

SECURITIES AND EXCHANGE COMMISSION**Sunshine Act Meeting**

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [64 FR 61957, November 15, 1999]

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: November 9, 1999.

CHANGE IN THE MEETING: Time Change.

The closed meeting scheduled for Tuesday, November 16, 1999 at 1:30 p.m., has been changed to Tuesday, November 16, 1999, at 2:30 pm.,

Commissioner Hunt, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: November 16, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99-30315 Filed 11-16-99; 4:27 pm]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION**Data Collection Available for Public Comments and Recommendations**

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before January 18, 2000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to James Rivera, Supervisory Loan Specialist, Office of Disaster Assistance, Small Business Administration, 409 3rd Street, SW, Suite 6050.

FOR FURTHER INFORMATION CONTACT: James Rivera, Supervisory Loan Specialist, 202-205-7562 or Curtis B.

Rich, Management Analyst, 202-205-7030.

SUPPLEMENTARY INFORMATION:

Title: "Military Reservist Economic Injury Disaster Loan Application".

Form No: 5R.

Description of Respondents: Small Businesses applying for economic injury Loan assistance as a result of an essential employee Being called up for active duty.

Annual Responses: 2,500.

Annual Burden: 5,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99-30215 Filed 11-18-99; 8:45 am]

BILLING CODE 8025-01-P

OFFICE OF SPECIAL COUNSEL**Privacy Act of 1974, System of Records**

AGENCY: Office of special Counsel.

ACTION: Notice of administrative changes in System of Records and Proposed Revision of Routine Uses.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended (5 U.S.C. 552a), and 5 U.S.C. 553, the Office of Special Counsel (OSC) previously published notices in the **Federal Register** describing the system of records maintained in connection with OSC program responsibilities. The notice at 52 FR 29907 (1987) proposed the amendment of routine uses and identified specific exemptions from the act; the notice at 58 FR 62394 (1993) designated the system as "OSC/GOVT-1, OSC Complaint, Litigation and Political Activity Files," among other administrative changes. Pursuant to 5 U.S.C. 552a(e)(4) and (11), the OSC is revising the system notice for OSC/GOVT-1 to update information about individuals covered by the system, records in the system, authority for maintenance of the system, the system manager, retrievability of records, access controls, and records source categories; update legal citations; and make technical corrections. The OSC also proposes to revise the system notice by amending the description of two current routine uses, and by adding a new routine use.

SUPPLEMENTARY INFORMATION: The OSC is an independent investigative and prosecutorial agency, authorized to investigate allegations of: (a) Prohibited personnel practices under 5 U.S.C. 2302(b), as well as certain other matters listed at 5 U.S.C. 1216; (b) prohibited political activity under 5 U.S.C. 7321-7326 by federal and District of Columbia

employees, and prohibited political activity under 5 U.S.C. 1501-1508 by certain state and local government employees; (c) violations by federal agencies of certain employment and reemployment rights referred by the U.S. Department of Labor under 38 U.S.C. 4324; and (d) prohibited personnel practices referred by the Merit Systems Protection Board (MSPB) under 5 U.S.C. 1221(f)(3). The OSC is further authorized to seek appropriate corrective and/or disciplinary action in these matters through litigation before the MSPB. Also, under 5 U.S.C. 1213, the OSC operates a hotline channel through which current and former federal employees or employees or former federal employees can make confidential whistleblower disclosures.

Information developed in connection with these OSC program responsibilities is maintained in the OSC/GOVT-1 system of records, which includes certain records subject to the Privacy Act. These include records in complaint files, generally retrieved by the name of the person filing an allegation of a prohibited personnel practice, improper political activity, or other prohibited activity; records in disclosure files, generally retrieved by the name of a person filing an allegation through the OSC whistleblower disclosure channel; records in disciplinary action litigation files, generally retrieved by the name of the person charged by the OSC in litigation before the MSPB; and records in defensive litigation files, generally retrieved by the name of the plaintiff in the action.

The OSC is revising the OSC/GOVT-1 system of records to: (1) Update descriptions of individuals covered by the system, records in the system (including addition of specific reference to records maintained in connection with statutory referrals from the Labor Department under 38 U.S.C. 4324, the MSPB, and requests and decisions under the Freedom of Information and privacy Acts), authority for maintenance of the system, system manager, retrievability of records, access controls, and records source categories; (2) update legal citations shown in prior **Federal Register** notices, and (3) make other technical corrections.

The OSC also proposes to revise routine uses of information in the system of records by: (1) amending the description of current routine uses "m" and "n" (to conform them more closely to the guidance issued by the Office of Management from which they were derived, most notably by clarifying that disclosures may also be made in connection with litigation in which the OSC has an interest, after the required

determination described in the current routine uses); and (2) adding a new routine use, at "q" (allowing disclosures of information to the news media and the public in specified circumstances, except to the extent that the Special Counsel determines that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy).

COMMENTS: Interested persons may submit comments in writing to the OSC on the proposed revisions and additions of routine uses shown in this notice. Comments should be sent to Marion S. Berman Bowytz, Planning and Advice Division, U.S. Office of Special Counsel, 1730 M Street, NW, Suite 300, Washington DC 20036-4505. The revised and new routine uses will become effective 30 days after publication of this notice, unless comments received by the OSC before then warrant further changes.

FOR FURTHER INFORMATION CONTACT: Marion S. Berman Bowytz, U.S. Office of Special Counsel, at (202) 653-8971.

OSC/GOVT-1

SYSTEM NAME:

OSC/GOVT-1, OSC Complaint, Litigation and Political Activity Files.

SYSTEM LOCATION:

Management Division, U.S. Office of Special Counsel, 1730 M Street, NW., Suite 200, Washington, DC 20036-4505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The principal categories of individuals covered by the system are persons filing allegations of prohibited personnel practices, improper political activity, or other alleged prohibited activities; persons identified as engaging or participating in such practices of activities; persons filing disclosures of alleged wrongdoing by federal agencies, and persons identified as engaging or participating in such wrongdoing; persons charged by the OSC in disciplinary action complaints filed by the OSC with the Merit systems Protection Board (MSPB); and plaintiffs seeking remedies against the OSC in litigation related to the performance of its official functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence with persons (or their representatives) filing allegations of prohibited personnel practices, improper political activity, or other prohibited activities; correspondence with other agencies, entities, or individuals referring matters to the OSC for review and/or investigation; exhibits

and other documentation from complainants, governmental entities or other third parties; interview records, including notes, summaries, or transcripts; affidavits; reports or other summaries of investigation; factual and legal summaries and analyses; administrative determinations; referrals to other agencies for appropriate action; records created or compiled in connection with litigation by or against the OSC, or pertinent to OSC operations; requests and decisions under the Freedom of Information and/or Privacy Acts; and other correspondence and documents arising out of the performance of official OSC functions under 5 U.S.C. 1211-1221, 1501-1508, and 7321-7326; 38 U.S.C. 4324, and other applicable law or regulation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 552a, 1211-1221, 1501-1508, and 7321-7326; and 38 U.S.C. 4324.

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

a. To disclose the fact that an allegation of prohibited personnel practices or other prohibited activity has been filed;

b. To disclose information to the Office of Personnel Management (OPM) pursuant to Civil Service Rule 5.4 (5 CFR 5.4), or to obtain an advisory opinion concerning the application or effect of civil service laws, rules, regulations or OPM guidelines in particular situations;

c. To disclose to the Equal Employment Opportunity Commission or any other agency or office concerned with the enforcement of the antidiscrimination laws, information concerning any allegation or complaint of discrimination based on race, color, religion, sex, national origin, age, or handicapping condition;

d. To disclose information to the MSPB or the President upon the filing or referral of a disciplinary action complaint against an employee on the basis of an OSC investigation;

e. To disclose information to an agency, the MSPB, OPM, and the President reporting, under 5 U.S.C. 1214, the results of investigations which disclose reasonable grounds to believe a prohibited personnel practice has occurred, exists, or is to be taken;

f. To disclose information to Congress in connection with the submission of an annual report on activities of the Special Counsel;

g. To disclose information to any agency or person regarding allegations of prohibited personnel practices or

other prohibited activity or prohibited political activity filed against an agency or any employee thereof, for the purposes of conducting an investigation, in transmitting information to an agency under 5 U.S.C. 1213(c)(1) and the OSC procedures established thereunder; or to give notice of the status or outcome of the investigation;

h. To disclose information to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested), where necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit; To disclose information to the Office of Management and Budget (OMB) at any stage in the legislative coordination and clearance process in connection with private relief legislation, as set forth in OMB Circular No. A-19;

j. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office (made at the request of that individual);

k. To furnish information to the National Archives and Records Administration (NARA) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906;

l. To produce summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related work force studies;

m. To disclose records to the Department of Justice (DOJ) when:

- (1) The OSC, or
- (2) Any employee of the OSC in his or her official capacity, or
- (3) Any employee of the OSC in his or her individual capacity where the DOJ has agreed to represent the employee, or
- (4) The United States, where the OSC determines that litigation is likely to affect the OSC,

is a party to litigation or has an interest in such litigation, and the use of such records by the DOJ is deemed by the OSC to be relevant and necessary to the litigation, provided, however, that the OSC determines that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose of which the records were collected;

n. To disclose records maintained by the OSC in a proceeding before a court or adjudicative body before which the OSC is authorized to appear, when:

- (1) The OSC, or
- (2) Any employee of the OSC in his or her official capacity,
- (3) Any employee of the OSC in his or her individual capacity where the OSC has agreed to represent the employee, or
- (4) The United States, where the OSC determines that litigation is likely to affect the OSC,

is a party to litigation or has an interest in such litigation, and the OSC determines that use of such records is relevant and necessary to the litigation, provided, however, that the OSC determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the records were collected;

o. To disclose information to the MSPB to aid in the conduct of special studies by the Board use 5 U.S.C. 1204(a)(3);

p. To disclose information to the Office of Inspector General (OIG) or comparable internal inspection, audit, or oversight office of an agency for the purpose of facilitating the coordination and conduct of investigations and review of allegations within the purview of both the OSC and the agency OIG or comparable office; and

q. To disclose information to the news media and the public when (1) the matter under investigation has become public knowledge, (2) the Special Counsel determines that disclosure is necessary to preserve confidence in the integrity of the OSC investigative process or is necessary to demonstrate the accountability of OSC officers, employees, or individuals covered by this system, or (3) the Special Counsel determines that there exists a legitimate public interest (e.g., to demonstrate that the law is being enforced, or to deter the commission of prohibited personnel practices, prohibited political activity, and other prohibited activity within the OSC's jurisdiction), except to the extent that the Special Counsel determines in any of these situations that disclosure of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE, RETRIEVAL, ACCESS CONTROLS, RETENTION AND DISPOSAL OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in a variety of media, primarily consisting of file

folders, and computer storage equipment.

RETRIEVABILITY:

Files in this system of records are retrievable by the names of key individuals or agencies involved (e.g., complainants or requesters; subjects identified in corrective action or disciplinary proceedings, warning letters, or other determinations; legal, congressional, or other representatives or points of contact; key witnesses), although files are generally retrieved by the name of: (a) The complainant alleging a prohibited personnel practice, improper political activity, or other activity; (b) the person filing an allegation through the OSC whistleblower disclosure channel; (c) the person filing an allegation of prohibited political activity; (d) the person charged by the OSC in litigation before the MSPB; and (e) the plaintiff in litigation against the OSC.

SAFEGUARDS:

These records are located in lockable metal file cabinets or in secured areas, with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

NARA keeps records about prohibited personnel practices and other prohibited activity for three years after the matter or case is closed, or for six years if the file has been the subject of a Freedom of Information Act request. NARA is responsible for disposal of agency records pursuant to law and regulation.

SYSTEM MANAGER(S) AND ADDRESS:

Records Management Officer, U.S. Office of Special Counsel, 1730 M Street, NW, Suite 216, Washington, DC 20036-4505.

NOTIFICATION PROCEDURE:

Individuals who wish to inquire whether this system contains information about them should contact the system manager. To assist in the process of locating and identifying records, individuals should furnish the following:

- a. Name and address;
- b. Date and place of birth;
- c. Social Security number;
- d. A description of the circumstances under which records may have been included in the system.

RECORD ACCESS PROCEDURES:

Same as notification procedure, above.

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest records about them should contact the

system manager, identify any information they believe should be corrected, and furnish a statement of the basis for the requested correction along with all available supporting documents and materials.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from a variety of sources, consisting of complainants or others on whose behalf allegations, or requests for information, have been submitted or referred to the OSC; legal, congressional, or other representatives or points of contact; other government bodies; witnesses and subjects in matters under review; principals involved in litigation matters, including parties and their representatives; and other persons or entities furnishing information pertinent to the discharge of functions for which the OSC is responsible.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

a. Complaint, Litigation and Political Activity files containing investigatory material compiled by the OSC for law enforcement purposes are exempt to the extent allowed under subsections (k)(2) and (5) of the Privacy Act. This exemption is necessary to protect confidential sources and facilitate the voluntary cooperation of witnesses during inquiries into allegations of prohibited personnel practices or other prohibited activities.

b. Testing or examination material compiled by the OSC solely to determine individual qualifications for appointment or promotion in the Federal service is exempt to the extent allowed under subsection (k)(6) of the Privacy Act. This exemption is necessary to prevent the disclosure of information that would potentially give an individual an unfair competitive advantage or diminish the utility of established examination procedures.

c. The OSC reserves the right to assert exemptions for records received from another agency that could be properly claimed by that agency in responding to a request, and the OSC may refuse access to information compiled in reasonable anticipation of a civil action or proceeding, pursuant to subsection (d)(5) of the Privacy Act.

Dated: November 2, 1999.

Elaine Kaplan,
Special Counsel.

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