

Dated: May 11, 2009.

Morgan E. Frazier,

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

[FR Doc. E9-11353 Filed 5-14-09; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Policy Board Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session on June 16, 2009 from 0800 hrs until 1800 hrs and on June 17, 2009 from 0800 hrs until 1000 hrs at the Pentagon.

The purpose of the meeting is to provide the Secretary of Defense, Deputy Secretary of Defense and Under Secretary of Defense for Policy with independent, informed advice on major matters of defense policy. The Board will hold classified discussions on national security matters.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended [5 U.S.C. App II (1982)], it has been determined that this meeting concerns matters listed in 5 U.S.C. 552B (c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: May 12, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E9-11348 Filed 5-14-09; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2009-OS-0065]

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Amend a System of Records.

SUMMARY: The Defense Logistics Agency is proposing to amend a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on June 15, 2009 unless comments are received which would result in a contrary determination.

ADDRESSES: Chief Privacy and FOIA Officer, Headquarters Defense Logistics Agency, ATTN: DGA, 8725 John J. Kingman Road, Suite 1644, Fort Belvoir, VA 22060-6221.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Oleinick at (703) 767-6194.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's system of record 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 specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment 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: May 12, 2009.

Morgan E. Frazier,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S500.50

SYSTEM NAME:

Facility Access Records (November 23, 2005, 70 FR 70796).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Staff Director, Public Safety, Headquarters Defense Logistics Agency, ATTN: DES-S, 8725 John J. Kingman Road, Stop 6220, Fort Belvoir, VA 22060-6221, and the Defense Logistics Agency field activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

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STORAGE:

Delete entry and replace with "Records are maintained in paper file folders and on electronic storage media."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are maintained in areas accessible only to DLA Headquarters, field activities security supervisory, and staff personnel who use the records to perform their duties. All records are maintained on closed military 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."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Chief, Security Operations Divisions, Office of Public Safety, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 3533, Fort Belvoir, VA 22060-6220, and the Security Managers within the DLA field activity responsible for the operation of security forces and staff at the DLA field activity."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about them 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 or the Privacy Act Office of the DLA field activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

Written requests for information should contain name, Social Security Number (SSN), mailing address and telephone number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves 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 or the Privacy Act Office of the DLA field activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices."

Written requests for information should contain name, Social Security Number (SSN), mailing address and telephone number."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "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."

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\$500.50**SYSTEM NAME:**

Facility Access Records.

SYSTEM LOCATION:

Staff Director, Public Safety, Headquarters Defense Logistics Agency, ATTN: DES-S, 8725 John J. Kingman Road, Stop 6220, Fort Belvoir, VA 22060-6221, and the Defense Logistics Agency field activities. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Logistics Agency (DLA) civilian and military personnel, contractor employees, and individuals requiring access to DLA-controlled installations or facilities. The system also contains data on children of civilian employees, military personnel, and contractors where the parents have requested that a child identification badge be issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents relating to requests for and issuance of facility entry badges and passes and motor vehicle registration. The records contain individual's name; Social Security Number; physical and electronic duty addresses; physical and electronic home addresses; duty and home telephone numbers; emergency-essential status; date and place of birth; citizenship; badge number, type of badge, and issue and expiration dates; facility identification and user codes and dates and times of building entry; current photograph; physical descriptors such as height, hair and eye color; blood type; fingerprint data; handicap data; security clearance data; personal vehicle description to include year, make, model, and vehicle identification number; State tag data; operator's permit data; inspection and insurance data; vehicle decal number, parking lot assignment; parking infractions; the fact of participation in mass transit programs; emergency contact data; and names of children

registered at DLA child development centers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 5 U.S.C. 6122, Flexible schedules, agencies authorized to use; 5 U.S.C. 6125, Flexible schedules, time recording devices; 10 U.S.C. 133, Under Secretary of Defense for Acquisition, Technology, and Logistics; 23 U.S.C. 401 et seq., National Highway Safety Act of 1966; E.O. 9397 (SSN); and E.O. 10450, Security Requirements for Government Employees.

PURPOSE(S):

Information is maintained by DLA police and public safety personnel is used to control access into DLA-managed installations, buildings, facilities, and parking lots; to manage reserved, handicap and general parking; to verify security clearance status of individuals requiring entry into restricted access areas; to account for building occupants and to effect efficient evacuation during simulated and actual threat conditions; to relay threat situations and conditions to DoD law enforcement officials for investigative or evaluative purposes; and to notify emergency contact points of situations affecting a member of the workforce. Names of children registered at DLA child care centers are collected to notify the caregivers of emergencies affecting parents and to identify the children who may require special accommodations due to that emergency. In support of morale programs and when requested by parents, critical descriptive data and a current photograph of their child are captured for parental use should a child go missing.

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:

The DoD "Blanket Routine Uses" set forth at the beginning of DLA's compilation of systems of records notices apply to this system except for information collected on children.

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

Records are maintained in paper file folders and on electronic storage media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, facility or user code, or decal number.

SAFEGUARDS:

Records are maintained in areas accessible only to DLA Headquarters, field activities security supervisory, and staff personnel who use the records to perform their duties. All records are maintained on closed military 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:

Vehicle registration records are destroyed when superseded or upon normal expiration or 3 years after revocation; individual badging and pass records are destroyed upon cancellation or expiration or 5 years after final action to bar from facility.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Operations Divisions, Office of Public Safety, Headquarters, Defense Logistics Agency, 8725 John J. Kingman Road, Suite 3533, Fort Belvoir, VA 22060-6220, and the 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 this system of records contains information about them 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 or the Privacy Act Office of the DLA Field Activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information should contain name, Social Security Number (SSN), mailing address and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves 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 or the Privacy Act Office of the DLA field activity involved. Official mailing addresses are published as an appendix to DLA's compilation of systems of records notices.

Written requests for information should contain name, Social Security Number (SSN), mailing address and telephone number.

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:

Data is supplied by the individual and public safety personnel. Data for child identification badges is provided by the parent.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E9-11354 Filed 5-14-09; 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. On April 30, 2009, at 74 FR 19947, the Department of Defense published a notice of this same title. The **SUMMARY** section stated that "new

language is in bold print" but the notice did not contain bold print. This notice identifies those changes made.

DATES: Comments on the proposed changes must be received within 30 days of the date of this corrected 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, OSD Mailroom 3C843, 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: May 12, 2009.

Morgan E. Frazier,

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

Rule 19(a)(5):

Amend Rule 19 (a)(5) by:

A. Removing the existing paragraphs (A) and (B) which currently read:
“(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.”

B. And by adding new paragraphs (A) and (B) in their place, to read as follows:

(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).

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):

Amend Rule 20(e) by:

A. Removing the existing paragraph (e) which currently reads:

“(e) Upon issuance by the Clerk under Rule 10(c) of a notice of docketing of a petition for grant of review 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.”

B. And by adding new paragraph (e) in its place, to read as follows:

(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