

Privacy Act of 1974: Notice To Alter a System of Records

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of Transportation proposes to alter a system of records notice in its inventory of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The alteration will be effective on January 17, 1997, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, U.S. Department of Transportation, Office of Information Resource Management (M-30), 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Crystal M. Bush, Privacy Act Coordinator, U.S. Department of Transportation, Washington, DC 20590. Telephone: (202) 366-9713.

SUPPLEMENTARY INFORMATION: An altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on November 26, 1996 to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget. The Department of Transportation proposes to alter DOT/NHTSA 413, Odometer Rollback System to be renamed the Odometer Fraud Data Base Files System. This system has been expanded and its current purpose is to maintain files containing information on suspects, defendants, witnesses, informants, motor vehicles, automobile dealers, victims and other related data obtained through Federal grand jury subpoenas. The names and other personal information would be routinely disclosed only to Federal and State law enforcement personnel to facilitate and support criminal prosecutions by the Attorney General of the United States and to victims under 42 U.S.C. 10606(b)(7).

Pursuant to the provisions of 49 U.S.C. 32706, the Office of Odometer Fraud investigates tampering with motor vehicle odometers in order to protect the public regarding the purchase of motor vehicles with altered or reset odometers. The Odometer Fraud investigators use this information to support Federal criminal prosecutions. In order to comply with the statutory investigatory requirement, the routine release of this information to the Federal

and State law enforcement personnel and victims is necessary and not unreasonably onerous on the privacy of individuals.

The data in the system are protected by a locked file cabinet and restricted electronic access. The data is maintained by the Office of the Associate Administrator for Safety Assurance. Only personnel of this office, who are assigned to work on odometer fraud investigations, will have access to the data.

The use of the system of records is compatible with the purpose for which it was collected. The proposed alteration of this system of records will not effect the other branches of the Federal Government or any state or local government. No change in existing agency rules are required.

The OMB control number for the Odometer Complaint Form is 2127-0047. The expiration date for this OMB number is September 30, 1998.

Dated: December 11, 1996.

Crystal M. Bush,
Privacy Act Coordinator.

DOT/NHTSA 413**SYSTEM NAME:**

Odometer Fraud Data Base Files System.

SECURITY CLASSIFICATION:

Nonpublic.

SYSTEM LOCATION:

Department of Transportation (DOT), National Highway Traffic Safety Adm. (NHTSA) Safety Assurance (NSA-01), Odometer Fraud Staff (NSA-20), 400 Seventh Street, SW, Room 5321, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Suspects, defendants, witnesses, informants, automobile dealers, and victims of odometer fraud.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing information on suspects, defendants, witnesses, informants, motor vehicles, automobile dealers, victims and other related data obtained through Federal grand jury subpoenas. Information may contain addresses, dates of birth, financial data, criminal history records, business records, and numerous other data obtained through Federal grand jury subpoenas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

49 U.S.C. 32706.

PURPOSES(S):

The agency is authorized to conduct investigations of odometer fraud for

referral to the U.S. Department of Justice for civil and criminal prosecution. In order to obtain necessary evidence to support these prosecutions, evidence is obtained from numerous sources, including the public, the automobile industry and law enforcement.

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

Files are maintained for use in criminal investigations and to support criminal prosecutions by the U.S. Department of Justice. Files are used only by members of the Odometer Fraud Staff. Data is released only to authorized State and Federal law enforcement agencies and personnel and to victims under 42 U.S.C. 10606(b)(7). See Prefatory Statement of General Routine Uses.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

File folder storage and in electronic database.

RETRIEVABILITY:

By individual name, dealer name, complainant name, case number and vehicle identification number.

SAFEGUARDS:

Locked files and restricted electronic access.

RETENTION AND DISPOSAL:

Retained for five years after case is closed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, National Highway Traffic Safety Administration, Attn: Chief, Odometer Fraud Staff, 400 Seventh Street, SW, Room 6208, Washington, DC 20590

NOTIFICATION PROCEDURE:

Same as "System manager" above.

RECORD ACCESS PROCEDURES:

Same as "System manager" above.

CONTESTING RECORD PROCEDURES:

Same as "System manager" above.

RECORD SOURCE CATEGORIES:

All information has been obtained from victims, automobile dealers, banks, State motor vehicle departments, State and Federal law enforcement agencies, and other sources used during the course of criminal investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

5 U.S.C. 552a(j)(2).

[FR Doc. 96-32025 Filed 12-17-96; 8:45 am]

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Surface Transportation Board

[STB Docket No. AB-364 (Sub-No. 3X)]

Texas Northeastern Division, Mid-Michigan Railroad, Inc.—Discontinuance of Service Exemption—in Red River and Bowie Counties, TX

[STB Docket No. AB-3 (Sub-No. 137X)]

Missouri Pacific Railroad Company—Abandonment Exemption—in Red River and Bowie Counties, TX**AGENCY:** Surface Transportation Board.**ACTION:** Notice of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board exempts from the requirements of 49 U.S.C. 10903 the discontinuance of service by Texas Northeastern Division, Mid-Michigan Railroad, Inc., over, and the abandonment by Missouri Pacific Railroad Company of, a 38.5-mile rail line extending from milepost 23.0 at New Boston, to the end of track at milepost 61.5 near Clarksville, in Red River and Bowie Counties, TX, subject to historic preservation and standard labor protective conditions.

DATES: The exemption will be effective January 17, 1997 unless it is stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Statements of intent to file an OFA¹ under 49 CFR 1152.27(c)(2) and requests for a notice of interim trail use/rail banking under 49 CFR 1152.29 must be filed by December 30, 1996; petitions to stay must be filed by January 2, 1997; requests for a public use condition under 49 CFR 1152.28 must be filed by January 7, 1997; and petitions to reopen must be filed by January 13, 1997.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Docket No. AB-364 (Sub-No. 3X) and STB Docket No. AB-3 (Sub-No. 137X) must be filed with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, NW., Washington, DC 20423; in addition, a copy of all pleadings must be served on petitioner's representative: Michael W. Blaszk, Esq., 211 South Leitch Avenue, LaGrange, IL 60525-2162.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660.

[TDD for the hearing impaired (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call or pick up in person from: DC NEWS & DATA, INC., 1201 Constitution Avenue, NW., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: December 4, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 96-32096 Filed 12-17-96; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF VETERANS AFFAIRS**Summary of Precedent Opinions of the General Counsel****AGENCY:** Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a

superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

VAOPGCPREC 4-96

Question Presented

Are the provisions of 38 U.S.C. 110 violated when two service-connected disabilities, which have been erroneously rated as one disability at or above a specific evaluation for 20 or more years, are rerated as two separate disabilities such that the combination of their evaluations equals or exceeds the prior specific evaluation?

Held

The provisions of 38 U.S.C. 110, which prohibit a disability that has been continuously rated at or above any evaluation for 20 or more years for compensation purposes from thereafter being rated at less than such evaluation, are not violated when two or more service-connected disabilities, which have been erroneously rated as one disability (but not as the result of the combination of known or determinable separate disability evaluations under 38 C.F.R. 4.25), at or above a specific evaluation for at least 20 years, are rerated as separate disabilities such that the combination of their evaluations equals or exceeds the prior specific evaluation.

Effective Date: July 18, 1996.

VAOPGCPREC 5-96

Question Presented

a. Is the Department of Veterans Affairs (VA) authorized to directly pay an attorney's fee from past-due benefits in a case where the attorney's representation is limited solely to the proceedings before the Court of Veterans Appeals (CVA) and the benefits are awarded to the veteran by VA following a CVA remand for additional development?

b. In a case where an attorney's representation is limited to the CVA proceedings and VA grants benefits to the veteran following a CVA remand for additional development, must the fee agreement specifically mention that it includes benefits awarded for dependents for the attorney to be paid

¹ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).