

installations with security force personnel performing installation access control and random patrols. Common Access Cards and personal identification numbers are used to authenticate authorized desktop and laptop computer users. Computer servers are scanned quarterly or monthly to assess system vulnerabilities. Systems security updates are accomplished daily. The computer files are password protected with access restricted to authorized users with a need for the information. Records are secured in locked or guarded buildings, locked offices, or locked cabinets during non duty hours, with access restricted during duty hours to authorized users with a need for the information.

#### RETENTION AND DISPOSAL:

Destroy 6 months after cancellation of registration or departure of the registrant from the jurisdiction of the registering activity.

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

Security managers within the DLA field activity responsible for the operation of security forces and staff at the DLA field activity.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221.

Inquiry should contain subject individual's full name, Social Security Number, home address, and location of DLA installation where firearm was registered.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system of records should address written inquiries to the Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221.

Inquiry should contain subject individual's full name, current address and telephone numbers of the individual.

#### CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Office, Headquarters, Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman

Road, Suite 1644, Fort Belvoir, VA 22060-6221.

#### RECORD SOURCE CATEGORIES:

The individual, security and police force personnel.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9-9906 Filed 4-29-09; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DoD-2009-OS-0060]

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

**AGENCY:** Defense Contract Audit Agency, DoD.

**ACTION:** Notice to delete a System of Records.

**SUMMARY:** The Defense Contract Audit Agency (DCAA) proposes to delete a system of records notice from its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on June 1, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to Headquarters, Defense Contract Audit Agency, Information and Records Management Branch, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060-6219.

**FOR FURTHER INFORMATION CONTACT:** Defense Contract Audit Agency Privacy Adviser at (703) 767-1022.

**SUPPLEMENTARY INFORMATION:** The Defense Contract Audit Agency (DCAA) systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Contract Audit Agency proposes to delete a system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: April 24, 2009.

**Morgan E. Frazier,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### RDCAA 201.1

#### SYSTEM NAME:

Individual Access Files (November 20, 1997, 62 FR 62003).

Reason: The Defense Contract Audit Agency no longer issues Auditor Credential Cards or Identification Cards to employees. Because these Identification Cards are no longer issued by the Agency, system notice RDCAA 201.1 is not needed and should be deleted.

[FR Doc. E9-9914 Filed 4-29-09; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2009-OS-0057]

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

**AGENCY:** Defense Security Service, DoD.

**ACTION:** Notice to alter a System of Records.

**SUMMARY:** The Defense Security Service proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alteration changes the name and location of the system and adds one additional purpose for how the records are used.

**DATES:** The proposed action will be effective without further notice on June 1, 2009 unless comments are received which would result in a contrary determination.

**ADDRESSES:** Send comments to the Privacy Act Officer, Defense Security Service, Office of FOIA/PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leslie R. Blake at (703) 325-9450.

**SUPPLEMENTARY INFORMATION:** The Defense Security Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above or online at <http://www.dss.mil>.

The proposed system report, as required by 5 U.S.C. 552a (r), of the Privacy Act of 1974, as amended, was submitted on April 22, 2009, to the House Committee on Oversight and Government Reform, the Senate

Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 27, 2009.

**Morgan E. Frazier,**  
Alternate OSD Federal Register Liaison  
Officer, Department of Defense.

#### V5-01

##### SYSTEM NAME:

Personnel Security Investigative File  
Automation Subsystem (August 17,  
1999, 64 FR 44704).

##### CHANGES:

\* \* \* \* \*

##### SYSTEM NAME:

Delete entry and replace with  
"Investigative Records Repository."

##### SYSTEM LOCATION:

Delete entry and replace with  
"Defense Security Service, P.O. Box  
168, 1137 Branchton Road, Boyers, PA  
16020-0168."

\* \* \* \* \*

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

Delete entry and replace with "5  
U.S.C. 301, Departmental Regulations;  
10 U.S.C. 615, Armed Forces,  
Information furnished to selection  
boards; E.O. 10450, Security  
Requirements for Government  
Employment; DoD Directive 5105.42,  
Defense Security Service; DoD Directive  
5200.2, Department of Defense  
Personnel Security Program; DoD  
Directive 5200.27 (Sections IV A and B),  
Acquisition of Information Concerning  
Persons and Organizations not Affiliated  
with the Department of Defense; DoD  
Directive 5220.6, Defense Industrial  
Personnel Security Clearance Program  
Review; DoD Directive 5220.28,  
Application of Special Eligibility and  
Clearance Requirements in the SIOP-  
ESI Program for Contractor Employees,  
and 18 U.S.C. 3056, Powers and Duties  
of the Secret Service and E.O. 9397  
(SSN)."

##### PURPOSE(S):

Delete entry and replace with "To  
ensure that the acceptance or retention  
of persons in sensitive DoD positions or  
granting individuals including those  
employed in defense industry access to  
classified information is clearly  
consistent with national security.

To determine the loyalty, suitability,  
eligibility, and general trustworthiness

of individuals for access to defense  
information and facilities.

To determine the eligibility and  
suitability of individuals for entry into  
and retention in the Armed Forces.

To provide information pertinent to  
the protection of persons under the  
provisions of 18 U.S.C. 3056, Powers  
and Duties of the Secret Service.

For use in criminal law enforcement  
investigations, including statutory  
violations and counterintelligence as  
well as counterespionage and other  
security matters.

For use in military boards selecting  
military members for promotion to  
grades above O-6."

\* \* \* \* \*

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

Delete entry and replace with  
"Defense Security Service, P.O. Box  
168, 1137 Branchton Road, Boyers, PA  
16020-0168."

\* \* \* \* \*

##### NOTIFICATION PROCEDURES:

Delete entry and replace with  
"Individuals seeking to determine  
whether information about themselves  
is contained in this system should send  
written inquiries to the Defense Security  
Service, Office of FOIA and PA, 1340  
Braddock Place, Alexandria, VA 22314-  
1615.

A request for this information must  
contain the full name and Social  
Security Number of the subject  
individual, along with the address  
where the information is to be  
returned."

##### RECORD ACCESS PROCEDURES:

Delete entry and replace with  
"Individuals seeking access to  
information about themselves contained  
in this system must send written signed  
inquiries to Defense Security Service,  
Privacy Act Branch, 938 Elkridge  
Landing Road, Linthicum, MD 21090.

A request for information must  
contain the full name and Social  
Security Number of the subject  
individual and address where the  
records are to be returned."

\* \* \* \* \*

#### V5-01

##### SYSTEM NAME:

Investigative Records Repository.

##### SYSTEM LOCATION:

Defense Security Service, P.O. Box  
168, 1137 Branchton Road, Boyers, PA  
16020-0168.

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

Military personnel who are active  
duty; applicants for enlistment or

appointment; members of Reserve units;  
National guardsmen; DoD civilian  
personnel who are paid from  
appropriated funds; industrial or  
contractor personnel who are working  
in private industry in firms which have  
contracts involving access to classified  
DoD information or installations; Red  
Cross personnel and personnel paid  
from nonappropriated funds who have  
DoD affiliation; Reserve Officers'  
Training Corps (ROTC) cadets; former  
military personnel; and individuals  
residing on, have authorized official  
access to, or conducting or operating  
any business or other functions at any  
DoD installation or facility.

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

Official Reports of Investigation  
(ROIs) prepared by DSS or other DoD,  
federal, state, or local official  
investigative activities; industrial  
security administrative inquiries (AISs).  
Attachments to ROIs or AISs including  
exhibits, subject or interviewee  
statements, police records, medical  
records, credit bureau reports,  
employment records, education records,  
release statements, summaries of, or  
extracts from other similar records or  
reports.

Case control and management  
documents which are not reports of  
investigation, but which serve as the  
basis for investigation, or which serve to  
guide and facilitate investigative  
activity, including documents providing  
the data to open and conduct the case;  
and documents initiated by the subject.

DSS file administration and  
management documents accounting for  
the disclosure of, control of, and access  
to a file.

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

5 U.S.C. 301, Departmental  
Regulations; 10 U.S.C. 615, Armed  
Forces, Information furnished to  
selection boards; E.O. 10450, Security  
Requirements for Government  
Employment; DoD Directive 5105.42,  
Defense Security Service; DoD Directive  
5200.2, Department of Defense  
Personnel Security Program; DoD  
Directive 5200.27 (Sections IV A and B),  
Acquisition of Information Concerning  
Persons and Organizations not Affiliated  
with the Department of Defense; DoD  
Directive 5220.6, Defense Industrial  
Personnel Security Clearance Program  
Review; DoD Directive 5220.28,  
Application of Special Eligibility and  
Clearance Requirements in the SIOP-  
ESI Program for Contractor Employees,  
and 18 U.S.C. 3056, Powers and Duties  
of the Secret Service and E.O. 9397  
(SSN).

**PURPOSE(S):**

To ensure that the acceptance or retention of persons in sensitive DoD positions or granting individuals including those employed in defense industry access to classified information is clearly consistent with national security.

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056, Powers and Duties of the Secret Service.

For use in criminal law enforcement investigations, including statutory violations and counterintelligence as well as counterespionage and other security matters.

For use in military boards selecting military members for promotion to grades above O-6.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements.

For dissemination to federal agencies or other DoD components when information regarding personnel security matters is reported by Information Summary Report.

The 'Blanket Routine Uses' published at the beginning of DSS' compilation of systems of records notices apply to this system.

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

**STORAGE:**

Records are maintained on magnetic media to include disk, tape and microfilm. Some paper records may still exist on cases which have not yet been converted to magnetic media and on records containing classified information.

**RETRIEVABILITY:**

Information is retrieved Social Security Number (SSN).

**SAFEGUARDS:**

Completed investigative records are stored in secured areas accessible only to authorized DSS personnel who have a need-to-know. Paper records are maintained in safes and locked rooms and magnetic media records are protected from access by 'fail-safe' system software. The entire building housing these records are controlled by guards/visitor register.

**RETENTION AND DISPOSAL:**

Retention of closed DSS investigative files is authorized for 15 years maximum, except as follows:

(1) Files which have resulted in final adverse action against an individual will be retained 25 years;

(2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from the requester for which the investigation was conducted. If the appointment is not made due to information developed by investigation, the file will be retained 25 years upon notification from the requester for which the investigation was conducted. If the appointment is not made for another reason not related to the investigation, the file will be destroyed within one year upon notification from the requesting agency service;

(3) Files concerning unauthorized disclosure of classified information and other specialized investigation files will be retained for 15 years; and

(4) Information within the purview of the Department of Defense Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense, is destroyed within one year after acquisition by DSS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or his designee;

(5) Reciprocal investigations are retained for only 60 days; and

(6) Partial duplicate records of personnel security investigations are retained for 60 days by DSS field elements.

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

Defense Security Service, P.O. Box 168, 1137 Branchton Road, Boyers, PA 16020-0168.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether information about themselves is contained in this system should send written inquiries to the Defense Security Service, Office of FOIA and PA, 1340 Braddock Place, Alexandria, VA 22314-1615.

A request for this information must contain the full name and Social Security Number of the subject individual, along with the address where the information is to be returned.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system must send written signed inquiries to Defense Security Service, Privacy Act Branch, 938 Elkridge Landing Road, Linthicum, MD 21090.

A request for information must contain the full name and Social Security Number of the subject individual and address where the records are to be returned.

**CONTESTING RECORD PROCEDURES:**

DSS' rules for accessing records, contesting contents, and appealing initial agency determinations are contained in DSS Regulation 01-13; 32 CFR part 321; or may be obtained from the Defense Security Service, Office of FOI and PA, 1340 Braddock Place, Alexandria, VA 22314-1651.

**RECORD SOURCE CATEGORIES:**

Subjects of investigations, records of other DoD activities and components, Federal, state, county, and municipal records, employment records of private business and industrial firms. Educational and disciplinary records of schools, colleges, universities, technical and trade schools. Hospital, clinic, and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks, and other financial institutions which maintain credit information on individuals.

The interview of individuals who are thought to have knowledge of the subject's background and activities.

The interview of witnesses, victims, and confidential sources.

The interview of any individuals deemed necessary to complete the DSS investigation.

Miscellaneous directories, rosters, and correspondence.

Any other type of record deemed necessary to complete the DSS investigation.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Investigatory material compiled for law enforcement purposes may be

exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506, may be exempt pursuant to 5 U.S.C. 552a(k)(3).

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

[FR Doc. E9-9907 Filed 4-29-09; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID DoD-2009-OS-0061]

### U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

**AGENCY:** Department of Defense.

**ACTION:** Notice of Proposed Changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces and implementation of a new electronic filing program.

**SUMMARY:** This notice announces the following proposed changes to Rules 19(a)(5), 20(e), 21(c)(2), 37(a), 37(b)(2), and 40(b)(3) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces and implementation of a new electronic filing program for public notice and comment. New language is in bold print. Language to be removed is within brackets.

**DATES:** Comments on the proposed changes must be received within 30 days of the date of this notice.

**ADDRESSES:** You may submit comments, identified by docket number and/or

Regulatory Information Number (RIN) and title by any of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>.

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including personal identifiers or contact information.

#### FOR FURTHER INFORMATION CONTACT:

William A. DeCicco, Clerk of the Court, telephone (202) 761-1448.

Dated: April 24, 2009.

**Morgan E. Frazier,**

*Alternate OSD Federal Liaison Officer.*

#### Department of Defense

Rule 19(a)(5):

(A) In all cases where the petition is filed by counsel, a supplement to the petition establishing good cause in accordance with Rule 21 shall be filed contemporaneously with the petition. Motions for enlargement of time to file the supplement, while disfavored, will be granted for good cause shown. An appellee's answer to the supplement to the petition, except for cases on appeal by the United States under Article 62, UCMJ, 10 U.S.C. § 862 (2000), may be filed no later than 20 days after the filing of the supplement. *See* Rule 21(e). A reply may be filed by the appellant no later than 5 days after the filing of appellee's answer. An appellee's answer to the supplement in a case under appeal by the United States under Article 62, UCMJ, may be filed no later than 10 days after the filing of the supplement; an appellant may file a reply no later than 5 days after the filing of appellee's answer.

(B) In all cases where the petition is filed by the appellant, a supplement to the petition shall be filed by counsel no later than 20 days after the issuance by the Clerk of a notice of docketing of the petition. *See* Rule 10(c). An appellee's answer to the supplement to the petition and an appellant's reply may be filed in accordance with the time limits contained in Rule 19(a)(5)(A).

[(A) *Article 62, UCMJ, appeals.* In cases involving a decision by a Court of Criminal Appeals on appeal by the United States under Article 62, UCMJ, 10 USC § 862, a supplement to the

petition establishing good cause in accordance with Rule 21 shall be filed no later than 20 days after the issuance by the Clerk of a notice of docketing of such a petition for grant of review. *See* Rule 10(c). An appellee's answer to the supplement to the petition for grant of review shall be filed no later than 10 days after the filing of such supplement. A reply may be filed by the appellant no later than 5 days after the filing of the appellee's answer.

(B) *Other appeals.* In all other appeal cases, a supplement to the petition establishing good cause in accordance with Rule 21 shall be filed no later than 30 days after the issuance by the Clerk of a notice of docketing of a petition for grant of review. *See* Rule 10(c). An appellee's answer to the supplement to the petition for grant of review may be filed no later than 30 days after the filing of such supplement. *See* Rule 21(e). A reply may be filed by the appellant no later than 10 days after the filing of the appellee's answer.]

*Comment:* The changes will accelerate the case disposition process. The accelerated time limits are accompanied with a provision to obtain extensions for good cause shown to address concerns that there may be circumstances where additional time may be justified.

Rule 20(e):

(e) Upon issuance by the Clerk under Rule 10(c) of a notice of docketing of a petition for grant of review filed personally by an appellant, counsel for the appellant shall file a supplement to the petition in accordance with the applicable time limit set forth in Rule 19(a)(5)[(A) or](B), and the provisions of Rule 21.

*Comment:* This change is a conforming amendment to bring Rule 20(e) into alignment with the change in Rule 19(a)(5).

Rule 21(c)(2):

(2) *Answer/reply in other appeals.* An appellee's answer to the supplement to the petition for grant of review in all other appeal cases may be filed no later than [30] 20 days after the filing of the supplement; *see* Rule 21(e); (remainder of paragraph is unchanged).

*Comment:* This change conforms Rule 21(c)(2) to the change in Rule 19(a)(5).

Rules 37(a) and 37(b)(2):

(a) *Printing.* Except for records of trial and as otherwise provided by Rules 24(f) and 27(a)(4) or any order of the Court regarding the electronic filing of pleadings, all pleadings and other papers relative to a case shall be typewritten and double-spaced, printed on one side only on white unglazed paper, 8.5 by 11 inches in size, securely fastened in the top left corner.