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120, Houston, Texas 77060

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210 Walnut Street, Room 815, Des Moines,
Iowa 50309

300 Epic Center, 301 North Main, Wichita,
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1220 Southwest Third Avenue, Room 640,
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*Pension and Welfare Benefits Administration
Regional Director or District Supervisor*

Regional Director, One Bowdoin Square, 7th
Floor, Boston, Massachusetts 02114

Regional Director, 1633 Broadway, Rm. 226,
New York, N.Y. 10019

Regional Director, 3535 Market Street, Room
M300, Gateway Building, Philadelphia,
Pennsylvania 19104

District Supervisor, 1730 K Street NW., Suite
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Regional Director, 61 Forsyth Street, SW.,
Room 7B54, Atlanta, Georgia 30303

District Supervisor, 111 N.W. 183rd Street,
Suite 504, Miami, Florida 33169

Regional Director, 1885 Dixie Highway, Suite
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District Supervisor, 211 West Fort Street,
Suite 1310, Detroit, Michigan 48226-3211

Regional Director, 200 West Adams Street,
Suite 1600, Chicago, Illinois 60606

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338, St. Louis, Missouri 63101

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District Director, 1111 Third Avenue, Room
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*Regional Administrators, Veterans'
Employment and Training Service (VETS)*

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Region III
U.S. Customs House, Room 305, Second and
Chestnut Streets, Philadelphia,
Pennsylvania 19106

Region IV
Atlanta Federal Center, 61 Forsyth Street,
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Region V
230 South Dearborn, Room 1064, Chicago,
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Region VI
525 Griffin Street, Room 205, Dallas, Texas
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Region X
1111 Third Avenue, Suite 800, Seattle,
Washington 98101-3212

Signed at Washington, DC this 17th day of
July 1997.

Alexis M. Herman,
Secretary of Labor.

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BILLING CODE 4510-23-P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 10

RIN 1215-AB18

Use and Disclosure of Federal Employees' Compensation Act Claims File Material

AGENCY: Employment Standards
Administration, Office of Workers'
Compensation Programs, Labor.

ACTION: Notice of proposed rulemaking
and request for comments.

SUMMARY: The Department of Labor's
Office of Worker' Compensation
Programs (OWCP), is proposing to revise
the regulations regulating the release,
use, and disclosure of documents
relating to claims filed under the
Federal Employees' Compensation Act
(FECA). More specifically, the
Department is also revising its
regulation to reserve to the OWCP the
exclusive authority for ruling on
requests submitted by the subject of the
FECA file for the correction or
amendment of any record contained in
such file.

DATES: Written comments must be
submitted on or before September 26,
1997.

ADDRESSES: Send written comments to
Thomas M. Markey, Director for Federal
Employees' Compensation, Employment
Standard Administration, U.S.
Department of Labor, Room S-3229, 200
Constitution Avenue, NW., Washington,
DC 20210-0002. Telephone: (202) 219-
7552.

FOR FURTHER INFORMATION CONTACT:
Thomas M. Markey at the address and
telephone number listed above.

SUPPLEMENTARY INFORMATION: All claim
forms, medical and other reports,
witness statements, and any other
documents relating to claims filed by
injured workers or their survivors under
the Federal Employees' Compensation
Act (FECA), 5 U.S.C. 8101 *et seq.*,
including copies of any such documents
retained by the employing agencies, are
official records of the OWCP. Further,
all FECA-related documents, whether
they are contained in claim files
maintained by OWCP, or are copies

maintained by the injured worker's employing agency, are covered by the Privacy Act of 1974 and the government-wide Privacy Act system of records entitled DOL/GOVT-1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File). DOL/GOVT-1 was last published in the **Federal Register** at 58 FR 49556 (September 23, 1993). That system is maintained by, and is under the full control of OWCP, even though custody of copies of such records may be at the employing agency.

The Department is proposing to revise § 10.12 part 10 to clarify the provisions relating to the processing and handling of requests for copies of documents covered by DOL/GOVT-1. Although employing agencies continue to be authorized to respond to requests for copies of FECA-related documents in their custody, the proposed regulations would reserve to OWCP the exclusive authority for ruling on requests for the correction of, or amendment to document covered by DOL/GOVT-1. Further, all appeals from the denial of access to records, as well as denials of requests for the correction or amendment of documents, shall be filed with the Solicitor of Labor.

Procedural Matters

The proposed rule does not constitute a significant regulatory action within the meaning of Executive Order 12866 of September 30, 1993 (58 FR 51735). Further, this proposed rule will have no significant impact or other substantial effect on small entities. Accordingly, the requirements of the Regulatory Flexibility Act (5 U.S.C. 605(b)) do not apply. The Assistant Secretary has so certified to the Chief Counsel for Advocacy for the Small Business Administration.

Paperwork Reduction Act

The proposed rule is not subject to the Paperwork Reduction Act since it does not contain a collection of information requirement.

List of Subjects in 20 CFR Part 10

Claims, Government employees, Labor, Workers' Compensation.

For the reasons set forth in the preamble, it is proposed that part 10 of Chapter 1 of title 20 of the Code of Federal Regulations be amended as follows:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

1. The authority citation for part 10 is revised to read as follows:

Authority: 5 U.S.C. 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 5 U.S.C. 8149; Secretary's Order 5-96, 62 FR 107.

2. Section 10.12 is revised to read as follows:

§ 10.12 Protection, release, inspection and copying of records.

(a) All records relating to claims for benefits filed under the Act, including any copies of such records maintained by an employing agency, are covered by the government-wide Privacy Act system of records entitled DOL/GOVT-1 (Office of Workers' Compensation Programs, Federal Employees' Compensation Act File). This system of records is maintained by and under the control of the Office, and, as such, all records covered by DOL/GOVT-1 are official records of the Office. The protection, release, inspection and copying of records covered by DOL/GOVT-1 shall be accomplished in

accordance with the rules, guidelines and provisions of this part, as well as those contained in 29 CFR parts 70 and 71, and with the notice of the system of records and routine uses published in the **Federal Register**. All questions relating to access/disclosure, and/or amendment of FECA records maintained by the Office or the employing agency, are to be resolved in accordance with this section.

(b)(1) While an employing agency may establish procedures that an injured employee or beneficiary should follow in requesting access to documents it maintains, any decision issued in response to such a request must comply with the rules and regulations of the Department of Labor which govern all other aspects of safeguarding these records.

(2) No employing agency has the authority to issue determinations with respect to requests for the correction or amendment of records contain in or covered by DOL/GOVT-1. That authority is within the exclusive control of the Office. Thus, any request for correction or amendment received by an employing agency must be referred to the Office of review and decision.

(3) Any administrative appeal taken from a denial issued by the employing agency or the Office shall be filed with the Solicitor of Labor in accordance with 29 CFR 71.7 and 71.9.

Signed at Washington, DC, this 17th day of July, 1997.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shelby Hallmark,

Acting Director, Office of Workers' Compensation Programs.

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