

**Public Health Service****Food and Drug Administration****Statement of Organization, Functions, and Delegations of Authority**

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part at 59 FR 17106, April 11, 1994), is amended to reflect the following reorganization within the Center for Devices and Radiological Health (CDRH), Office of Operations, Food and Drug Administration (FDA).

The Center for Devices and Radiological Health is establishing a new office to place all of the Center's central management support functions within a single organization, contributing to improved support to CDRH's line functions. A new Office of Systems and Management is being established. The current Office of Information Systems and the Office of Management Services will be merged and their functions incorporated into the new office. The goals of the new organizations are to accomplish a number of reinvention initiatives including, streamlining, empowering, delayering and creating a more effective, customer service oriented organization. The new Office will also provide greater flexibility to respond to changing priorities, a structure that is more responsive, and maintenance of an acceptable level of service while accommodating personnel losses.

Under section HF-B, Organization:

1. Delete subparagraphs Office of Management Services (HFW11), and Office of Information Systems (HFW15) under paragraph Center for Devices and Radiological Health (HFW), in their entirety.

2. Insert the following new subparagraph under paragraph *Office of Operations (HFA9), Center for Devices and Radiological Health (HFW)* reading as follows:

Office of Systems and Management (HFW11). Advises the Center Director regarding all administrative management matters.

Plans, develops, and implements Center management policies and programs concerning financial and human resource management, contracts and grants management, conference management, occupational safety, organizational, and general office services support.

Develops and implements the Center's long-range, strategic, and operational plans.

Develops and applies evaluation techniques to measure the effectiveness of Center programs.

Provides general information and technical publication services to the Center.

Plans, conducts, and coordinates Center committee management activities.

Determines and implements Center strategy and utilization of information management resources.

Designs administrative, scientific, and technical information systems in support of Center programs.

Provides assistance to Center staff in accessing information necessary to carry out the Center's mission.

3. Prior Delegations of Authority. Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to positions of the affected organizations in effect prior to this date shall continue in effect in them or their successors.

Dated: September 1, 1995.

David A. Kessler,

*Commissioner of Food and Drugs.*

[FR Doc. 95-25501 Filed 10-13-95; 8:45 am]

BILLING CODE 4160-01-F

**Substance Abuse and Mental Health Services Administration****Center for Substance Abuse Prevention Conference Review Committee Meeting in October**

**AGENCY:** Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

**ACTION:** Cancellation of meeting.

**SUMMARY:** Public notice was given in the Federal Register on October 5, 1995 (Vol. 60, No. 193, page 52201) that the Center for Substance Abuse Prevention Conference Review Committee would be meeting on October 23-27 at the Residence Inn, Bethesda, Maryland. The meeting has subsequently been cancelled.

Dated: October 10, 1995.

Jeri Lipov,

*Committee Management Officer, Substance Abuse and Mental Health Services Administration.*

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****Office of the Assistant Secretary for Administration**

[Docket No. 3918-N-05]

**Privacy Act of 1974—Notice of Amended System of Records**

**AGENCY:** Office of the Assistant Secretary for Administration, HUD.

**ACTION:** Notice; Proposed amendment to an existing system of records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Assistant Secretary for Public and Indian Housing is amending the system of records titled, "Tenant Eligibility Verification Files"—HUD/PIH-1, previously published at 60 FR 21545; May 2, 1995. The amended notice: (1) Describes the categories of records in the system more specifically and (2) adds a "Purpose" section to the system of records notice. Further, the revised system of records notice contains some technical amendments: A more specific system location and more specific references to the Internal Revenue Service and Social Security Administration system of records. The system of records notice below supersedes the May 2, 1995, system of records notice.

This system of records contains computer matching and tenant eligibility verification records necessary to support the identification of tenants who have been or may be obtaining excessive rental housing assistance. The system of records also supports referrals of information concerning those tenants to entities that administer HUD rental assistance programs (i.e., housing agencies [which includes public housing agencies and Indian housing authorities], owners of subsidized multifamily projects, and management agents) and to law enforcement agencies for possible administrative or legal actions, as appropriate. However, HUD may not redisclose to entities that administer HUD programs information that HUD obtains from the Social Security Administration (SSA) and the Internal Revenue Service (IRS), pursuant to 26 U.S.C. 6103 (1)(7)(d)(ix)—a section of the Internal Revenue Code added by section 13403 of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66.

The exemptions of HUD/PIH-1 from certain provisions of the Privacy Act of 1974, described at 59 FR 9406; February 28, 1994, continue to apply to HUD/PIH-1, as amended.

**EFFECTIVE DATE:** This proposal shall become effective without further notice in 30 calendar days (November 15, 1995) unless comments are received during or before that date which would result in a contrary determination.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500.

Communications should refer to the above docket number and title.

Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Smith, Departmental Privacy Act Officer, Telephone Number (202) 708-2374, concerning Privacy Act matters. David L. Decker, Director, Computer Matching Activities, Office of the Public and Indian Housing Comptroller, Telephone Number (202) 708-0099, concerning computer matching matters. (These are not toll free numbers.)

**SUPPLEMENTARY INFORMATION:** Privacy Act Officers for the Office of Personnel Management (OPM) and the Department of Defense (DoD) have advised HUD that the categories of records section of the May 2, 1995, notice require clarification concerning OPM and DoD records. Reading the May 2, 1995, system of records notice literally, one may conclude that HUD/PIH-1 includes two OPM systems of records (OPM/GOVT-1 and OPM/Central-1), and a DoD system of records (S322.10.DMDC). HUD intended that HUD/PIH-1 include selected information from the OPM and DoD system of records obtained pursuant to their routine uses concerning computer matching. HUD did not intend that OPM/GOVT-1, OPM/Central-1 and S322.10.DMDC become categories of records in the HUD/PIH-1 system of records. A similar problem existed, to a lesser degree, regarding other categories or records cited in the system of records notice.

HUD is amending record categories (7) and (8), for OPM and DoD-provided information, to be more specific, i.e., that the records included in HUD/PIH-1 include only records obtained through computer matching. Similarly, HUD is amending the description of record categories (3), (4), (5), (6) and (9) concerning information obtained from other sources. Further, HUD added a "Purposes" section to the system of

records notice to clarify the intent of the system of records.

This amendment retains language in the May 2, 1995, system of records notice allowing HUD to: (a) Expand and improve the effectiveness of HUD's computer matching programs by consolidating responsibilities concerning assisted housing programs into one office; (b) implement provisions of Title 26 of the Internal Revenue Code, section 6103(1)(7), that permit SSA and IRS disclosure to HUD of earned and unearned income information, respectively, for tenants who receive housing assistance from HUD's programs; (c) develop more efficient and effective methods for verifying social security and supplemental security income information used in determining tenants' eligibility for, and amount of, housing assistance; and (d) permit computer matching of records obtained from other Federal agencies with tenant income data, the outcome of which may affect determinations of eligibility for, or the amount of, HUD or other Federal benefits that tenants receive.

Regarding item (c) above, entities that administer HUD's assisted housing programs currently request from the SSA social security and supplemental security income information needed to determine tenants; eligibility for and level of benefits by submitting a mark sense card to the SSA. Then the SAA processes the card and mails the income information to the entity administering HUD-assisted housing programs. The SSA has advised HUD of plans to terminate obsolete mark sense card operation and requested that HUD work with SSA have concluded that computer matching provides a more efficient and more effective technique for providing social security and supplemental security information to entities that administer HUD's assisted housing programs that the mark sense card operations. HUD plans to use HUD/PIH-1 records in identifying tenants who have underreported social security and supplemental security information.

Entities that administer HUD's assisted housing programs may continue to use the mark sense card processing operation, known as the Third Party Query System (TPQY), until further notice. HUD plans to initiate testing of computer matching to verify social security and supplemental income information during Fiscal Year 1996. When HUD has demonstrated success in the computer matching process and is ready for large-scale implementation of the matching, HUD will, in coordination with SSA, inform entities that administer HUD assisted housing

programs to discontinue use of the TPQY.

HUD will also use HUD/PIH-1 in reporting potential income disparities to tenants or the entities that administer HUD's assisted housing programs, as permitted under law. A notice of the HUD/SSA/IRS computer matching program concerning earned and unearned income, social security and supplemental security income is published at 60 FR 21548, May 2, 1995.

A report of the Department's intention to establish the system has been submitted to the Office of Management and Budget (OMB), the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Record About Individuals," July 25, 1994; 59 FR 37914.

Issued at Washington, DC, October 10, 1995.

Donald C. Demitros,

*Acting Deputy Assistant Secretary for for Management.*

#### HUD/PIH-1

##### SYSTEM NAME:

Tenant Eligibility Verification Files.

##### SYSTEM LOCATION:

U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, DC 20410.

\* \* \* \* \*

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

\* \* \* \* \*

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

Tenants receiving housing assistance provided by programs administered by the Department of Housing and Urban Development, or information concerning those tenants obtained from other Federal or state agencies, housing agencies, owners, and management agents.

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

Records consist of: (1) Automated tenant data obtained from HUD/H-11, Tenant Housing Assistance and Contract Verification Data, published at 59 FR 6035; February 9, 1994, (two HUD automated systems—the Multifamily Tenant Certification System and the Tenant Rental Assistance Certification System—are the primary components of HUD/H-11); (2) automated tenant data provided by housing agencies, owners or management agents (generally these records are available in HUD/H-11); (3) information obtained from computer

matching with automated earned income data that the SSA provides under 26 U.S.C. 6103(l)(7)(A) from the Earnings Recording and Self-Employment Income System (HHS/SSA/OSR, 09-60-0059) (Earnings Record) and Master Beneficiary Record (HHS/SSA/OSR, 09-60-0090); (4) information obtained from computer matching with automated unearned income data that the IRS provides to HUD under 26 U.S.C. 6103(l)(7)(B) from Treasury/IRS 22.061, Wage and Information Returns Processing (IRP) File Treasury/IFS; (5) information obtained from computer matching with automated Title II (social security) and Title XVI (supplemental security income) data that the SSA provides to HUD under a routine use from the Supplemental Security Income Record, HHS/SSA/OSR 90-60-0103; (6) information obtained from computer matching with wage and unemployment compensation data from State wage information collection agencies; (7) information obtained from computer matching with automated data from the Office of Personnel Management's General Personnel Records (OMP/GOVT-1), and the Civil Service Retirement and Insurance Records System (OPM/Central-1) pursuant to a routine use; (8) information obtained from computer matching with automated data from the Department of Defense's Defense Manpower Data Center Data Base (S322.10DMDC) pursuant to a routine use; (9) information obtained from computer matching with automated records from the SSA's Master Files of Social Security Number Holder, known as the Enumeration Verification System (HHS/SSA/OSR, 09-60-0058) pursuant to a routine use; (10) applications for housing assistance and other related documentation obtained from tenant case files maintained by housing agencies, owners, and management; (11) data received from employers confirming income or deductions supporting determinations of eligibility for, and the amount of, housing assistance benefits; (12) automated records provided by other Federal agencies under the investigative exclusion of the Computer Matching and Privacy Protection Act of 1988; and (13) automated records provided by housing agencies, owners and management agents regarding actions taken on computer matching results.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Subparagraph (D) of section 6103(l)(7) of the Internal Revenue Code, 26 U.S.C. 6103(l)(7)(D), permits HUD to request from the Commissioner of the SSA and

the Secretary of the Treasury, SSA and IRS earned and unearned income information, respectively, needed to verify the incomes of tenants who receive housing assistance. Section 6103(l)(7)(D) precludes HUD from redisclosing that information to entities that administer HUD programs (i.e., housing agencies, owners and management agents). However, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, 42 U.S.C. 3544, as amended, allows HUD to notify those entities that disparities exist between the tenant-reported incomes and income obtained from independent income sources, i.e., the SSA or the IRS.

Section 165 of the Housing and Community Development Act of 1987, Pub. L. 100-242, authorizes HUD to require applicants and participants in HUD-administered programs involving housing assistance to disclose to HUD their social security numbers as a condition of initial or continuing eligibility for participation. Subpart T of 24 CFR part 200 applies this requirement to members of households six (6) years of age and older.

Applicable laws concerning HUD's assisted housing programs include: the United States Housing Act of 1937, 42 U.S.C. 1437 note; and section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.

**PURPOSES:**

The primary purposes of HUD/PIH-1 are to aid HUD and entities that administer HUD's assisted housing programs in: (a) Increasing the availability of housing assistance to individuals who meet the requirements of Federal housing assistance programs, (b) detecting abuses in assisted housing programs, (c) taking administrative or legal actions to resolve past abuses of assisted housing programs and (d) deterring abuses. HUD/PIH-1 serves as a repository for automated information used in and resulting from computer matching tenant data for recipients of Federal rental assistance to other data sources; HUD/PIH also contains non-automated information used in and resulting from verifying computer matching results and in accomplishing the purposes previously cited. Records in this new system are subject to use in authorized and approved computer matching programs regulated under the Privacy Act of 1974, as amended.

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

1. Records included in the system may be used in conducting computer

matching with Federal and State agencies to aid in the identification of tenants who have received excessive rental housing assistance.

2. Records that HUD obtains from the SSA and the IRS under the authority of 26 U.S.C. 6103(l)(7), may be disclosed only to the tenant/taxpayer, to HUD employees responsible for investigating or prosecuting such violation or enforcing or implementing a statute, rule or regulation, or as otherwise permitted under 26 U.S.C. 6103.

3. Records that indicate a potential violation of law, whether criminal, civil or regulatory in nature, except for records obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed to the appropriate Federal, state or local agency charged with the responsibility for investigating or prosecuting such violation or enforcing or implementing a statute, rule or regulation.

4. Records, except for those obtained from the SSA or IRS under the authority of 26 U.S.C. 6103(l)(7), may be disclosed to a congressional office in response to an inquiry from that congressional office made at the request of the individual who is the subject of the records.

5. Records, with the exception of those obtained pursuant to 26 U.S.C. 6103(l)(7), may be disclosed to housing agencies, owners and management agents in order to assist them in determining tenants' eligibility for housing assistance, and the amount of that assistance and to facilitate recovery of money or property or other administrative actions, i.e., eviction, necessary to promote the integrity of programs.

6. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed during the course of an administrative proceeding where HUD or a housing agency, owner or management agent is a party to the litigation and disclosure is relevant and reasonably necessary to adjudicate the matter.

7. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), 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 record is relevant and necessary to the requesting agency's decision on the matter.

8. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed to a

Federal agency to initiate Federal salary or annuity offsets as necessary to collect excessive housing assistance received by the tenant.

9. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), concerning an individual's receipt of excessive housing assistance, including the individual's actions to repay the same, may be disclosed to the Federal agency that employs such individual, for the purpose of notifying the employer of potential violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

10. Records may be used to provide statistical information to Congress and the Office of Management and Budget for use in evaluating the effectiveness of computer matching, income verification and related administrative or legal actions taken.

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

**STORAGE:**

Records are stored manually in tenant case files and electronically in office automation equipment. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(1)(7) (A) and (B), may also be stored on mainframe computer facilities.

**RETRIEVABILITY:**

Records may be retrieved by manual or computer search of indices by the name, social security number, housing agency, owner or management agent.

**SAFEGUARDS:**

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those persons whose official duties require access. Computer files and printed listings are maintained in locked cabinets. Computer terminals are secured in controlled areas which are locked when unoccupied. Access to automated records is limited to authorized personnel who must use a password system to gain access. HUD will safeguard the SSA and the IRS records obtained pursuant to 26 U.S.C. 6103(l)(7) (A) and (B) in accordance with 26 U.S.C. 6103(p)(4) and the IRS's "Tax Information Security Guidelines for Federal, State and Local Agencies," Publication 1075.

**RETENTION AND DISPOSAL:**

Only those computer files and printouts created from the computer matching that meet predetermined criteria are maintained. These records will be destroyed as soon as they have

served the matching program's purpose. All other records will be destroyed as soon as possible within 1 year. Paper listings containing personal identifiers will be shredded. Computer source files provided by other organizations will be returned to those organizations or destroyed in accordance with computer matching agreements.

Information obtained through computer matching and tenant case file reviews will be destroyed as soon as follow-up processing of this information is completed, unless the information is required for evidentiary reasons or needed by housing agencies, owners and management agents for use in program eligibility determinations. When needed for evidentiary documentation, the information will be referred to the HUD Office of Inspector General (OIG) or other appropriate Federal, state or local agencies charged with the responsibility for investigating or prosecuting such violations. When referred to the HUD OIG, the information then becomes a part of the Investigative Files of the Office of Inspector General, HUD/OIG-1.

**SYSTEM MANAGER AND ADDRESS:**

Director, Computer Matching Activities, Office of the Public and Indian Housing Comptroller, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5156, Washington, DC 20410.

**NOTIFICATION AND RECORD ACCESS PROCEDURES:**

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to such records, should address inquiries to the Director, Computer Matching Activities, Office of the Public and Indian Housing Comptroller, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5156, Washington, DC 20410.

Written requests should contain the full name, Social Security Number, date of birth, current address and telephone number of the individual.

For personal visits, the individual must be able to provide some acceptable identification, such as a driver's license or other identification card.

**CONTESTING RECORD PROCEDURES:**

The procedures for amendment or correction of records, and for appealing initial agency determinations, appear in 24 CFR part 16.

**RECORD SOURCE CATEGORIES:**

The Assistant Secretary for Public and Indian Housing collects information from a variety of sources, including:

housing agencies, the Assistant Secretary for Housing-Federal Housing Commissioner (tenant information provided by owners and management agents), state wage information collection agencies, other Federal and state agencies, law enforcement agencies, program participants, complainants, and other nongovernmental sources.

**EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:**

To the extent that information in this system of records falls within the coverage of subsection (k)(2) of the Privacy Act, 5 U.S.C. 552(k)(2), the system is exempt from the requirements of subsections (c)(3), (d)(1), (d) (2), and (e)(1) of the Privacy Act. To the extent that information in this system of records falls within the coverage of subsection (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), the system is exempt from the requirements of subsection (d)(1) of the Privacy Act. See 24 CFR 16.15 (c) and (d).

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[CA-066-96-1300-00; CACA-20139 and CACA-22901]

**Proposed Sand and Gravel Mining Operation in Soledad Canyon, Los Angeles County, CA**

**AGENCY:** Bureau of Land Management, Department of the Interior, Palm Springs—South Coast Resource Area, Desert District, California.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** In compliance with the National Environmental Policy Act (NEPA) of 1969 and 40 CFR 1508.22, notice is hereby given that the Bureau of Land Management (BLM) will prepare an Environmental Impact Statement (EIS) for the Transit Mixed Concrete (TMC) Surface Mining Project (Project) proposed for construction and operation in Soledad Canyon, Los Angeles County, California. TMC acquired the rights to develop the Project through a competitive bid process. The BLM granted the mineral material contract to TMC in March 1990. The BLM complied with NEPA for the sale of sand and gravel for the Project site by preparing an Environmental Assessment (EA) and issuing a Finding of No Significant Impact (FONSI) in 1989.