

only a very small percentage of herds will be affected. It is estimated that only about 1 percent of all herds in the United States are mixed herds comprised of both cattle and/or bison and other species of livestock. Second, the testing of these other species of livestock will be conducted by Federal or State veterinary medical officers at no cost to herd owners. Herd owners will have to bear the cost of presenting the animals for testing, but that cost should be minimal in most cases. Only in rare situations, such as those where exotic animals have to be sedated, would the cost of presenting animals exceed minimal levels. Third, if it is necessary to destroy cattle or bison that have been identified as tuberculosis-exposed on the basis of a herd test that considers livestock other than cattle and bison, the economic impact on herd owners will be mitigated, if not entirely offset, by the payment of indemnity by APHIS.

For the reasons stated above, this interim rule is not expected to have an adverse impact on a significant number of herd owners. Indeed, herd owners are more likely to benefit over time as continued progress toward the eradication of tuberculosis serves to enhance livestock values.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping

requirements, Transportation, Tuberculosis.

Accordingly, 9 CFR part 77 is amended as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 77.1 is amended as follows:

a. In the definition of *Accredited-free (suspended) State*, paragraph (1)(ii) is revised to read as set forth below.

b. The definition of *Herd* is revised to read as set forth below.

c. A definition of *Livestock* is added, in alphabetical order, to read as set forth below.

d. In the definition of *Modified accredited state*, paragraph (1)(i) is revised to read as set forth below.

§ 77.1 Definitions.

* * * * *

Accredited-free (suspended) State. (1) * * *

(ii) A State is qualified for redesignation of accredited-free status after the herd in which tuberculosis is detected has been quarantined, an epidemiological investigation has confirmed that the disease has not spread from the herd, and all reactor cattle and bison have been destroyed. If any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State must apply the herd test requirements of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” for such newly assembled herds to those other livestock in the same manner as to cattle and bison.

* * * * *

Herd. Any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator.

* * * * *

Livestock. Cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.

Modified accredited State. (1)(i) To establish or maintain status as a modified accredited State, a State must

comply with all of the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding modified accredited States, and must apply these provisions to bison in the same manner as to cattle. Further, if any livestock other than cattle or bison are included in a newly assembled herd on a premises where a tuberculous herd has been depopulated, the State must apply the herd test requirements of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” for such newly assembled herds to those other livestock in the same manner as to cattle and bison. Modified accredited State status must be renewed annually.

* * * * *

Done in Washington, DC, this 18th day of February 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–4490 Filed 2–20–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1720

RIN 2550-AA05

Implementation of the Privacy Act of 1974

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Interim regulation with request for comments.

SUMMARY: The Office of Federal Housing Enterprise Oversight is issuing an interim regulation to implement the Privacy Act of 1974. The regulation sets forth the procedures by which an individual may request access to records about him/her that are maintained by OFHEO, amendment of such records, or an accounting of disclosures of such records. OFHEO is requesting comments on the regulation.

DATES: This interim regulation is effective February 23, 1998. Comments regarding the regulation must be received in writing on or before April 24, 1998.

ADDRESSES: Send written comments to Anne E. Dewey, General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Copies of all comments received will be available for examination by interested parties at the Office of Federal Housing Enterprise

Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: Gary L. Norton, Deputy General Counsel, or Isabella W. Sammons, Associate General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414-3800 (not a toll-free number). The toll-free telephone number for the Telecommunications Device for the Deaf is (800) 877-8339.

SUPPLEMENTARY INFORMATION:

Effective Date

The Office of Federal Housing Enterprise Oversight (OFHEO) has determined that it is in the public interest to publish an interim regulation that is effective immediately in order to give effect to the OFHEO Notice of Systems of Records published elsewhere in this issue of the **Federal Register**. The immediate effective date will permit the public to gain access to information pertaining to themselves without delay. The Administrative Procedure Act (APA) permits agencies to forgo the notice and comment period and to make a regulation effective immediately if doing so would be in the public interest. 5 U.S.C. 553(b) and (d).

Request for Public Comment

OFHEO is seeking comments on the interim regulation. Before making this interim regulation final, OFHEO will carefully review and consider all comments.

Discussion of Regulation

Section 1720.1 Scope

This section explains that the regulation implements the provisions of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a). The regulation sets forth the procedures by which an individual may request access to records about him/her that are maintained by OFHEO in a designated system of records, may request amendment of such records, or may request an accounting of disclosures of such records.

This section further explains that a request from an individual for a record about that individual that is not contained in an OFHEO designated system of records will be considered to be a Freedom of Information Act (FOIA) (5 U.S.C. 552) request and will be processed under the FOIA.

Section 1720.2 Definitions

This section defines various terms as follows:

Amendment means any correction of, addition to, or deletion from a record.

Designated system of records means a system of records that OFHEO has listed and summarized in the **Federal Register** pursuant to the requirements of 5 U.S.C. 552a(e).

Individual means a natural person who is either a citizen of the United States of America or an alien lawfully admitted for permanent residence.

Maintain includes collect, use, disseminate, or control.

Privacy Act Appeals Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act appeals.

Privacy Act Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act requests.

Record means any item, collection, or grouping of information about an individual that is maintained by OFHEO and that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual.

Routine use, with respect to disclosure of a record, means the use of such record for a purpose that is compatible with the purpose for which it was created.

Statistical Record means a record in a system of records maintained only for statistical research or reporting purposes and not used, in whole or in part, in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

System of records means a group of records under the control of OFHEO from which information is retrieved by the name of the individual or some identifying number, symbol, or other identifying particular assigned to the individual.

Section 1720.3 Requests for Access to Individual Records

This section explains how individuals may request access to records about themselves that are maintained by OFHEO. The procedure depends on whether or not the records are contained in a governmentwide system of records of another Federal agency or in a system of records of OFHEO.

If the records are contained in a governmentwide system of records of the U.S. Office of Personnel Management (OPM), the request is submitted to the agency specified (which may be other than OFHEO) as prescribed by OPM in its regulations found at 5 CFR part 297 and in the OPM **Federal Register** Privacy Act notice for the specific governmentwide system. If the records are contained in a

governmentwide system of records of another **Federal Register** Privacy Act notice for the specific governmentwide system. Federal agencies that have published governmentwide systems of records include the Equal Employment Opportunity Commission, the General Services Administration, the Department of Labor, the Office of Government Ethics, and the Office of Personnel Management.

If the records are contained in a system of records of OFHEO, a written request must be submitted to the OFHEO Privacy Act Officer. The written request should describe the records sought and identify the designated systems of records in which such records may be contained. (A copy of the designated systems of records published by OFHEO in the **Federal Register** is available upon request from the Privacy Act Officer.) No individual will be required to state a reason or otherwise justify a request for access to records about him/her.

Section 1720.4 Decision To Grant or Deny Requests for Access to Individual Records

This section provides that access to records contained in an OFHEO system of records will be granted unless the records were compiled in reasonable anticipation of a civil action or proceeding or require special procedures for medical records. It also describes the procedures for notifying individuals of the decision to grant or deny requests for access.

Although the Privacy Act does not prescribe a time period for responding to requests for access, this section requires the Privacy Act Officer to send a written acknowledgment of receipt within 20 business days of receipt of a request. It also requires the Privacy Act Officer to inform the requesting individual, as soon as reasonably possible, normally within 20 business days following receipt of the request, whether the requested records exist and whether access is granted or denied.

If access is granted, this section requires the Privacy Act Officer to provide the individual with a reasonable period of time to inspect the records at OFHEO during normal business hours or to mail a copy of the records to the individual. If access is denied, this section requires the Privacy Act Officer to inform the individual of the reason for the denial and the right to appeal.

Section 1720.5 Special Procedures for Medical Records

With respect to medical records, this section requires the Privacy Act Officer

to disclose such records directly to the requesting individual, unless, in the judgment of OFHEO, such disclosure may have an adverse effect on that individual. If medical records are not disclosed directly to the individual, the medical records will be submitted to a licensed medical doctor named by the individual.

Section 1720.6 Requirements for Verification of Identity

To protect the privacy of individuals, this section provides for verification of identity. If an individual submits a written request in person, he/she may be required to present two forms of identification, such as an employment identification card, driver's license, passport, or other document typically used for identification purposes. One of the two forms of identification must contain the individual's photograph and signature.

If an individual submits a written request, other than in person, for access to or amendment of records, he/she may be required to provide either one or both of the following: (1) Minimal identifying information, such as full name, date and place of birth, or other personal information; (2) at the election of the individual, either a certification of a duly commissioned notary public of any State or territory or the District of Columbia attesting to the requesting individual's identity or an unsworn declaration subscribed to as true under penalty of perjury under the laws of the United States of America.

Section 1720.7 Requests for Amendment of Individual Records

This section explains how an individual may request amendment of any record about him/her that the individual believes is not accurate, relevant, timely, or complete. To request amendment, the individual must submit a written request to the Privacy Act Officer. The request should include the reason for requesting the amendment; a description of the record, or portion thereof, including the name of the appropriate designated system of record; and, if available, a copy of the record on which the specific portion requested to be amended is notated.

As with requests for access, this section provides that the Privacy Act Officer may require the individual making the request for amendment to provide identifying information.

Section 1720.8 Decision To Grant or Deny Requests for Amendment of Individual Records

This section explains the procedures that must be followed by the Privacy

Act Officer in processing requests for amendment of individual records. Within 10 business days following receipt of a request for amendment of records, the Privacy Act Officer must send a written acknowledgment of receipt to the requesting individual.

The Privacy Act does not require a specific time in which the Privacy Act Officer must respond to the request for amendment. This section requires that, as soon as reasonably possible, normally within 30 business days from the receipt of the request for amendment, the Privacy Act Officer must inform the individual in writing of the decision to grant or deny the request for amendment. If the request for amendment is granted, the regulation provides that the amendment must be made. If the request for amendment is denied, the written notification must include the reason for the denial and an explanation of the right to appeal.

Section 1720.9 Appeals of the Initial Decision To Deny Access to or Amendment of Individual Records

The Privacy Act requires that agencies establish procedures by which an individual may appeal an initial denial of access to or amendment of records. This section provides that the individual must submit a written appeal, within 30 business days following receipt of notification of the denial, to the Privacy Act Appeals Officer. Both the envelope and the appeal request should be marked "Privacy Act Appeal." The appeal should include the information specified for requests for access or for requests for amendment, a copy of the initial denial notice, and any other relevant information for consideration by the Privacy Act Appeals Officer.

Section 1720.10 Decision To Grant or Deny Appeals

This section describes the notification process with respect to appeals. It requires, within 30 business days following receipt of the appeal, that the Privacy Act Appeals Officer send a written notification of the decision to the appealing individual. The Privacy Act Appeals Officer may extend the 30-day notification period for good cause. If the time period is extended, the Privacy Act Appeals Officer must provide written notice of the reason for the extension and the expected date of the final decision.

If the Privacy Act Appeals Officer grants the appeal for access or amendment, this section provides that, as appropriate, the individual must be provided access to the records or the amendment must be made. If the

Privacy Act Appeals Officer denies the appeal for access or amendment, this section provides that the written notification of the decision must include the reason for the denial, the right to seek judicial review of the final decision, and, if applicable, the right to submit a statement of disagreement.

An individual may file a statement with the Privacy Act Appeals Officer that sets forth the reason he/she disagrees with the decision to deny the appeal for amendment. If filed, the statement of disagreement must be attached to the record that is the subject of the request for amendment. The Privacy Act Appeals Officer has the discretion to prepare a statement in response to the statement of disagreement that explains why the requested amendment was not made. If prepared, the statement of explanation must be attached to the subject record and a copy provided to the individual.

This section explains that, if the final decision on the appeal for amendment of records is not made within 30 working days (unless the 30-day notification period is extended), the individual may bring a civil action against OFHEO in the appropriate district court of the United States.

Section 1720.11 Disclosure of Individual Records to Other Persons or Agencies

The Privacy Act provides for certain circumstances in which individual records may be disclosed to a person or agency other than the individual about whom the record pertains (third parties). These circumstances are—

- Upon written request and authorization by the individual;
- With the prior written consent of the individual;
- If required under the Freedom of Information Act;
- For a routine use, with respect to a designated system of records as described by OFHEO in its notice of systems of records published in the **Federal Register**;
- Pursuant to the order of a court of competent jurisdiction;
- To those officers and employees of OFHEO who have a need for the record in the performance of their duties. For purposes of the regulation, officers and employees of OFHEO include officers and employees of other federal agencies with whom OFHEO has an interagency agreement to provide services and contractors with whom OFHEO has a contract for services;
- To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity

pursuant to the provisions of title 13 of the United States Code;

- To a recipient who has provided OFHEO with advance, adequate written assurance that the record will be used solely as a statistical research or reporting record, and that the record is to be transferred in a form that is not individually identifiable;

- To the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Archivist of the United States to determine whether the record has such value;

- To an agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to OFHEO specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

- To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, concurrently with such disclosure, notification is transmitted to the last known address of the individual to whom the record pertains;

- To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress, or subcommittee of any such joint committee;

- To the Comptroller General, or any of his/her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

- To a consumer reporting agency in accordance with 31 U.S.C. 3711(e). Section 3711(e) of title 31, United States Code, provides, in connection with the collection and compromise of claims of the U.S. Government, that certain information from a system of records may be disclosed to a consumer reporting agency.

Section 1720.12 Accounting of Disclosures

The Privacy Act requires that agencies keep an accounting of disclosures made to third parties. This section provides that OFHEO keep an accurate accounting of the date, nature, and purpose of each disclosure of a record and the name and address of each person to whom a disclosure was made. There are two exceptions to the requirement for accounting. The first exception is disclosure to those officers

and employees of OFHEO who have a need for the record in the performance of their duties; the second exception is disclosure required under the Freedom of Information Act.

This section further requires that OFHEO retain the accounting for at least 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

Furthermore, this section explains that, when a record has been amended or when a statement of disagreement has been filed, a copy of the amended record and any statement of disagreement must be provided, and any statement of explanation may be provided, to all prior and subsequent recipients of the affected record whose identities can be determined pursuant to the required disclosure of accountings.

Section 1720.13 Requests for Accounting of Disclosures

This section explains that any individual may request an accounting of disclosures of records about him/her for which an accounting is required to be maintained by submitting a written request to the Privacy Act Officer. Before processing the request, the Privacy Act Officer may require that the individual provide identifying information.

The Privacy Act Officer must provide the accounting of disclosures with one exception to the requesting individual. The Privacy Act Officer is not required to provide an accounting of any disclosures made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity.

Section 1720.14 Fees

Generally, it will be more convenient for OFHEO and the individual to have access to the requested records by receiving a copy rather than inspecting the records at OFHEO. Therefore, this section provides that OFHEO will not charge a fee for providing a copy of the requested record or any portion thereof.

Section 1720.15 Preservation of Records

This section requires that OFHEO preserve all correspondence relating to the written requests it receives and all records processed pursuant to such requests, in accordance with the records retention provisions of General Records Schedule 14, Informational Services Records. Furthermore, this section provides that OFHEO must not destroy records that are subject to a pending

request for access, amendment, appeal, or lawsuit pursuant to the Privacy Act.

Section 1720.16 Rights of Parents and Legal Guardians

This section provides that a parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to a physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual.

Section 1720.17 Penalties

This section notes that the Privacy Act makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual from OFHEO under false pretenses.

Regulatory Impact

Executive Order 12612, Federalism

Executive Order 12612 requires that Executive departments and agencies identify regulatory actions that have significant federalism implications. A regulation has federalism implications if it has substantial direct effects on the States, on the relationship or distribution of power between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of government. OFHEO has determined that this regulation has no federalism implications that warrant the preparation of a Federalism Assessment in accordance with Executive Order 12612.

Executive Order 12866, Regulatory Planning and Review

The regulation has been reviewed by the Office of Management and Budget (OMB) pursuant to Executive Order 12866.

Executive Order 12988, Civil Justice Reform

Executive Order 12988 sets forth guidelines to promote the just and efficient resolution of civil claims and to reduce the risk of litigation to the Federal Government. The regulation meets the applicable standards of sections 3(a) and 3(b) of Executive Order 12988.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an

analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b).

OFHEO has considered the impact of the regulation under the Regulatory Flexibility Act. The regulation only affects individuals and has no effect on small entities. Therefore, the General Counsel of OFHEO has certified that the regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, requires that regulations involving the collection of information receive clearance from OMB. The regulation contains no such collection of information requiring OMB approval under the Paperwork Reduction Act. Consequently, no information has been submitted to OMB for review under the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

The regulation does not require the preparation of an assessment statement in accordance with the Unfunded Mandates Reform Act of 1995. Assessment statements are not required for regulations that incorporate requirements specifically set forth in law. As explained in the preamble, the regulation implements the Privacy Act. In addition, the regulation does not include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year.

List of Subjects in 12 CFR Part 1720

Privacy.

For the reasons set forth in the preamble, OFHEO is amending on an interim basis Chapter XVII of title 12 of the Code of Federal Regulations by adding part 1720 to read as follows:

PART 1720—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

- 1720.1 Scope.
- 1720.2 Definitions.
- 1720.3 Requests for access to individual records.
- 1720.4 Decision to grant or deny requests for access to individual records.
- 1720.5 Special procedures for medical records.
- 1720.6 Requirements for verification of identity.
- 1720.7 Requests for amendment of individual records.

- 1720.8 Decision to grant or deny requests for amendment of individual records.
- 1720.9 Appeals of the initial decision to deny access to or amendment of individual records.
- 1720.10 Decision to grant or deny appeals.
- 1720.11 Disclosure of individual records to other persons or agencies.
- 1720.12 Accounting of disclosures.
- 1720.13 Requests for accounting of disclosures.
- 1720.14 Fees.
- 1720.15 Preservation of records.
- 1720.16 Rights of parents and legal guardians.
- 1720.17 Penalties.

Authority: 5 U.S.C. 552a, 12 U.S.C. 4513(b).

§ 1720.1 Scope.

(a) This part 1720 sets forth the procedures by which an individual may request access to records about him/her that are maintained by the Office of Federal Housing Enterprise Oversight (OFHEO) in a designated system of records, amendment of such records, or an accounting of disclosures of such records. This part 1720 implements the provisions of the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a).

(b) A request from an individual for a record about that individual that is not contained in an OFHEO designated system of records will be considered to be a Freedom of Information Act (FOIA) (5 U.S.C. 552) request and will be processed under the FOIA.

§ 1720.2 Definitions.

For the purposes of this part 1720—
Amendment means any correction of, addition to, or deletion from a record.

Designated system of records means a system of records that OFHEO has listed and summarized in the **Federal Register** pursuant to the requirements of 5 U.S.C. 552a(e).

Individual means a natural person who is either a citizen of the United States of America or an alien lawfully admitted for permanent residence.

Maintain includes collect, use, disseminate, or control.

Privacy Act Appeals Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act appeals.

Privacy Act Officer means the OFHEO employee who has been delegated the authority to determine Privacy Act requests.

Record means any item, collection, or grouping of information about an individual that is maintained by OFHEO and that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual.

Routine use, with respect to disclosure of a record, means the use of

such record for a purpose that is compatible with the purpose for which it was created.

Statistical Record means a record in a system of records maintained only for statistical research or reporting purposes and not used, in whole or in part, in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

System of records means a group of records under the control of OFHEO from which information is retrieved by the name of the individual or some identifying number, symbol, or other identifying particular assigned to the individual.

§ 1720.3 Requests for access to individual records.

(a) Any individual may request records about him/her that are maintained by OFHEO.

(b) The procedures for submitting requests are as follows:

(1) If the records are contained in a governmentwide system of records of the U.S. Office of Personnel Management (OPM), the request must be submitted as prescribed by the regulations of OPM (5 CFR part 297).

(2) If the records are contained in a record in a system of records of another Federal agency, the request must be submitted as prescribed in the **Federal Register** Privacy Act notice for the specific governmentwide system.

(3) If the records are contained in a system of records of OFHEO, the request must be submitted in writing to the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. The written request should describe the records sought and identify the designated systems of records in which such records may be contained. (A copy of the designated systems of records published by OFHEO in the **Federal Register** is available upon request from the Privacy Act Officer.) No individual shall be required to state a reason or otherwise justify a request for access to records about him/her.

§ 1720.4 Decision to grant or deny requests for access to individual records.

(a) *Basis for the decision.* The Privacy Act Officer shall grant access to records upon receipt of a request submitted under § 1720.3(b)(3), unless the records—

(1) Were compiled in reasonable anticipation of a civil action or proceeding; or

(2) Require special procedures for medical records provided for in § 1720.5.

(b) *Notification procedures.* (1) Within 20 business days of receipt of a request

submitted under § 1720.3(b)(3), the Privacy Act Officer shall send a written acknowledgment of receipt to the requesting individual.

(2) As soon as reasonably possible, normally within 20 business days following receipt of the request, the Privacy Act Officer shall send a written notification that informs the individual whether the requested records exist and, if the requested records exist, whether access is granted or denied, in whole or in part.

(c) *Access procedures.* If access is granted, in whole or in part, the Privacy Act Officer shall provide the individual with a reasonable period of time to inspect the records at OFHEO during normal business hours or shall mail a copy of the requested records to the individual.

(d) *Denial procedures.* If access is denied, in whole or in part, the Privacy Act Officer shall inform the individual of the reasons for the denial and of the right to appeal the denial, as set forth in § 1720.9.

§ 1720.5 Special procedures for medical records.

The Privacy Act Officer shall grant access to medical records to the requesting individual to whom the medical records pertain. However, if, in the judgment of OFHEO, such direct access may have an adverse effect on that individual, the Privacy Act Officer shall transmit the medical records to a licensed medical doctor named by the individual.

§ 1720.6 Requirements for verification of identity.

(a) *Written requests submitted in person.* Any individual who submits in person a written request under this part, may be required to present two forms of identification, such as an employment identification card, driver's license, passport, or other document typically used for identification purposes. One of the two forms of identification must contain the individual's photograph and signature.

(b) *Other written requests.* Any individual who submits, other than in person, a written request under this part may be required to provide either one or both of the following:

(1) Minimal identifying information, such as full name, date and place of birth, or other personal information.

(2) At the election of the individual, either a certification of a duly commissioned notary public of any State or territory or the District of Columbia attesting to the requesting individual's identity or an unsworn declaration subscribed to as true under

penalty of perjury under the laws of the United States of America.

§ 1720.7 Requests for amendment of individual records.

(a) *Procedures for requesting amendment of a record.* Any individual may request amendment of any record about him/her that the individual believes is not accurate, relevant, timely, or complete. To request amendment, the individual must submit a written request to the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. The request should include—

(1) The reason for requesting the amendment;

(2) A description of the record, or portion thereof, including the name of the appropriate designated system of records, sufficient to enable the Privacy Act Officer to identify the particular record or portion thereof; and

(3) If available, a copy of the record, or portion thereof, on which the specific portion requested to be amended is notated.

(b) *Requirement for identifying information.* The Privacy Act Officer may require the individual making the request for amendment to provide the identifying information specified in § 1720.6.

§ 1720.8 Decision to grant or deny requests for amendment of individual records.

(a) *Notification procedures.* Within 10 business days following receipt of a request for amendment of records, the Privacy Act Officer shall send a written acknowledgment of receipt to the requesting individual. As soon as reasonably possible, normally within 30 business days from the receipt of the request for amendment, the Privacy Act Officer shall send a written notification to the individual that informs him/her of the decision to grant or deny, in whole or in part, the request for amendment.

(b) *Amendment procedures.* If the request is granted, in whole or in part, the requested amendment shall be made to the subject record. A copy of the amended record shall be provided to all prior recipients of the subject record in accordance with § 1720.12(b).

(c) *Denial procedures.* If the request is denied, in whole or in part, the Privacy Act Officer shall include in the written notification the reasons for the denial and an explanation of the right to appeal the denial, as set forth in § 1720.9.

§ 1720.9 Appeals of the initial decision to deny access to or amendment of individual records.

Any individual may appeal the initial denial, in whole or in part, of a request for access to or amendment of his/her record. To appeal, the individual must submit a written appeal, within 30 business days following receipt of written notification of denial, to the Privacy Act Appeals Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Both the envelope and the appeal request should be marked "Privacy Act Appeal." The appeal should include—

(a) The information specified for requests for access in § 1720.3(b)(3) or for requests for amendment in § 1720.7, as appropriate;

(b) A copy of the initial denial notice; and

(c) Any other relevant information for consideration by the Privacy Act Appeals Officer.

§ 1720.10 Decision to grant or deny appeals.

(a) *Notification of decision.* Within 30 business days following receipt of the appeal, the Privacy Act Appeals Officer shall send a written notification of the decision to grant or deny to the individual making the appeal. The Privacy Act Appeals Officer may extend the 30-day notification period for good cause. If the time period is extended, the Privacy Act Appeals Officer shall inform in writing the individual making the appeal of the reason for the extension and the expected date of the final decision.

(b) *Appeal granted.* If the appeal for access is granted, in whole or in part, the Privacy Act Appeals Officer shall provide the individual with reasonable time to inspect the requested records at OFHEO during normal business hours or mail a copy of the requested records to the individual. If the appeal for amendment is granted, in whole or in part, the requested amendment shall be made. A copy of the amended record shall be provided to all prior recipients of the subject record in accordance with § 1720.12(b).

(c) *Appeal denied.* If the Privacy Act Appeals Officer denies, in whole or in part, the appeal for access or amendment, he/she shall include in the written notification of the reasons for the denial an explanation of the right to seek judicial review of the final decision, and, with respect to an appeal for amendment, the right to submit a statement of disagreement under paragraph (d) of this section.

(d) *Statements of disagreement and explanation.* (1) Upon receipt of a decision to deny, in whole or in part, the appeal for amendment of records, the individual may file a statement with the Privacy Act Appeals Officer that sets forth his/her reasons for disagreeing with the decision. The Privacy Act Appeals Officer shall attach the statement of disagreement to the record that is the subject of the request for amendment. In response to the statement of disagreement, the Privacy Act Appeals Officer has the discretion to prepare a statement that explains why the requested amendment was not made. If prepared, the statement of explanation shall be attached to the subject record and a copy of the statement provided to the individual who filed the statement of disagreement.

(2) The Privacy Act Appeals Officer shall provide a copy of any statement of disagreement, and may provide any statement of explanation, to prior recipients of the subject record in accordance with § 1720.12(b).

(e) *Right to judicial review.* If OFHEO does not comply with the notification procedures under paragraph (a) of this § 1720.10 with respect to an appeal for amendment of records, the appealing individual may bring a civil action against OFHEO in the appropriate district court of the United States, as provided for under 5 U.S.C. 552a(g)(1)(A) and 552a(g)(5) before receiving the written notification of the decision.

§ 1720.11 Disclosure of individual records to other persons or agencies.

(a) OFHEO may disclose a record to a person or agency other than the individual about whom the record pertains only under one or more of the following circumstances:

(1) If requested and authorized in writing by the individual.

(2) With the prior written consent of the individual.

(3) If such disclosure is required under the Freedom of Information Act.

(4) For a routine use, as defined in § 1720.2, with respect to a designated system of records as described by OFHEO in its notice of systems of records published in the **Federal Register**.

(5) Pursuant to the order of a court of competent jurisdiction.

(6) To the following persons or agencies—

(i) Officers and employees of OFHEO who have a need for the record in the performance of their duties;

(ii) The Bureau of the Census for purposes of planning or carrying out a census or survey or related activity

pursuant to the provisions of title 13 of the United States Code;

(iii) A recipient who has provided OFHEO with advance, adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(iv) The National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Archivist of the United States to determine whether the record has such value;

(v) An agency or an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to OFHEO specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

(vi) A person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, concurrently with such disclosure, notification is transmitted to the last known address of the individual to whom the record pertains;

(vii) Either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress, or subcommittee of any such joint committee;

(viii) The Comptroller General, or any of his/her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(ix) A consumer reporting agency in accordance with 31 U.S.C. 3711(e).

(b) Before a record is disclosed to other persons or agencies under paragraph (a)(1) or (2) of this section, the identifying information specified in § 1720.6 may be required.

§ 1720.12 Accounting of disclosures.

(a) OFHEO shall keep an accurate accounting of the date, nature, and purpose of each disclosure of a record, and the name and address of each person or agency to whom a disclosure was made under § 1720.11, except for disclosures made under § 1720.11(a)(3) or (a)(6)(i). OFHEO shall retain such accounting for at least 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting was made.

(b) When a record has been amended, in whole or in part, or when a statement

of disagreement has been filed, a copy of the amended record and any statement of disagreement must be provided, and any statement of explanation may be provided, to all prior and subsequent recipients of the affected record whose identities can be determined pursuant to the disclosure accountings required under paragraph (a) of this section.

§ 1720.13 Requests for accounting of disclosures.

(a) Any individual may request an accounting of disclosures of records about him/her for which an accounting is required to be maintained under § 1720.12(a) by submitting a written request to the Privacy Act Officer, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Before processing the request, the Privacy Act Officer may require that the individual provide the identifying information specified under § 1720.6.

(b) The Privacy Act Officer shall make available the accounting of disclosures required to be maintained under § 1720.12, except for an accounting made under § 1720.11(a)(6)(v).

§ 1720.14 Fees.

OFHEO shall not charge any fees for providing a copy of any records, pursuant to a request for access under this part.

§ 1720.15 Preservation of records.

OFHEO shall preserve all correspondence relating to the written requests it receives and all records processed pursuant to such requests under this part, in accordance with the records retention provisions of General Records Schedule 14, Informational Services Records. OFHEO shall not destroy records that are subject to a pending request for access, amendment, appeal, or lawsuit pursuant to the Privacy Act.

§ 1720.16 Rights of parents and legal guardians.

For purposes of this part, a parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual.

§ 1720.17 Penalties.

The Privacy Act (5 U.S.C. 552a(i)(3)) makes it a misdemeanor, subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual from OFHEO under false pretenses.

Dated: February 12, 1998.

Mark A. Kinsey,
Acting Director.

[FR Doc. 98-4452 Filed 2-20-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 29147, Amdt. No. 25-94]

Transport Category Airplanes, Technical Amendments and Other Miscellaneous Corrections

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects a number of errors in the safety standards for transport category airplanes. None of the changes are substantive in nature, and none will impose any additional burden on any person.

EFFECTIVE DATE: March 25, 1998.

FOR FURTHER INFORMATION CONTACT:
Gary L. Killion, Manager, Regulations
Branch, ANM-114, Transport Airplane
Directorate, Aircraft Certification
Service, FAA, 1601 Lind Ave. S.W.,
Renton, Washington 98055-4056;
telephone (425) 227-2114.

SUPPLEMENTARY INFORMATION:

Background

A number of unrelated errors in the safety standards for transport category airplanes have been brought to the attention of the FAA. Some are due to inadvertent omissions or other editing errors; others are simply typographical or printing errors. This final rule amends part 25 to correct those errors. None of the corrections are substantive in nature, and none will impose any additional burden on any person.

Discussion

Subpart B of part 25, which contains flight requirements, incorporates a number of miscellaneous printing errors. Section 25.107 contains two such errors concerning the symbols used to denote specific airspeeds. Section 25.111(a) contains an erroneous reference to § 25.121(f) in lieu of § 25.121(c), and § 25.111(d)(4) contains a misspelled word. The heading of § 25.119 refers to the singular "engine" rather than the plural "engines". Section 25.233 contains an inappropriate sentence break. All of those errors are corrected herewith.

Part 25 was amended by Amendment 25-86 (61 FR 5218, February 9, 1996) to

incorporate revised discrete gust load design requirements. As printed in the **Federal Register**, the introductory paragraph of § 25.349(a) incorrectly reads, "* * * principal masses furnishing the *reaching* inertia forces." This phrase is corrected to read, "* * * principal masses furnishing the *reacting* inertia forces."

Part 25 was amended by Amendment 25-91 (62 FR 40702, July 29, 1997) to incorporate revised structural loads requirements for transport category airplanes. Due to an editing error associated with that amendment, § 25.481(a)(3) is worded as a sentence rather than a prepositional phrase continuing the text of paragraph (a). That error is corrected by removing the word "is" from § 25.481(a)(3).

Part 25 was amended by Amendment 25-88 (61 FR 57946, November 8, 1996) to adopt a number of changes concerning the type and number of passenger emergency exits in transport category airplanes. Due to inadvertent editing errors, existing requirements concerning flightcrew emergency exits and the distance between passenger emergency exits were omitted from § 25.807. That section is hereby amended to correct those omissions. This amendment places no additional burden on any persons because the operators of such airplanes are required to comply in any event by corresponding standards in parts 121 and 135.

Prior to the adoption of Amendment 25-56 (47 FR 58489, December 30, 1982), § 25.832(a)(2) specified a maximum cabin ozone concentration of 0.1 parts per million by volume under specified conditions. Although unrelated to that amendment, a printing error was introduced shortly thereafter in § 25.832(a)(2). As a result of that error, subsequent printings of part 25 have specified a maximum concentration of 0.01 parts per million by volume. Also the lead-in paragraph of § 25.832(a) was inadvertently changed to read, "* * * shown *now* to exceed—" in lieu of "* * * shown *not* to exceed—." Section 25.832 is hereby amended to correct both of those printing errors.

Prior to the adoption of Amendment 25-40, § 25.903(c) specified that each component of the stopping and restarting system on the engine side of the firewall that might be exposed to fire must be at least fire-resistant. It was recognized then that the benefits of requiring the components of the restarting system to be fire-resistant were slight because an engine could seldom be restarted safely following a fire in that engine. Amendment 25-40,

therefore, removed the words "and restarting" from § 25.903(c). Although this change was adopted and published appropriately in the **Federal Register** (42 FR 15042, March 17, 1977), it has never appeared in subsequent printings of part 25. This misprint is, therefore, corrected by omitting the words "and restarting" as intended by Amendment 25-40.

Prior to 1968, the oil tanks of transport category airplanes type certificated under the provisions of part 25 of the Federal Aviation Regulations (FAR) were required to be constructed of fireproof materials. In contrast, those in smaller general aviation airplanes type certificated under the provisions of part 23 were, and still are, permitted to be constructed of materials that are only fire resistant. This difference was in recognition of the relatively small quantity of oil that can be carried in the integral sumps of the reciprocating engines typically used in the latter airplanes, the fact that the oil sump serves as a heat sink in dissipating heat from a fire near the sump, and the fact that the cooling airflow around a reciprocating engine will direct flames away from the sump. During the late 1960s, two applicants each proposed to replace the troublesome existing engines in de Havilland DH.114 Heron transport category airplanes with then modern reciprocating engines. Although large enough to be transport category airplanes, the Herons incorporated four engines comparable in size and power ratings to the engines typically used in twin-engine part 23 airplanes. Because they were designed primarily for installation in part 23 airplanes, the replacement engines proposed by both applicants incorporated integral oil sumps that were not constructed of fireproof materials. Replacing the integral sumps of those engines with fireproof sumps would have imposed an undue burden with no commensurate safety improvement. Part 25 was, therefore, amended (Amendment 25-19, 33 FR 15410, October 17, 1968) to permit the installation of reciprocating engines having non-fireproof integral oil sumps of not more than a specified quantity. As a result of this amendment, an erroneous reference to § 25.1013(a) was introduced in § 25.1185(a). Section 25.1185(a) is, therefore, amended to refer correctly to § 25.1183(a) in lieu of § 25.1013(a).

Part II of Appendix F contains criteria for seat cushion flammability testing. The last sentence of paragraph (a)(3) of Part II refers to "* * * the test specified in § 25.853(b) * * *." At the time the paragraph was written the reference was correct; however, the material contained