

Dated: November 13, 1998.

**Robert B. Briggs,**

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 98-30882 Filed 11-18-98; 8:45 am]

BILLING CODE 4410-18-M

## NATIONAL LABOR RELATIONS BOARD

### Privacy Act of 1974; Publication of Revised and Deleted Systems of Records Notice

**AGENCY:** National Labor Relations Board (NLRB).

**ACTION:** Amendments to systems of records for Payroll/Personnel Records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, the National Labor Relations Board (NLRB) publishes this notice of its intention to establish a system of records to be entitled "NLRB-10, Payroll/Personnel Records," by combining three existing systems of records, NLRB-10, Pay Records—Retirement; NLRB-11, Payroll-Finance Records; and NLRB-13, Time and Attendance Records. This change is accomplished by modifying one entry and deleting two others, deleting two routine uses, dividing one routine use into two distinct uses for purposes of clarify, amending the language of four routine uses, adding two new routine uses, and updating the addresses of system locations; updating the citations referring to 29 CFR 102.117; as well as making several insignificant administrative language revisions.

All persons are advised that in the absence of submitted comments, views, or arguments considered by the NLRB as warranting modification of the notice as herewith to be published, it is the intention of the NLRB that the notice shall be effective upon expiration of the comment period without further action by this Agency.

**DATES:** The amended system of records notice will become effective without further notice 30 days from the date of this publication (December 21, 1998) unless comments are received on or before that date which result in a contrary determination.

**ADDRESSES:** All persons who desire to submit written comments, views, or arguments for consideration by the NLRB in connection with the proposed new system of records shall file them with the Executive Secretary, National Labor Relations Board, Room 11600, 1099 14th Street, NW, Washington, DC 20570-0001.

Copies of all such communications will be available for examination by

interested persons during normal business hours in the Office of the Executive Secretary, National Labor Relations Board, Room 11600, 1099 14th Street, NW, Washington, DC 20570-0001.

**FOR FURTHER INFORMATION CONTACT:** John J. Toner, Executive Secretary, National Labor Relations Board, Room 11600, 1099 14th Street, NW, Washington, DC 20570-0001.

**SUPPLEMENTARY INFORMATION:** 1. The following changes have been made to the proposed new system of records entitled, NLRB-10, Payroll/Personnel Records, by combining three existing systems: "NLRB-10, Pay Records Retirements"; "NLRB-11, Payroll-Finance Records"; and "NLRB-13, Time and Attendance Records"; and by deleting old routine uses Nos. 1 and 2 because the specified "need to know" in them is authorized by 5 U.S.C. 552a(b)(5).

2. Routine use No. 2 is new and is added to reflect the changes resulting from the installation of an electronic personnel/payroll system upgrading the earlier payroll, personnel, and time and attendance systems. The NLRB utilizes the Department of Agriculture, National Finance Center (NFC), and NFC's electronic Payroll/Personnel Processing System, PC-TARE, to prepare and electronically transmit data to NFC.

3. The language of routine use No. 8 has been amended to specify that on disclosure to an inquiring congressional office, the subject individual must be a constituent about whom the records are maintained.

4. Routine use No. 9 has been divided into two distinct uses Nos. 9 and 10 for purposes of clarity, one dealing solely with arbitrators, and the other with officials of labor organizations. The language has been amended to conform to the intent of routine use (e) in the Government-wide system of records OPM/GOVT-2, Employee Performance File System Records, to eliminate the NLRB requirement that the information that may be disclosed to a labor organization "shall be furnished in depersonalized form, i.e., without personal identifiers." Routine use (e) is a Government-wide system of records OPM/GOVT-2 which provides that the information will be "disclosed to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation." The NLRB is deleting the requirement that "[W]henever feasible and consistent with responsibilities under the Act, such

information shall be furnished in depersonalized form, i.e., without personal identifiers," a requirement not contained in OPM/GOVT-2 routine use (e).

5. Routine use No. 11 has been amended by changing reference from "Agency" to "NLRB" for more specificity.

6. Routine use No. 12 is amended to specify more exactly the information that may be disclosed to a court or an adjudicative body in the course of presenting evidence or argument including disclosure to opposing counsel of witnesses in the course of civil discovery.

7. Routine use No. 14 is new and has been added pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193), NLRB will disclose data from its Payroll/Personnel Records system of records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in the National Database of New Hires, part of the Federal Parent Locator Service (FPLS), and Federal Tax Offset System, DHHS/OCSE No. 09-90-0074.

FPLS is a computerized network through which States may request location information from Federal and state agencies to find noncustodial parents and their employers for purposes of establishing paternity and securing support. On October 1, 1997, the FPLS was expanded to include the National Directory of New Hires, a database containing employment information on employees recently hired, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits. On October 1, 1998, the FPLS will be expanded further to include a Federal Case Register. The Federal Case Register will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

When individuals are hired by NLRB, the Agency may disclose to the FPLS their names, social security numbers, home addresses, dates of birth, dates of hire, and information identifying us as the employer. NLRB also may disclose

to FPLS names, social security numbers, and quarterly earnings of each NLRB employee, within 1 month of the end of the quarterly reporting period.

Information submitted by NLRB to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct. The data disclosed by NLRB to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

8. The address of system locations and managers in NLRB-10 has been changed from "NLRB, 1717 Pennsylvania Avenue, NW, Washington, DC 20570-0001" to "NLRB, 1099 14th Street, NW, Washington, DC 20570-0001."

9. References to 29 CFR 102.117 citations have been changed to read as follows for the paragraphs in Notifications Procedures, 29 CFR 102.117(f); Records Access Procedures, 29 CFR 102.117(g) and (h); and Contesting Records Procedures, 29 CFR 102.117(i).

A report of the proposal to establish this system of records was filed pursuant to 5 U.S.C. 552(r) with Congress and the Office of Management and Budget.

Dated: Washington, DC, October 22, 1998.

By direction of the Board.

**John J. Toner,**  
Executive Secretary.

#### NLRB-10

##### SYSTEM NAME:

Payroll/Personnel Records.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

Personnel Branch, National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570-0001. Each Washington and field office maintains a copy of time and attendance records for current employees in its office, and is authorized to maintain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with provisions of applicable General Records Schedules issued by National Archives and Records Administration.

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

Current and former NLRB employees.

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

Records may include employee's name, previous name if any, home address, date of birth, social security number, sex, race, time and attendance records, and employment histories, including prolonged leave without pay and monetary contributions to a retirement fund or thrift-savings plan made during employment and information relevant thereto. In addition, these records may also include:

*A. Employment Payroll Records:* These are magnetic tape and microfiche records containing information on current and former pay and leave status for individuals serviced by the automated payroll/personnel system.

*B. Employee Pay Records:* These are magnetic tape, microfiche, and individual paper folders containing information on savings bond deductions, savings account allotments, charitable contributions, child support and alimony, and Federal and state tax exemption certificates. The individual paper folders contain source documents, correspondence, and other papers in support of an active employee's pay and other allowances requested by the employee.

*C. History of Earnings and Time and Attendance Records:* These are paper copies and microfiche records containing information on earnings, time and attendance, leave, and other pay-related activities.

*D. Copies of Retirement Records:* These are copies of Individual Retirement Records, Civil Service Retirement (SF-2806) or the Federal Employees Retirement System (SF-3100) from the former payroll systems. These records will be used to update employees' records in cases of retroactive adjustments.

*E. Former Employee Pay Records:* These records are the employee pay records (A and C, above) for employees who have been separated, transferred, or retired. In addition to information contained in the Employee Pay Records, they include information related to retirement, separation or transfer, time and attendance, and leave. These records are destroyed after separation in accordance with the NARA General Records Schedule.

*F. Unemployment Records:* These records are the Unemployment Compensation Records for separated employees who seek unemployment benefits. They are maintained in a separate file.

*G. Returned Check Records:* These records are a manual log for recording and controlling checks issued to employees that were returned to the Agency because they were undelivered, erroneous, or canceled prior to conversion to cash.

*H. Indebtedness Records:* These records include source documents, correspondence, and other papers containing information regarding the Government's claims of debt against individuals covered by the system. These records are supplemented by hard copy or electronic records necessary to establish the identity and address of the individuals, including in certain cases, the taxpayer's mailing address provided by the Internal Revenue Service.

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

The Agency head is responsible for establishing and maintaining an adequate payroll system, covering pay, leave, time and attendance, and allowances, in accordance with 5 U.S.C. 8301, 29 U.S.C. 153(a) and (d), 154; the Debt Collection Act of 1982 and 49 FR 27470 (salary offset provisions published 7/3/84) and 5 U.S.C. 8501-8508, Unemployment Compensation for Federal employees, the Debt Collection Improvement Act of 1996, and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 Pub. L. 104-193, 316(f) codified at 42 U.S.C. 653.

##### PURPOSE:

These records document the payroll process as it relates to current and former NLRB employees, and are used to support various fiscal and personnel functions.

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

The records or information contained therein may be disclosed to:

1. Individuals who need the information in connection with the processing of an appeal, grievance, or complaint.
2. The U.S. Department of Agriculture, National Finance Center.
3. The Office of Personnel Management concerning pay and benefits for administering the Civil Service/Federal Employees Retirement Systems, and other information necessary for the office to carry out its Government-wide personnel management functions.
4. State and local authorities for the purpose of verifying tax collections, unemployment compensation claims, and administering public assistance programs.

5. The U.S. Department of Health and Human Services for the administration of the social security program.

6. The U.S. General Accounting Office for audit purposes.

7. Other agencies, offices, establishments, and authorities, whether Federal, State, or local, authorized or charged with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information, by itself or in connection with other records or information, indicates a violation or potential violation of law, whether criminal, civil, administrative or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

8. A Member of Congress or to a Congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the records are maintained.

9. An arbitrator to resolve disputes under a negotiated grievance arbitration procedure.

10. Officials of labor organizations recognized under 5 U.S.C. chapter 71, when disclosure is not prohibited by law; and the data is normally maintained by the Agency in the regular course of business and is reasonably available and necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining. The forgoing shall have the identical meaning as 5 U.S.C. 7114(b)(4) as interpreted by the FLRA and the courts.

11. The Department of Justice for use in litigation when either: (a) The NLRB or any component thereof; (b) an employee of the NLRB in his or her official capacity; (c) any employee of the NLRB in his or her individual capacity, where the Department of Justice has agreed to represent the employee; or (d) the United States Government where the NLRB determines that litigation is likely to affect the NLRB or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the NLRB to be relevant and necessary to the litigation, provided that in each case the Agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

12. A court, magistrate, administrative tribunal, or other adjudicatory body in the course of presenting evidence or

argument, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, when: (a) The NLRB or any component thereof; or (b) any employee of the NLRB in his or her official capacity; or (c) any employee of the NLRB in his or her individual capacity where the NLRB has agreed to represent the employee; or (d) the United States Government is a party to litigation or has interest in such litigation, and determines that such disclosure is relevant and necessary to the litigation and that the use of such records is therefore deemed by the NLRB to be for a purpose that is compatible with the purpose for which the records were collected.

13. The U.S. Treasury Department for payroll purposes.

14. Names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (Welfare Reform law, Pub. L. 104-193).

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

Records are maintained in file folders, on employment history cards, on microfiche, on computer disks and diskettes, on magnetic computer tapes, and on computer printouts.

**RETRIEVABILITY:**

Records are retrievable alphabetically by individual name and/or personal identifier (social security number).

**SAFEGUARDS:**

Maintained in file cabinets within the Payroll/Personnel Systems Unit. During duty hours, file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours, records are behind locked doors. Computer records can be accessed only

through use of confidential procedures and passwords. Access is limited to personnel who have a need for access to perform their official functions.

**RETENTION AND DISPOSAL:**

Files are disposed of according to applicable provisions of the General Records Schedules issued by the National Archives and Records Administration, and with General Accounting Office approval. Microfilm, magnetic strip ledgers, and microfiche are maintained for 56 years after the date of last entry, GRS 2.1.

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

Director of Personnel, NLRB, 1099 14th St., NW., Washington, DC 20570-1000. (See the attached appendix for the titles and addresses of officials of other locations responsible for this system at their locations.)

**NOTIFICATION PROCEDURE:**

An individual may inquire as to whether this system contains a record pertaining to her or him by directing a request to the system manager in accordance with the procedures set forth in 29 CFR 102.117(f).

**RECORD ACCESS PROCEDURE:**

An individual seeking to gain access to records in this system pertaining to her or him should contact the appropriate manager in accordance with the procedures set forth in 29 CFR 102.117 (g) and (h).

**CONTESTING RECORD PROCEDURE:**

An individual may request amendment of a record pertaining to such individual maintained in this system by directing a request to the appropriate system manager in accordance with procedures set forth in 29 CFR 102.117(i).

**RECORD SOURCE CATEGORIES:**

Personnel Branch, timekeepers, supervisors, and National Finance Center.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Appendix**

Names and Addresses of NLRB Offices referenced in Notice of Records System shown below.

**NLRB Headquarters Offices: 1099 14th Street, NW, Washington, DC 20570-0001**

**Offices of the Board**

Members of the Board  
Executive Secretary, Office of the Executive Secretary  
Director, Office of Representation Appeals  
Director, Division of Information

Solicitor  
 Inspector General, Office of Inspector General  
 Chief Administrative Law Judge, 1099 14th  
 Street, NW, Room 5400 East, Washington,  
 DC 20570-0001  
 Associate Chief Administrative Law Judge,  
 San Francisco Judges, 901 Market Street,  
 Suite 300, San Francisco, California  
 94103-1779  
 Associate Chief Administrative Law Judge,  
 New York Judges, 120 West 45th Street,  
 11th Floor, New York, New York 10036-  
 5503  
 Associate Chief Administrative Law Judge,  
 Atlanta Judges, Peachtree Summit  
 Building, 401 W. Peachtree Street, NW,  
 Suite 1708, Atlanta, Georgia 30308-3510

#### Offices of the General Counsel

General Counsel  
 Associate General Counsel, Division of  
 Operations Management  
 Associate General Counsel, Division of  
 Advice  
 Associate General Counsel, Division of  
 Enforcement Litigation  
 Director, Division of Administration  
 Director, Equal Employment Opportunity

#### NLRB Field Offices

Regional Director, Region 1, Thomas P.  
 O'Neal, Jr. Federal Office Building, 10  
 Causeway Street, 6th Floor, Boston,  
 Massachusetts 02222-1072  
 Regional Director, Region 2, Jacob K. Javits  
 Federal Building, 26 Federal Plaza, Room  
 3614, New York, New York 10278-0104  
 Regional Director, Region 3, Thaddeus J.  
 Dulski Federal Building, 111 West Huron  
 Street, Room 901, Buffalo, New York  
 14202-2387  
 Resident Officer, Albany Resident Office, Leo  
 W. O'Brien Federal Building, Clinton  
 Avenue at N. Pearl Street, Room 342,  
 Albany, New York 12207-2350  
 Regional Director, Region 4, One  
 Independence Mall, 615 Chestnut Street,  
 7th Floor, Philadelphia, Pennsylvania  
 19106-4404  
 Regional Director, Region 5, The Appraisers  
 Store Building, 103 South Gay Street, 8th  
 Floor, Baltimore, Maryland 21202-4026  
 Resident Officer, Franklin Court Building,  
 1099 14th Street, NW, Suite 5530,  
 Washington, DC 20570-0001  
 Regional Director, Region 6, William S.  
 Moorehead Federal Building, 1000 Liberty  
 Avenue, Room 1501, Pittsburgh,  
 Pennsylvania 15222-4173  
 Regional Director, Region 7, Patrick V.  
 McNamara Federal Building, 477 Michigan  
 Avenue, Room 300, Detroit, Michigan  
 48226-2569  
 Resident Officer, Grand Rapids Resident  
 Office, The Furniture Company Building,  
 82 Ionia Northwest, Room 330, Grand  
 Rapids, Michigan 49503-3022  
 Regional Director, Region 8, Anthony J.  
 Celebrezze Federal Building, 1240 East 9th  
 Street, Room 1695, Cleveland, Ohio 44199-  
 2086  
 Regional Director, Region 9, Federal Office  
 Building, 550 Main Street, Room 3003,  
 Cincinnati, Ohio 45202-3271  
 Regional Director, Region 10, Harris Tower,  
 233 Peachtree Street, NE, Suite 1000,  
 Atlanta, Georgia 30303-1504

Resident Officer, The Burger-Phillips Center,  
 1900 3rd Avenue North, Third Floor,  
 Birmingham, Alabama 35203-3502  
 Regional Director, Region 11, Republic  
 Square, Suite 200, 4035 University  
 Parkway, Winston-Salem, North Carolina  
 27106-3325  
 Regional Director, Region 12, Enterprise  
 Plaza, Suite 530, 201 East Kennedy  
 Boulevard, Tampa, Florida 33602-5824  
 Resident Officer, Jacksonville Resident  
 Office, Federal Building, 400 West Bay  
 Street, Room 214, Box 35091, Jacksonville,  
 Florida 32202-4412  
 Resident Officer, Miami Resident Office,  
 Federal Building, 51 Southwest 1st  
 Avenue, Room 1320, Miami, Florida  
 33130-1608  
 Regional Director, Region 13, 200 West  
 Adams Street, Suite 800, Chicago, Illinois  
 60606-5208  
 Regional Director, Region 14, 1222 Spruce  
 Street, Room 8.202, Saint Louis, Missouri  
 63103-2829  
 Regional Director, Region 15, 1515 Poydras  
 Street, Room 610, New Orleans, Louisiana  
 70112-3723  
 Regional Director, Region 16, Federal Office  
 Building, 819 Taylor Street, Room 8A24,  
 Fort Worth, Texas 76102-6178  
 Resident Officer, Houston Resident Office,  
 440 Louisiana Street, Suite 550, Houston,  
 Texas 77002-2649  
 Resident Officer, San Antonio Resident  
 Office, 615 E. Houston Street, Room 565,  
 San Antonio, Texas 78205-2040  
 Resident Officer, El Paso Resident Office, PO  
 Box 23159, El Paso, Texas 79923-3159  
 Regional Director, Region 17, 8600 Farley  
 Street, Suite 100, Overland Park, Kansas  
 66212-4677  
 Resident Officer, Tulsa Resident Office, 224  
 South Boulder Avenue, Room 316, Tulsa,  
 Oklahoma 74103-4214  
 Regional Director, Region 18, Federal  
 Building, 110 South 4th Street, Room 234,  
 Minneapolis, Minnesota 55401-2291  
 Resident Officer, Des Moines Resident Office,  
 Federal Building, 210 Walnut Street, Room  
 439, Des Moines, Iowa 50309-2116  
 Regional Director, Region 19, Henry M.  
 Jackson Federal Building, 915 Second  
 Avenue, Room 2948, Seattle, Washington  
 98174-1078  
 Resident Officer, Anchorage Resident Office,  
 Federal Office Building, 222 West 7th  
 Avenue, Box 21, Anchorage, Alaska  
 99513-3546  
 Officer in Charge, Subregion 36, 222 SW  
 Columbia Street, Room 401, Portland,  
 Oregon 97201-6604  
 Regional Director, Region 20, 901 Market  
 Street, Suite 400, San Francisco, California  
 94103-1735  
 Officer in Charge, Subregion 37, Prince  
 Kuhio Federal Building, 300 Ala Moana  
 Boulevard, Room 7318, Honolulu, Hawaii  
 96850-4980  
 Regional Director, Region 21, 888 South  
 Figueroa Street, 9th Floor, Los Angeles,  
 California 90017-5449  
 Resident Officer, San Diego Resident Office,  
 Pacific Professional Center, 555 West  
 Beech Street, Suite 302, San Diego,  
 California 92101-2939

Regional Director, Region 22, 20 Washington  
 Place, 5th Floor, Newark, New Jersey  
 07102-2570  
 Regional Director, Region 24, La Torre de  
 Plaza, 525 F.D. Roosevelt Avenue, Suite  
 1002, San Juan, Puerto Rico 00918-1002  
 Regional Director, Region 25, Minton-  
 Capehart Federal Building, 575 North  
 Pennsylvania Street, Room 238,  
 Indianapolis, Indiana 46204-1577  
 Region Director, Region 26, Mid-Memphis  
 Tower Building, 1407 Union Avenue, Suite  
 800, Memphis, Tennessee 38104-3627  
 Resident Officer, Little Rock Resident Office,  
 TCBY Tower, 425 West Capitol Avenue,  
 Suite 375, Little Rock, Arkansas 72201-  
 3489  
 Resident Officer, Nashville Resident Office,  
 810 Broadway, 3rd Floor, Nashville,  
 Tennessee 37203-3816  
 Regional Director, Region 27, Dominion  
 Plaza, North Tower, 600 17th Street, 7th  
 Floor, Denver, Colorado 80202-5433  
 Regional Director, Region 28, Security  
 Building, 234 North Central Avenue, Suite  
 440 Phoenix, Arizona 85004-2212  
 Resident Officer, Albuquerque Resident  
 Office, Western Bank Plaza, 505 Marquette  
 Avenue, NW, Room 1820, Albuquerque,  
 New Mexico 87102-2181  
 Resident Officer, Las Vegas Resident Office,  
 Alan Bible Federal Building, 600 Las Vegas  
 Boulevard South, Suite 400, Las Vegas,  
 Nevada 89101-6637  
 Regional Director, Region 29, One MetroTech  
 Center, Jay Street and Myrtle Avenue, 10th  
 Floor, Brooklyn, New York 11201-4201  
 Regional Director, Region 30, Henry S. Reuss  
 Federal Plaza, Suite 700, 310 West  
 Wisconsin Avenue, Milwaukee, Wisconsin  
 53203-2211  
 Regional Director, Region 31, 11150 W.  
 Olympic Boulevard, Suite 700, Los  
 Angeles, California 90064-1824  
 Regional Director, Region 32, Breuner  
 Building, 2nd Floor, 1301 Clay Street,  
 Room 300N, Oakland, California 94612-  
 5211  
 Regional Director, Region 33, Hamilton  
 Square Building, Suite 200, 300 Hamilton  
 Boulevard, Peoria, Illinois 61602-1246  
 Regional Director, Region 34, 1 Commercial  
 Plaza, 21st Floor, Church and Trumbull  
 Street, Hartford, Connecticut 06103-3599

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-23533; File No. 812-11142]

### The Mutual Life Insurance Company of New York, et al.

November 13, 1998.

**AGENCY:** Securities and Exchange  
 Commission ("Commission").

**ACTION:** Notice of Application for  
 Approval and Exemption under the  
 Investment Company Act of 1940  
 ("1940 Act"). Order requested pursuant  
 to Section 26(b) of the 1940 Act