

ULTIMATE FINDINGS AND CONCLUSIONS

In view of the foregoing, the 1972 Order should be modified to permit the registration of the M-44 device by the applicants herein subject to the conditions set forth in the Appendix hereto.

FREDERICK W. DENNISTON,
Administrative Law Judge.

AUGUST 29, 1975.

APPENDIX A—RESTRICTIONS

1. Use of the M-44 device shall conform to all applicable Federal, State, and local laws and regulations.

2. The M-44 device shall be used only to take wild canids suspected of preying upon livestock and poultry.

3. The M-44 device shall not be used solely to take animals for the value of their fur.

4. The M-44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring. M-44 devices may also be used prior to recurrence of seasonal depredation, but only when a chronic problem exists in a specific area. In each case, full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before application of the M-44 is undertaken.

5. The M-44 device shall not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; (6) Areas where exposure to the public and family pets is probable.

6. The M-44 shall not be used in areas where threatened or endangered species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas.

7. The M-44 device shall not be placed within 200 feet of any lake, stream, or other body of water.

8. The M-44 device shall not be placed in areas where food crops are planted.

9. M-44 devices shall not be placed within 50 feet of public rights of way.

10. The maximum density of M-44's placed in any 100 acre pastureland area shall not exceed 10; and the density in any one square mile of open range shall not exceed 12.

11. The M-44 device may be placed in the

vicinity of draw stations (livestock carcasses), provided, that no M-44 device shall be placed within 30 feet of a carcass; no more than 4 M-44 devices shall be placed per draw station; and no more than 3 draw stations shall be operated per square mile.

12. M-44 devices shall be inspected at least once a week to check for interference or unusual conditions and shall be serviced as required.

13. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.

14. An M-44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site.

15. Damaged or non-functional M-44 devices shall be removed from the field.

16. In all areas where the use of the M-44 device is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning.

17. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall be removed when M-44 devices are removed.

a. Main entrances or commonly used access points to areas in which M-44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.

b. An elevated sign shall be placed within 6 feet of each individual M-44 device warning persons not to handle the device.

18. Registrations for sodium cyanide M-44 capsules may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell said capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or otherwise distribute capsules to individual applicators. Such State or Federal registrants of sodium cyanide M-44 capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M-44 devices. State and Federal registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling

and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping.

19. Each authorized M-44 applicator shall keep records dealing with the placement of the device and the results of each placement. Said records shall include, but need not be limited to:

1. The number of devices placed.
2. The location of each device placed.
3. The date of each placement, as well as the date of each inspection.
4. The number and location of devices which have been discharged and the apparent reason for each discharge.
5. The species of animal taken.
6. All accidents or injuries to humans or domestic animals.

20. M-44 devices and capsules shall not be sold or transferred to, or entrusted to the care of, any person not licensed by, or under the supervision of a State or Federal registrant.

21. All persons authorized to possess and use M-44 capsules and devices shall store said devices under lock and key.

22. Each authorized M-44 applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain 12 pearls of amyl nitrite and instructions on their use. The kit may also contain sodium nitrite and sodium thiosulfate.

23. One person other than the individual applicator must have knowledge of the exact placement location of all M-44 devices in the field.

24. Supervisors shall periodically check the records, signs, and devices of each applicator to verify that all applicable restrictions, laws, and regulations are being strictly followed.

25. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M-44's allowed is not exceeded.

26. Registrants and applicators shall also be subject to such other restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency.

[FR Doc.75-25804 Filed 9-26-75;8:45 am]

MONDAY, SEPTEMBER 29, 1975



PART V:

**OFFICE OF
MANAGEMENT
AND BUDGET**



DEFERRAL REPORTS

**Health, Education, and Welfare
Department, National Commission on
Productivity and Work Quality,
and Transportation Department**

PROPOSED RULES

OFFICE OF MANAGEMENT AND
BUDGET

DEFERRAL REPORTS

Programs of Health, Education, and Welfare, Department of Transportation, and National Commission on Productivity and Work Quality

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals totalling \$106.4 million in budget authority. The three reports involve programs of the Departments of Transportation and Health, Education, and Welfare and the National Commission on Productivity and Work Quality.

The details of each deferral are contained in the attached reports.

GERALD R. FORD.

THE WHITE HOUSE,
SEPTEMBER 24, 1975.

SUMMARY OF PROPOSED DEFERRALS

(In thousands of dollars)

<u>Deferral #</u>	<u>Item</u>	<u>Budget Authority</u>
	Health, Education, and Welfare: Social Security Administration:	
D76-54	Limitation on Construction....	14,910
	Transportation:	
	Federal Highway Administration:	
D76-55	National Scenic and Recreational Highway.....	90,000
	Other Independent Agencies:	
D76-56	National Commission on Productivity and Work Quality.....	<u>1,500</u>
	Total, deferrals.....	106,410

SUMMARY OF SPECIAL MESSAGES FOR FY 1976

(Amounts in thousands of dollars)

	<u>Rescissions</u>	<u>Deferrals</u>
Fourth special message:		
New items.....	--	106,410
Changes to amounts previously transmitted.....	<u>--</u>	<u>--</u>
Effect of fourth special message.....	--	106,410
Previous special messages.....	<u>213,888</u>	<u>3,341,736</u>
Total amount proposed in special messages to date....	213,888 (in 8 rescission proposals)	3,448,146 (in 56 deferrals)

D76-54

Deferral No: _____

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority \$ _____ (P.L. _____)
Bureau Social Security Administration	Other budgetary resources <u>35,168,028</u>
Appropriation title & symbol	Total budgetary resources <u>35,168,028</u>
Limitation on Construction 75 X 8705	Amount to be deferred: Part of year \$ _____ Entire year <u>14,909,621</u>
OMB identification code: 09-60-8006-0-7-601	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification

Funds provided under the Limitation on Construction of the Social Security Administration (SSA) remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of \$14,909,621 is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. The amount being deferred consists of two parts each of which is discussed below.

Unused balances of funds provided for construction of program centers

In 1972, \$18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to \$6.1 million, thus making \$12.1 million available to meet other SSA construction requirements. In 1974, the Congress authorized \$4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, \$2.0 million was released for obligation in 1975, and \$2.0 million is reserved for future obligation. This year the Congress authorized reprogramming for another \$5.8 million of these unused program center funds

for district office construction and \$1.1 million to meet unexpected needs in headquarters' construction. Of these reprogrammed funds, the \$1.1 million for headquarters' construction was released for obligation in 1975, and the \$5.8 million for district office construction is reserved for future obligation. The balance of unused program center funds (about \$1.1 million) is proposed for deferral through 1976 or, if appropriate, through the Transition Quarter, remaining available to meet requirements in future years.

Unused balances of funds provided for district office construction

The second part of the deferral consists of a total of \$5,995 thousand which is also being proposed for future obligation (see page 4). This includes \$3,613 thousand remaining from the 1967 district office construction program, and \$2,382 thousand appropriated in 1975. The fact that these funds

have not yet been obligated reflects a change in circumstances which requires a reevaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program since the branch offices are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not those funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is being deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1976 and the transition quarter will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize, and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1976 or the transition quarter and would have minimal impact on 1977 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

- | | |
|---|--------|
| 1. Budget outlay estimate for 1976..... | \$21.0 |
| 2. Outlay savings, if any, included
in the budget outlay estimate..... | -0- |

Current Outlay Estimates for 1976

- | | |
|--|--------|
| 3. Without deferral..... | \$21.0 |
| 4. With deferral..... | 21.0 |
| 5. Current outlay savings..... | -0- |
| Outlay Savings for the Transition Quarter..... | -0- |
| Outlay Savings for 1977..... | -0- |

PLANNED DISPOSITION OF UNAPPORTIONED
SOCIAL SECURITY CONSTRUCTION FUNDS (75X8705)
(\$ in thousands)

<u>Construction Program</u>	<u>Total Amount</u>	<u>Planned for Obligation</u>	
		<u>In 1976</u>	<u>In Future Years</u>
<u>Headquarters Funds:</u>	--	--	--
<u>Program Center Funds:</u>			
Balance available for other construction (as of 03/31/75)	8,914	--	--
Reprogrammed in 1974 for district office construction		--	2,033
Reprogrammed in 1975 for district office construction		--	5,796
Proposed to remain available for future requirements		--	1,085
<u>District Office Funds:</u>			
Balances available (as of (03/31/75)			
1967 construction program	3,613	--	3,613
1975 construction program	<u>2,382</u>	<u>--</u>	<u>2,382</u>
Total Deferrals	<u>14,909</u>	<u>--</u>	<u>14,909</u>

Deferral No: D76-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. _____)	\$ <u>-0-</u>
Bureau Federal Highway Administration	Other budgetary resources (P.L. 93-87)	<u>90,000,000</u>
Appropriation title & symbol National Scenic and Recreational Highway 69X0544 and Trust Fund Share of Other Highway Programs	Total budgetary resources	<u>90,000,000</u>
	Amount to be deferred:	
	Part of year	\$ <u>90,000,000</u>
	Entire year	
OMB identification code: 21-25-0544-0-1-404	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act	
Grant program ☒ Yes ☐ No	☐ Other _____	
Type of account or fund: ☐ Annual 6/30/76-\$20 million 6/30/77-\$35 million ☒ Multiple-year 6/30/78-\$35 million (expiration date) ☐ No-year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other _____	

Justification

This program was authorized by the Federal-Aid Highway Act of 1973 in the amount of \$90 million for the purpose of constructing or reconstructing the Great River Road in the 10 States bordering the Mississippi River. This authorization is comprised of \$30 million from General Funds and \$60 million from the Highway Trust Fund.

The entire amount was deferred in FY 1975 because the legislation required the development of a formula for apportionment of funds to the States before funds could be made available. Such information could not be developed so as to launch the program in FY 1975.

The entire amount was proposed for rescission on July 1, 1975. In considering the proposal, the House Appropriations Committee reported (H. Report 94-496):

"Under Title X of the Congressional Budget and Impoundment Control Act, the \$90,000,000 contained in R76-1 will have to be made available for obligation on September 22, 1975, unless Congress approves the rescission. the Committee is not recommending approval of the proposed rescission. The Committee, however, feels that more information is needed with respect to the National Scenic and Recreational Highway. The Committee, therefore, expects the Department of Transportation

and the ten States involved to develop specific plans and present further testimony on the scope and cost of the project.

Because of the need to review this additional information, the Committee would be receptive to the consideration of a proposal to temporarily defer the funding for this project. Such a proposal would enable the Committee to receive additional testimony prior to making a further recommendation on the release of \$90,000,000."

This deferral is proposed in accordance with this statement.

Estimated Effects

The deferral of this program will allow additional time for further testimony and analysis and a final resolution by Congress.

Outlay Effect (estimate in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	\$ -0-
2. Outlay savings, if any, included in the budget outlay estimate.....	16.2

Current Outlay Estimates for 1976:

3. Without deferral.....	16.2
4. With deferral.....	-0-
5. Current outlay savings.....	16.2
Outlay Savings for the Transition Quarter.....	12.5
Outlay Savings for 1977.....	50.0

Deferral No: D76-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency <u>National Commission on Productivity & Work Quality</u>	New budget authority <u>\$ 2,000,000</u> (P.L. <u>94-91</u>)
Bureau	Other budgetary resources <u>-0-</u>
Appropriation title & symbol <u>Salaries and Expenses, National Commission on Productivity and Work Quality 1161459</u>	Total budgetary resources <u>2,000,000</u>
	Amount to be deferred: Part of year <u>\$ 1,500,000</u>
	Entire year _____
OMB identification code: <u>33-12-1459-0-1-403</u>	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other _____
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year _____ (expiration date)	☐ Contract authority
☐ No-year	☐ Other _____

Justification

The National Commission on Productivity was established by the President on July 10, 1970, following a period of low productivity growth, increases in unit labor costs, and rising prices. The Commission was given statutory authority late in 1971 through an amendment to the Economic Stabilization Act. That authority was extended twice. Early in 1974, the Commission functioned as an Office of Productivity under the Cost of Living Council. P.L. 93-311 changed the name of the Commission to the National Commission on Productivity and Work Quality and authorized its operations through June 30, 1975. The Commission was extended by special legislation (P.L. 94-42) for a 90-day period, to expire September 30, 1975. Both Houses of Congress have authorization legislation pending (S.2195 and H.R. 8836) to establish a National Center for Productivity and Quality of Working Life, which would be a successor agency to the Commission.

The Commission is engaged in the following activities: it encourages and assists the organization and work of labor-management committees on a plant, community, regional and industry basis; it conducts such research as is directly necessary; it publicizes and disseminates ideas related to its objectives; it advises the President and the Congress with respect to government policy affecting productivity and the quality of work; it coordinates and promotes government research and technical assistance efforts regarding productivity; and it provides technical

Deferral of Budget Authority

Page 2

National Commission on Productivity & Work Quality

Justification (Continued):

and consulting assistance. The Commission's four major areas of concentration have been: 1) quality of work of the American worker; 2) international competitive position of the USA; 3) efficiency of government; and 4) the cost of goods and services generally basic to the needs of Americans.

P.L. 94-91, approved August 9, 1975, appropriated \$2,000,000 for the full FY 1976 for the Commission. On August 22, \$500,000 for the first quarter was apportioned to meet the requirements of the Commission.

Deferral for the three remaining quarters of FY 1976, in the amount of \$1,500,000, is necessary pending action by Congress on authorization legislation in the month of September, 1975. As soon as the legislation is enacted, the deferred funds will be released.

Estimated Effect:

Assuming approval of the authorization legislation by Congress, the personnel and the work program of the Commission will not be affected by this deferral.

If Congress does not act favorably upon authorization legislation, the Commission will expire.

Outlay Effect: (Estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	2.4
2. Outlay savings, if any, included in the budget outlay estimate.....	-0-

Current Outlay Estimates for 1976:

3. Without deferral.....	2.0
4. With deferral.....	2.0
5. Current outlay savings.....	-0-
Outlay savings for the Transition Quarter.....	-0-
Outlay savings for 1977.....	-0-

[FR Doc.75-26085 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975



PART VI:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

**Title 36—Parks, Forests, and
Public Property**

**CHAPTER IX—PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION**

PART 903—PRIVACY ACT REGULATIONS

Revision

On August 28, 1975, a document was published in the *FEDERAL REGISTER* (40 FR 39671; subsequently corrected by 40 FR 41530) proposing regulations to implement the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896), by promulgating a new Part 903, Privacy Act Regulations, to be added to Title 36 of the Code of Federal Regulations.

The Privacy Act is intended to promote governmental respect for and protection of the privacy of individuals. To that end, Part 903, as proposed by the Corporation, would promulgate regulations to protect the privacy of individuals identified in records maintained by the Corporation. The proposal establishes procedures by which individuals can: (1) Ascertain whether there is a record pertaining to him in any system of records named by him; (2) gain access to that record; (3) request corrections or amendment of that record; (4) dispute the Corporation's refusal to make a correction; and (5) govern within the bounds of 5 U.S.C. 552a (b) Corporation disclosure of those records to any person or agency.

In the initial publication of the proposed rules, the Corporation provided for a comment period extending through September 30, 1975. Due to the exigencies of the Privacy Act of 1974 which require effective agency implementation as of September 27, 1975, the Corporation must finalize its procedures as of that date. No public comments on the proposal have been received to date. The Corporation, while adopting its proposed regulations as of September 27, 1975, will continue to accept comments through September 30, 1975. Substantive comments will receive thorough review by the Corporation and, where appropriate, be incorporated into its regulations by subsequent amendment. The proposal will have been subject to public inspection for thirty days under this modified adoption process.

The Corporation in its own review of the proposal is suggesting one substantive change which is made in addition to an organizational change. The substantive change appears in § 903.1(d) and clarifies when an appeal of an initial adverse determination can be made. This reflects more accurately the intent of 5 U.S.C. 552a(d) as it appears in section 3 of the Privacy Act.

Accordingly, 36 CFR Part 903 is revised as set forth below.

Effective date: The regulation becomes effective September 27, 1975.

Adopted by the Pennsylvania Avenue Development Corporation at its office in Washington, D.C., on the 27th day of September 1975.

PETER T. MESZOLY,
General Counsel.

Sec.	
903.1	Purpose and scope.
903.2	Definitions.
903.3	Procedures for notification of records pertaining to individuals.
903.4	Requests for access to records.
903.5	Requests for amendment of record.
903.6	Review of requests for amendment of record.
903.7	Appeal of initial adverse determination of request for amendment of record.
903.8	Disclosure of records to persons or agencies.
903.9	Fees.
903.10	Penalties.
903.11	[Reserved]

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a)); Pennsylvania Avenue Development Corporation Act of 1972, as amended (Pub. L. 92-578, 86 Stat. 1266; Pub. L. 93-427, 88 Stat. 1170; (40 U.S.C. 871 et seq.)).

§ 903.1 Purpose and scope.

The purpose of this part is to enable the Pennsylvania Avenue Development Corporation to implement the Privacy Act of 1974, and in particular the provisions of 5 U.S.C. 552a, as added by the Act. The Act was designed to insure that personal information about individuals collected by Federal agencies be limited to that which is legally authorized and necessary, and that the information is maintained in a manner which precludes unwarranted intrusions upon individual privacy. The regulations in this part establish and make public procedures whereby an individual can (a) request notification of whether or not the Corporation maintains or has disclosed a record pertaining to him or her, (b) request access to such a record or an accounting of its disclosure, (c) request that the record be amended, and (d) appeal any initial adverse determination of a request to amend a record.

§ 903.2 Definitions.

As used in this part:

(a) "Agency" means agency as defined in 5 U.S.C. 552(e).

(b) "Corporation" means the Pennsylvania Avenue Development Corporation.

(c) "Day" or "days" shall exclude Saturdays, Sundays and legal holidays.

(d) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(e) "Maintain" includes maintain, collect, use, or disseminate.

(f) "Record" means any items, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(g) The term "system of records" means a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned

to the individual.

(h) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual except as provided by Section 8 of Title 13, United States Code.

(i) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 903.3 Procedures for notification of records pertaining to individuals.

(a) An individual, upon a request made in person or in writing, will be informed if any Corporation system of records named by the individual contains a record pertaining to him or her. The request must include a reasonable identification of the system of records, as described by notice published in the *FEDERAL REGISTER*. The request should be addressed to the Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

(b) Requests made in person may be presented at the above address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday (except legal holidays). The Administrative Officer of the Corporation will require adequate personal identification before processing the request. If a request is made in writing, it must be under the signature of the requesting individual and be accompanied by a signed notarized statement to verify his or her identity.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and inform the individual if any system of records identified in the request contains a record pertaining to him or her.

§ 903.4 Requests for access to records.

(a) Except as otherwise provided by law or regulation, an individual upon request made in person or delivered in writing may gain access to his or her record or to any information pertaining to him or her which is contained in a system of records maintained by the Corporation, and to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her. An individual seeking access to a Corporation record may be accompanied by a person of his or her choosing. However, the Corporation will require a written statement from the individual authorizing discussion of his or her record in the accompanying person's presence.

(b) A request under paragraph (a) of this section shall be directed to the Administrative Officer at the place, times and in the manner prescribed in § 903.3 (a) and (b). The request should specify at what date and time the individual would like to gain access to his or her record. The Administrative Officer of the Corporation will require adequate personal identification before processing a request.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and notify the individual whether or not access will be granted, and if it is, whether or not the date and time requested for access is acceptable to the Corporation. If the date and time is not acceptable, the Administrative Officer will suggest an alternate opportunity for access to the record. Access shall be provided within 30 days of receipt of the request unless the Corporation, for good cause shown, is unable to provide prompt access, in which case the individual will be informed in writing within the 30 days as to the cause for delay and when it is anticipated that access will be granted. At the time access is granted, the individual must sign a statement indicating that he or she has reviewed the record specified.

(d) Fees, if any, to be charged to an individual for making copies of his or her record will be as provided in § 903.9.

§ 903.5 Requests for amendment of record.

An individual may request amendment of a Corporation record pertaining to him or to her, if the individual believes that the record contains information which is not accurate, relevant, timely, or complete. The request shall be in writing, whether presented in person or by mail, shall state with specificity the record sought to be amended, and shall propose wording of the correction or amendment sought. The request shall be directed to the Administrative Officer at the place, times and in the manner specified in § 903.3 (a) and (b). Not later than 10 days after the date of receipt of a request the Administrative Officer will acknowledge it in writing. The acknowledgement will clearly describe the request, and if a determination has not already been made, will advise the individual when he or she may expect to be advised of action taken on the request. For requests presented in person, written acknowledgement will be provided at the time when the request is presented. No separate acknowledgement of receipt will be issued if the request can be reviewed and the individual advised of the results of the review within the 10 day period.

§ 903.6 Review of request for amendment of record.

(a) Upon receipt of a request for amendment of a record under § 903.5, the Administrative Officer will promptly review the record, and: either (1) Amend any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or (2) inform the individual of refusal to amend the record in accordance with the request. In reviewing a record pursuant to a request to amend it, the Corporation will assess the accuracy, relevance, timeliness and completeness of the record in terms of the criteria established in 5 U.S.C. 522a(e) (5). In reviewing a record in response to a request to amend it by deleting information, the Corporation will ascertain whether or not the information is

relevant and necessary to accomplish a purpose of the Corporation required to be accomplished by statute or by executive order of the President, as prescribed by 5 U.S.C. 522a(e) (1).

(b) The Corporation shall take the action specified in paragraph (a) of this section within 30 days of receipt of a request for amendment of a record, unless unusual circumstances preclude completion of the action within that time. If the expected completion date for the action, as indicated in the acknowledgement provided pursuant to § 903.5 cannot be met, the individual shall be advised of the delay and of a revised date when action is expected to be completed. If necessary for an accurate review of the record, the Corporation will seek, and the individual will supply, additional information in support of his or her request for amending the record.

(c) If the Corporation agrees with all or any portion of an individual's request to amend a record, the Corporation will so advise the individual in writing, and amend the record to the extent agreed to by the Corporation. Where an accounting of disclosures has been kept, the Corporation will advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(d) If the Corporation disagrees with all or any portion of an individual's request to amend a record, the Corporation shall:

(1) Advise the individual of its adverse determination and the reasons therefor, including the criteria used by the Corporation in conducting the review;

(2) Inform the individual that he or she may request a review of the adverse determination by the Executive Director of the Corporation, or by an officer of the Corporation designated by the Executive Director; and,

(3) Advise the individual of the procedures for requesting such a review, including the name and address of the official to whom the request should be directed.

(e) If the Corporation is apprised by another agency of any corrections or other amendments made to a record contained in the Corporation's system of records, the Corporation will promptly amend its record and advise in writing all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

§ 903.7 Appeal of initial adverse determination of request for amendment of record.

(a) Not more than 15 days after receipt by an individual of notice of an adverse determination by the Administrative Officer concerning a request to amend a record, the individual may appeal the determination by seeking a review by the Executive Director of the Corporation, or by an officer of the Corporation designated by him. The appeal shall be in writing, mailed or delivered to Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington,

D.C. 20004. The appeal shall identify the record in the same manner as it was identified in the original request, shall indicate the dates of the original request and of the adverse determination, and shall indicate the expressed basis for that determination. In addition, the appeal shall state briefly the reasons why the adverse determination should be reversed.

(b) Not later than 30 days after receipt of an appeal, the Executive Director, or an officer of the Corporation designated by him, will complete a review of the appeal and the initial determination, and either:

(1) Determine that the appeal should be granted, take the appropriate action with respect to the record in question, and notify the individual accordingly; or,

(2) Determine that the appeal should be denied.

(c) The reviewing official may, at his or her option, request from the individual such additional information as is deemed necessary to properly conduct the review. If additional time is required, the Executive Director may for good cause shown extend the period for action beyond the 30 days specified above. The individual will then be informed in writing of the delay and the reasons therefor, and of the approximate date on which action is expected to be completed.

(d) If the reviewing official denies the appeal, he or she shall advise the individual in writing:

(1) Of the decision and the reasons for reaching it;

(2) That the denial of the appeal is a final agency action entitling the individual to seek judicial review in the appropriate district court of the United States, as provided in 5 U.S.C. 552a(g); and,

(3) That the individual may file with the Corporation a concise statement setting forth the reasons for his or her disagreement with the refusal of the Corporation to amend the record in question.

(e) Any individual having received notice of a denial of an appeal to amend a record may file a statement of disagreement with the Executive Director not later than 30 days from receipt of the notice. Such statements shall ordinarily not exceed one page in length, and the Corporation reserves the right to reject statements of excessive length. Upon receipt of a proper and timely statement of disagreement, the Corporation will clearly annotate the record in question to indicate the portion of the record which is in dispute. Thereafter, in any disclosure containing information about which an individual has filed a statement of disagreement, the Corporation will provide a copy of the statement together with the record to which it pertains. If the Corporation deems it appropriate it may also include in any such disclosure its own concise statement of the reasons for not making the amendments requested.

§ 903.8 Disclosure of records to persons or agencies.

(a) The Corporation will not disclose any record which is contained in a sys-

tem of records, by any means of communication to any person or to another agency except:

(1) Pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains;

(2) To those officers and employees of the Corporation who have a need for the record in the performance of their duties;

(3) When required under 5 U.S.C. 522 (The Freedom of Information Act); or

(4) Pursuant to the conditions of disclosure contained in 5 U.S.C. 552a(b)(3) through 5 U.S.C. 522a(b)(11).

(b) The Administrative Officer of the Corporation shall keep an accounting of each disclosure made pursuant to para-

graph (a)(4) of this section, in accordance with 5 U.S.C. 552a(c). Except for disclosures made pursuant to 5 U.S.C. 552a(b)(7), the Administrative Officer shall make the accounting kept under this paragraph available to an individual to whom the record pertains, upon his or her request. An individual requesting an accounting of disclosures should do so at the place, times and in the manner specified in §§ 903.3 (a) and (b).

§ 903.9 Fees.

No fees shall be charged for locating and providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee schedule for additional copies is the same as

that appearing in Part 902 of this chapter, implementing the Freedom of Information Act.

§ 903.10 Penalties.

The provision of 5 U.S.C. 552a(i), as added by Section 3 of the Privacy Act, make it a misdemeanor subject to a maximum fine of \$5,000, to knowingly and willfully request or obtain any record concerning an individual from an agency under false pretenses. Similar penalties attach for violations by agency officers and employees of the Privacy Act or regulations established thereunder.

§ 903.11 [Reserved]

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