of SSA or any of its components) is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records to DOJ, the court or other tribunal, or party before such court or tribunal, is relevant and necessary to the litigation, provided, however, that in

each case SSA determines that such disclosure is compatible with the purpose for which the records were collected.

Wage and other information that is subject to the disclosure provisions of the Internal Revenue Code (IRC, 26 U.S.C. 6103) will not be disclosed under this routine use unless disclosure is expressly permitted by the IRC.

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

**STORAGE:**

Records in this system are stored in magnetic media (e.g., computer hard drives) and on paper. Paper printouts of these data are made when required for study. The system also contains photocopies of benefit application forms, keyed application forms, and other claims documentation, when relevant to the PASS system.

**RETRIEVABILITY:**

Records are retrieved from the system by the name or SSN of the individual who submitted the PASS.

**SAFEGUARDS:**

Safeguards for automated data have been established in accordance with the Systems Security Program Handbook. This includes maintaining computer disk packs or other magnetic fields with personal identifiers in secured storage areas accessible only to authorized personnel. SSA employees having access to the computerized records and employees of any contractor who may be utilized to develop and maintain the software for the automated system will be notified of criminal sanctions for unauthorized disclosure of information about individuals. Also, contracts, if any, will contain language that delineates the conditions under which contractors will have access to data in the system and the safeguards that must be employed to protect the data.

Paper documents are stored either in lockable file cabinets within locked rooms or in otherwise secured areas. Access to these records are restricted to those employees who require them to perform their assigned duties.

**RETENTION AND DISPOSAL:**

Computerized records are maintained for a period of six years and three months after the end of the fiscal year in which final adjudication was made. Paper records produced for purposes of studies will be destroyed upon completion of the study. Photocopies of forms and documentation will be destroyed upon approval or denial of the PASS. Original copies of the forms

and documentation are maintained in the Claims Folder System, (SSA/OSR 09-60-0089). Means of disposal are appropriate to the storage medium (e.g., erasure of disks, shredding of paper records, or transfer to another system of records).

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Commissioner, Office of Program Benefits Policy, 760 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235

**NOTIFICATION PROCEDURE:**

An individual can find out if this system of records contains information about him/her by writing to the system manager at the address shown above and providing his or her name, address, and SSN. (Furnishing the SSN is voluntary. However, searching for the individual's data will be easier and faster if it is furnished.)

An individual can also find out if this system of records contains information about him/her by contacting any Social Security office.

When requesting notification of records in person, an individual should provide his/her name, Social Security claim number (the SSN plus alphabetic symbols), address, and proper identification. If the Social Security number is not known, the requester's date and place of birth and mother's birth name may be provided instead.

An individual requesting notification of records in person need not furnish any special documents of identity. Documents normally carried on one's person are sufficient (e.g., driver's license, voter registration card, or credit cards). An individual requesting notification via mail or telephone must furnish a minimum of his/her name, date of birth, and address in order to establish identity, plus any additional information which SSA may request.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures described above. Individuals requesting access to their records should also reasonably describe the records they are seeking.

**CONTESTING RECORD PROCEDURES:**

Same as notification procedures described above. Individuals contesting the contents of a record in the system should also reasonably describe the record, specify the information being contested, and state the corrective action sought with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from other SSA systems of records (i.e., Claims Folder System (SSA/OSR 09-60-0089) and Supplemental Security Income Record (SSA/OSR 09-60-0103), from information provided by the beneficiary, and from investigations conducted by SSA employees relating to beneficiaries' PASS activities.

**SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Intelligent Transportation Society of America; Public Meeting**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on Sunday, October 13, 1996. The agenda includes the following: (1) Call to order and instructions; (2) Statement of anti-trust compliance; (3) Approval of July 24, 1996, meeting minutes; (4) Federal Reports—Modal Administrations; (5) ITS AMERICA President's Report; (6) Sunset-Sunrise Task Force Report; (7) U.S. DOT's ATMS Research and Technology Business Plan Review; (8) Dedicated Short-Range Communications (DSRC) Report; (9) Joint Meteorological Task Force Update; (10) Research Agenda Task Force Update; (11) CVO Guiding Principles; (12) Standards Needs Timeline; (13) ARTS Conference Report; (14) AVCS Committee Workshop; (15) World Congress and Annual Meeting Update; (16) Other Business; (17) Adjourn.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities. The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA), 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

**DATES:** The Coordinating Council of ITS AMERICA will meet on Sunday,