

opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning two proposed extension information collections: (1) the Notice of Final Payment or Suspension of Compensation Benefits (LS-208) and (2) Request for Earnings Information (LS-426).

Copies of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before April 28, 1997. The Department of Labor is particularly interested in comments which:

- \* evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- \* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- \* enhance the quality, utility and clarity of the information to be collected; and
- \* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**ADDRESSES:** Ms. Margaret Sherrill, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S-3201, Washington, D.C. 20210, telephone (202) 219-7601. (This is not a toll-free number.), Fax 202-219-6592.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Under Section 14(g) of the Longshore and Harbor Workers Compensation Act (LHWCA), the employer or its insurance carrier must file a report of the compensation paid to a claimant at the

time final payment is made. The Act requires that the form must be filed within sixteen days of the final payment of compensation with the District Director in the compensation district in which the injury occurred. The form requests information regarding the beginning and ending dates of compensation payments, compensation rates, reason payments were terminated and types and amount of compensation payments. Filing of the report is mandatory as failure to do so is subject to a civil penalty.

##### **II. Current Actions**

The Department of Labor (DOL) seeks extension of approval to collect this information in order to carry out its responsibility to notify Office of Workers' Compensation Programs (OWCP) District Offices that payment of compensation benefits has been stopped or suspended in a case. The report is required by law. If the report were not filed, our offices would have no way to determine whether payments have been suspended in a case and therefore would not be able to effectively manage the case file and verify that the injured worker had received all benefits that he/she is entitled to receive under the Act.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Notice of Final Payment or Suspension of Compensation Benefits.

*OMB Number:* 1215-0024.

*Agency Numbers:* LS-208.

*Affected Public:* Business or other for-profit.

*Total Respondents:* 500.

*Frequency:* On occasion.

*Total Responses:* 28,000.

*Average Time Per Response for Reporting:* 15 minutes.

*Estimated Total Burden Hours:* 7,000.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintenance):* \$700.

##### **I. Background**

Pursuant to Section 8 of the LHWCA, injured employees shall receive compensation in an amount equal to 66 and two-thirds percent of their average weekly wage. Form LS-426 is used to verify the average weekly wage of an injured employee to determine if the correct compensation rate is being paid. Pursuant to Section 10 of the Act, the average weekly wage of the injured employee may be determined by using those wages earned in the occupation which the injury occurred or wages earned in different occupations. Depending on whether similar or other employment is involved, the average weekly wage will be determined under

either Section 10 (a), (b), or (c) of the Act.

##### **II. Current Actions**

The Department of Labor seeks extension of approval to collect this information to assure that injured workers are paid at the proper compensation rate. The form benefits the injured worker. It provides a simple method for him/her to provide the OWCP with prior earnings information. If the information were not collected, injured workers would not be paid the proper compensation rate in all cases.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Request for Earnings Information.

*OMB Number:* 1215-0112.

*Affected Public:* Individuals or households.

*Total Respondents:* 1,900.

*Frequency:* On occasion.

*Total Responses:* 1,900.

*Average Time Per Response for Reporting:* 15 minutes.

*Estimated Total Burden Hours:* 475.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$665.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection requests; they will also become a matter of public record.

Dated: February 21, 1997.

Cecily A. Rayburn,

*Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. 97-4790 Filed 2-26-97; 8:45 am]

BILLING CODE 4510-27-M

## **NATIONAL COUNTERINTELLIGENCE CENTER**

### **Privacy Act of 1974; Establishment of a New System of Records**

**AGENCY:** National Counterintelligence Center (NACIC).

**ACTION:** Proposed establishment of a new Privacy Act system of records.

**SUMMARY:** The National Counterintelligence Center (NACIC) proposes to establish a new system of records entitled the National Counterintelligence Center System of Records. Federal Agencies are required by the Privacy Act of 1974 and Office of Management and Budget Circular A-

130, Transmittal Memorandum No. 2, July 15, 1994, to publish notice in the Federal Register of proposed systems of records.

**DATES:** The proposed new system of records will become effective without further notice 40 days after publication in the Federal Register unless modified by a subsequent notice to incorporate comments received from the public. Although the Privacy Act requires only that the portion of the system which describes the "routine uses" of the system be published for comment, NACIC invites comment on all portions of this notice. Comments must be received by the contact person listed below on or before April 8, 1997.

**FOR FURTHER INFORMATION WRITE:** Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, DC 20505.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Privacy Act, 5 U.S.C. 552a, NACIC proposes to establish a new system of records to be maintained at the NACIC Office. The purpose of this notice is to announce the creation and character of the systems of records maintained by NACIC. NACIC was established under the authority of the National Counterintelligence Policy Board (NACIPB), in accordance with Presidential Decision Directive/NSC-24 "US Counterintelligence Effectiveness," dated May 3, 1994. During 1994, in the wake of the Aldrich Ames espionage investigation, President Clinton ordered a review of the overall effectiveness of US counterintelligence (CI). That review resulted in the establishment of a new CI policy and coordination apparatus for the US CI community. PDD/NSC-24 eliminated the National Advisory Group for Counterintelligence (NAG/CI) policy structure under the Director of Central Intelligence (DCI) and established the National Counterintelligence Policy Board (NACIPB) to function as the primary body for addressing national CI policy issues. In addition, the directive established NACIC for the purpose of coordinating national level CI activities. Although located at CIA Headquarters, NACIC is neither a CIA entity, nor is it part of the DCI reporting structure. Rather, NACIC is an autonomous CI entity that reports to the NACIPB and the National Security Council. NACIC, however, does work in close coordination with the DCI's staff and the CIA's Counterintelligence Center (CIA/CIC). NACIC's staff of employees is currently drawn from counterintelligence and security professionals from the FBI, CIA, NSA, the Department of Defense, and the

Department of State. Each individual serves on a rotational basis from his/her own agency, with most serving a two year tour. Organizationally, NACIC consists of the Offices of the Director and Deputy Director and three subordinate offices: the Executive Secretariat Office (ESO), the Program Integration Office (PIO) and the Threat Assessment Office (TAO).

It should be noted that as a result of its policy coordination role, NACIC's main concern is with coordination of national level CI activities, not individuals. As a result, individuals mentioned in many of NACIC's records are not clearly identified by name and address.

ESO serves as the secretariat to the NACIPB, the National Counterintelligence Operations Board (NACOB), and their working groups. It coordinates national strategic CI planning efforts by the NACIPB and serves as the contact with CIA's Community Management Staff (CMS) on administrative, logistical, security, and finance matters.

The PIO provides strategic guidance and assesses the effectiveness of CI operations; sponsors seminars and conferences; and establishes and chairs working groups comprised of representatives from federal agencies. PIO's Community Training Branch is responsible for facilitating the development of organizing, and implementing training for the CI community and for private industry. In some cases these have been joint efforts with federal agencies or with private organizations. In addition to publishing its unclassified quarterly newsletter, "Counterintelligence News and Developments," the Training Branch publishes brochures and reports developed by its Awareness Working Group.

The TAO serves as the focal point for facilitating the production of national-level, foreign intelligence threat assessments; developing and disseminating information relating to foreign intelligence threats; coordinating assessment of damage to US interests resulting from espionage cases; and providing CI community-wide analytic support. TAO's National Needs branch is the Customer Service Branch of NACIC. It serves as a point of contact for non-CI federal agencies, generates products for their use and also for use throughout the CI community. For example, catalog lists are maintained indicating which agencies have conducted threat assessments on various countries or issues, thus saving another agency the expense of conducting its own threat assessment

analysis. TAO's Analysis Branch prepares CI community-coordinated threat assessments. In some cases, the assessments are tailored to satisfy an agency's specific concern. In other cases they are conducted in response to a specific incident or activity.

#### Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into each system of records maintained by NACIC. It should be noted that the blanket routine uses of the records are published below only once in the interest of simplicity, economy and to avoid redundancy before the individual record system notices begin.

**1. Routine Use—Law Enforcement:** In the event that a system of records maintained by NACIC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

**2. Routine Use—Disclosure When Requesting Information:** a record from a system of records maintained by this component may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary, to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

**3. Routine Use—Disclosure of Requested Information:** A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

**4. Routine Use—Congressional:** Inquiries from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**5. Routine Use—Disclosures Required by International Agreements:** A record from a system of records maintained by this component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of Department of Defense military and civilian personnel.

**6. Routine Use-Disclosure to the Department of Justice for Litigation:** A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing any officer, employee or member of this component in pending or potential litigation to which the record is pertinent.

**7. Routine Use—Disclosure of Information to the General Services Administration:** A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

**8. Routine Use-Disclosure of Information to the National Archives and Records Administration (NARA):** A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

**9. Routine Use-Disclosure to the Merit Systems Protection Board:** A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals special studies of the civil service and other merit systems, review of OPM or component rules and regulation, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of investigation, and such other

functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

**10. Routine Use—Counterintelligence Purposes:** A record from a system of records maintained by this component may be disclosed as a routine use outside the US Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

#### **NACIC—1**

##### **SYSTEM NAME:**

National Counterintelligence System of Records

##### **SYSTEM LOCATION:**

National Counterintelligence Center, 3 WO1 NHB, Washington, D.C. 20505

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

A. Individuals who are of foreign intelligence or foreign counterintelligence interest and relate in any manner to foreign intelligence threats to US national and economic security.

B. Applicants for, and current and former personnel of NACIC.

C. Individuals associated with NACIC administrative operations or services including pertinent functions such as training, contractors and pertinent persons related thereto.

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

1. Director's Correspondence: Correspondence whose contents relates to NACIC's mission, policies, or programs; and correspondence whose contents relates to routine, administrative, or facilitative matters.

2. NACIC Chronological Files: Copies of outgoing correspondence, memoranda, and other records signed by the Director, the Deputy Director, and NACIC Office Chiefs.

3. Public Relations Files: Speeches or public statements made by the Director and Deputy Director.

4. NACIC Staff Meeting Records, agendas, minutes, and "staff meeting highlights."

5. Progress Reports: six month progress reports submitted to the National Counterintelligence Policy Board outlining activities and accomplishments of the NACIC.

6. Compromised Names Database. The purpose of the database is to notify US intelligence community personnel whose names were potentially compromised as a result of espionage or other foreign intelligence collection activity. NACIC reviews pertinent

reports to determine documents that were possibly passed in a particular case and then reviews those documents for names. The database contains the names of persons potentially compromised, date of the memo sent to the person or their employer informing them, the document number of where the person's name came from, document title, and document date.

7. Chronological Files of the PIO: Copies of correspondence, memoranda, and other records generated by PIO and its branches in assessing the effectiveness of CI operations, maintained for reference purposes.

8. Publications, Training Materials and Regional Seminars Records Maintained by PIO's Community Training Branch: Letters of acceptance, enrollment forms, thank you letters, list of attendees, list of speakers, notes, case studies, syllabus, training packet, magazine or newspaper articles, and other records used either for course development purposes or to facilitate the presentation of seminars.

9. Personnel Files: Individual personnel folders of staff employees, consultants and contract employee files consisting of papers documenting personnel actions; performance appraisals; correspondence; training documents; travel documents; contracts; justifications; memoranda; and administrative material. (Many of these files are maintained on a temporary basis while the individuals are detailed to the NACIC. Upon their return to their home agency, their file is returned with them.)

10. Freedom of Information Act (FOIA)/Privacy Act (PA) Requests and Legal Fields: Files created in response for information under the FOIA/PA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of requested record or copy thereof; files created in response to administrative appeals for release of information denied by the NACIC, consisting of the appellant's letter, a copy of related supporting documents; FOIA/PA Control Files and Report Files; Files relating to an individual's request to amend a record pertaining to the individual as provided for under 5 U.S.C. 552a(d)(2), 552a(d)(3), and to any civil action brought by the individual against NACIC as provided under 5 U.S.C. 552a(g); Privacy Act Report files of recurring reports and one-time information requirements relating to agency implementation including biennial reports to the Office of Management and Budget, and Report on New Systems.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Federal Records Act of 1950 Title 44, United States Code, Chapter 31, Section 3101; and Title 36, Code of Federal Regulations, Chapter XII, require Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government.

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

(See Statement of General Routing Uses)

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

Files are maintained in computerized form and hard copy form. Computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

**RETRIEVABILITY:**

Names are retrievable by automated word or hand search. NACIC will not permit any organization, public or private, outside the NACIC to have direct access to NACIC files. All searches on the NACIC data base and hard files will be performed on site, within NACIC space, by NACIC personnel.

**SAFEGUARDS:**

Records and databases are maintained in a restricted area within NACIC and are accessed only by NACIC personnel. All employees are checked to insure they have recent background investigations prior to being assigned to NACIC and are cautioned about divulging confidential information or any information contained in NACIC files. Failure to abide by these provisions may violate certain statutes providing maximum severe penalties of a ten thousand-dollar fine or 10 years imprisonment, or both. Employees who resign or retire are also cautioned about divulging information acquired in their jobs. Registered mail is used to transmit routine hard copy records. Highly classified records are hand carried by employee personnel. Highly classified or sensitive privacy information, which is electronically transmitted between NACIC and other offices, is transmitted in encrypted form to prevent interception.

**RETENTION AND DISPOSAL:**

Records evaluated as historical and permanent will be transferred to the

National Archives after established retention periods and administrative needs of the NACIC have elapsed.

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

Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, D.C. 20505.

**RECORD ACCESS PROCEDURES:**

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of NACIC records. A request for access to records must describe the records sought in sufficient detail to enable NACIC personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the record sought, and the date of the record or the period in which the record was compiled. The requester will also provide a return address for transmitting the information. Requests for access must be addressed to the Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, D.C. 20505.

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, DC. 20505.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Notice is hereby given that NACIC intends to exempt, from certain provisions of the Act, those systems of records which are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact, properly classified pursuant to such Executive Order. (5 U.S.C. 552(b)(1), as amended by Public Law 93-502) In addition, pursuant to authority granted in section (j) of the Privacy Act (5 U.S.C. 552a (j)) the Director of NACIC has determined (C) to exempt from notification under subsections (e)(4)(G) and (f)(1) those portions of each and all systems of records which have been exempted from individual access under

subsection (j), in those cases where the Information and Privacy Coordinator, determines after advice by responsible components, that confirmation of the existence of a record may jeopardize intelligence sources and methods. In such cases the NACIC may choose to neither confirm nor deny the existence of the record and may advise the individual that there is no record which is available to him pursuant to the Privacy Act of 1974.

Michael Waguespack,  
*Director, National Counterintelligence Center.*  
[FR Doc. 97-4853 Filed 2-26-97; 8:45 am]

BILLING CODE 6310-02-M

**NATIONAL TRANSPORTATION SAFETY BOARD****Sunshine Act Meeting; Public Hearing in Maine: Marine Accident**

In connection with its investigation of the ramming of the Portland Bridge at Portland, Maine, by the Liberian Tank Ship JULIE N on September 27, 1996, the National Transportation Safety Board will convene a public hearing at 9:00 a.m., (local time) on March 13, 1997, at the Sheraton Tara Hotel, 363 Maine Mall Road, South Portland, Maine 04106. For more information, contact Pat Cariseo, Office of Public Affairs, Washington, D.C. 20594, telephone (202) 314-6100.

Dated: February 25, 1997.

Bea Hardesty,

*Federal Register Liaison Officer.*

[FR Doc. 97-5001 Filed 2-25-97; 10:48 am]

BILLING CODE 7533-01-P

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 50-237 and 50-249]

**Commonwealth Edison Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-19 and DPR-25, issued to Commonwealth Edison Company (ComEd, the licensee) for operation of the Dresden Nuclear Power Station, Units 2 and 3, located in Grundy County, Illinois.

The proposed amendment would change Technical Specifications (TS) 3.7.K, "Suppression Chamber," and