

routine uses for Treasury/USSBD .001 in order to maintain editorial consistency.

Dated: February 17, 1988.

Jill E. Kent,

Acting Assistant Secretary of the Treasury  
(Management).

For the reasons set out in the preamble, Treasury/USSBD .001 is amended to read as follows:

#### **Treasury/USSBD .001**

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

Savings Bonds Employee Records  
System—Treasury/USSBD.

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

U.S. Savings Bonds Division,  
Department of the Treasury, 1111—20th  
St. NW., Washington, DC 20226.

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

Employees of USSBD.

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

Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion Records, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction-In-Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers. All personnel records not mentioned, but maintained at the Division, are considered to belong to the Office of Personnel Management, and will be reported by that Agency.

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

Treasury Department Order No. 13 established the Division of Savings Bonds under the Office of the Fiscal Assistant Secretary, dated April 1941.

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

A record of information from a record maintained in this system of records may be disclosed as a routine use when: (1) Providing employee information to other Federal personnel offices when an employee is under consideration for a position with that Agency; (2) Helping a Federal, state, or local agency maintaining civil, criminal, or other

relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the Division's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) Providing information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) To disclose to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) To furnish another Federal agency with information to effect inter-agency salary offset; to furnish another Federal agency with information to effect inter-agency administrative offset, except that no address information will be disclosed to another agency from this system; to furnish a consumer reporting agency with information to obtain commercial credit reports; and to furnish a debt collection contractor information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services as necessary.

##### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures of debt information concerning a claim against an individual may also be furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

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

##### **STORAGE:**

All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data.

##### **RETRIEVABILITY:**

Storage of financial information is maintained on computer printouts supplied by the Bureau of the Mint. Time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and Social Security Number.

##### **SAFEGUARDS:**

Files are accessible to Personnel employees and are locked at the close of each day.

##### **RETENTION AND DISPOSAL:**

Record pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. Less important records are destroyed after the two-year period. All payroll and time-and-attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

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

Director of Administration,  
Department of the Treasury, U.S.  
Savings Bonds Division, 1111-20th St.,  
NW., Washington, DC 20226.

##### **NOTIFICATION PROCEDURE:**

Any individual who wishes to know whether this system contains a record pertaining to him/her should address his/her inquiry to: Director of Administration, Department of the Treasury, U.S. Savings Bonds Division, 1111-20th St., NW., Washington, DC 20226.

##### **RECORD ACCESS PROCEDURES:**

See System Manager and Notification Procedure above. An individual may request access to his/her records or any information pertaining to him/her by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds Officer during the entire time he/she has this information in his/her possession.

##### **CONTESTING RECORD PROCEDURES:**

Contested information should be specified, and the reason(s) for contesting the record listed. See System Manager above.

##### **RECORD SOURCE CATEGORIES:**

Data accumulated in the record system at the Savings Bonds Division are gathered from the individual and/or from sources directly connected with the employee's appointment.

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

None.

[FR Doc. 88-3738 Filed 2-22-88; 8:45 am]

BILLING CODE 4810-25-M



# Sunshine Act Meetings

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

**TIME AND DATE:** 11:00 a.m., Monday, February 29, 1988.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: February 19, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-3914 Filed 2-19-88; 2:31 pm]

BILLING CODE 6210-01-M

## LEGAL SERVICES CORPORATION

Board of Directors Meeting; Amendment of Agenda

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Not yet published.

### PREVIOUSLY ANNOUNCED TIME AND DATE

**OF MEETING:** An open meeting will commence at 5:00 p.m. on Friday, February 26, 1988, and continue until all official business is completed.

**EXPLANATION OF CHANGE:** A new item is being added to the agenda entitled, "Subcommittee Authority."

### CONTACT PERSON FOR MORE INFORMATION:

Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: February 19, 1988.

Maureen R. Bozell,

Secretary.

[FR Doc. 88-3877 Filed 2-19-88; 12:28 pm]

BILLING CODE 7050-01-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DATE AND TIME:** 2:00 p.m. (eastern time) Monday, February 29, 1988.

**PLACE:** Clarence M. Mitchell, Jr., Conference Room, No. 200-C on the Second Floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20507.

**STATUS:** Closed to the Public.

### MATTERS TO BE DISCUSSED:

1. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaints Appeals
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-7249 at all times for information on these meetings.)

### CONTACT PERSON FOR MORE INFORMATION:

Hilda D. Rodriguez, Acting Executive Officer on (202) 634-7249.

Date: February 18, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

This Notice Issued February 18, 1988.

[FR Doc. 88-3878 Filed 2-19-88; 12:18 pm]

BILLING CODE 6570-06-M

## NATIONAL MEDIATION BOARD

**TIME AND DATE:** 2:00 p.m., Wednesday, March 9, 1988.

**PLACE:** Board Hearing Room 8th Floor, 1425 K Street NW., Washington, DC.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of February, 1988.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

**SUPPLEMENTARY INFORMATION:** Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

### CONTACT PERSON FOR MORE INFORMATION:

Mr. Charles R. Barnes, Executive Director, Tel: (202) 523-5902.

Date of notice: February 16, 1988.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 88-3838 Filed 2-19-88; 10:56 am]

BILLING CODE 7550-01-M



# Corrections

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 87-131; FCC 87-356]

**Radio Broadcasting Services; Unlimited-time Operation by Existing AM Daytime-only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-only Stations; and Minimum Power of Class III Stations**

#### Correction

In rule document 88-823 beginning on page 1030 in the issue of Friday, January 15, 1988, make the following correction:

#### § 73.21 [Corrected]

On page 1031, in the first column, in § 73.21, paragraph (a)(2)(iv) was incorrectly designated as "(vi)"

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 435

[BERC-514-F]

### Medicaid Program Payments to Institutions

#### Correction

In rule document 88-2480 beginning on page 3586 in the issue of Monday, February 8, 1988, make the following correction:

#### § 435.832 [Corrected]

On page 3596, in the third column, the section number now reading "§ 436.832" should read "§ 435.832".

BILLING CODE 1505-01-D

Tuesday  
February 23, 1988

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## Part II

# Department of Labor

Office of the Secretary

29 CFR Part 70

Implementation of the Freedom of  
Information Reform Act; Uniform Fee  
Schedule and Administrative Guidelines;  
Proposed Rule



## DEPARTMENT OF LABOR

## Office of the Secretary

## 29 CFR Part 70

## Implementation of the Freedom of Information Reform Act; Uniform Fee Schedule and Administrative Guidelines

AGENCY: Office of the Secretary, Labor.

ACTION: Proposed rule.

**SUMMARY:** This notice sets forth proposed Department of Labor regulations to implement the Freedom of Information Reform Act of 1986 and Executive Order 12600, as well as proposed revisions to the Department of Labor's procedural regulations that implement the Freedom of Information Act ("FOIA").

The Freedom of Information Reform Act of 1986 permits agencies to charge for the direct costs of providing FOIA services such as search, duplication, and, in certain cases, review. The Reform Act also requires each agency to promulgate regulations specifying the schedule of fees applicable to the processing of requests, and establishing guidelines for determining when such fees should be waived or reduced.

Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, signed June 23, 1987, requires agencies to establish procedures, subject to notice and comment, for notifying submitters of confidential commercial information when the agency determines that it may be required to disclose the information under FOIA.

The existing Department of Labor regulations implementing the Freedom of Information Act are proposed to be revised in their entirety. The proposed revisions are intended to simplify the Department's regulations, clarify the description of its procedures for access to records under the FOIA, clarify the system for referral of FOIA requests within the Department and from the Department to other Government agencies, and provide for notice to submitters of business information of the filing of requests for that information.

**DATE:** Comments must be received on or before March 24, 1988.

**ADDRESS:** Comments should be directed to: Seth Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, U.S. Department of Labor, Room N-2428, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Sofia P. Petters, (202) 523-8188.

**SUPPLEMENTARY INFORMATION:** The proposed revision to the Department of Labor regulations divides the rules into Subpart A which contains general information and Subpart B which establishes the procedures for access to records under FOIA. The existing regulations include both of these subjects in Subpart A. Subpart B in these proposed regulations also includes the procedures for predisclosure notification to submitters of confidential commercial information. Subpart C of the proposed regulations contains the fee schedule and criteria governing fee waivers. Most of Subpart C of the existing regulations has been deleted; the authority of component officials to promulgate supplementary regulations which is part of the current Subpart C has been included in Subpart A. Revisions of § 70.35(e) and § 70.36 in the existing regulations are now contained in Appendix A—Disclosure Officers.

## Regulatory Flexibility Act

The proposed rules do not constitute "major rules" within the meaning of Executive Order 12291, and they will have no significant economic impact or other substantial effect on small entities, and therefore the requirements of the Regulatory Flexibility Act (5 U.S.C. 605(b)), do not apply. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

## Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it does not contain a collection of information requirement.

## List of Subjects in 29 CFR Part 70

Freedom of Information Act.

Accordingly, Part 70 of Subtitle A of the Code of Federal Regulations, is proposed to be revised as set forth below:

## PART 70—PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

## Subpart A—General

Sec.

- 70.1 Purpose and Scope.
- 70.2 Definitions.
- 70.3 Policy.
- 70.4 Public Access to certain materials.
- 70.5 Compilation of new records.
- 70.6 Disclosure of originals.
- 70.7 Authority of Agency officials in Department of Labor.
- 70.8 Supplementary regulations currently in force.

## Subpart B—Procedures for Disclosure of Records under the FOIA

- 70.9 Requests for records.
- 70.10 Response by components to requests.
- 70.11 Form and content of component responses.
- 70.12 Appeals from denial of requests.
- 70.13 Action on appeals.
- 70.14 Form and content of action on appeals.
- 70.15 Time limits and order in which requests and appeals shall be processed.
- 70.16 Predisclosure notification to submitters of confidential commercial information.
- 70.17 Preservation of records.

## Subpart C—Costs for Production of Documents

- 70.18 Definitions.
- 70.19 Statutes specifically providing for setting of fees.
- 70.20 Charges assessed for the production of records.
- 70.21 Reduction or waiver of fees.
- 70.22 Ancillary considerations.

## Subpart D—Public Records

- 70.23 Office of Labor Management Standards
- 70.24 Pension and Welfare Benefit Programs
- Appendix A to Part 70—Disclosure Officers

Authority: 5 U.S.C. 301.552 as amended; Reorganization Plan No. 6 of 1950; 5 U.S.C. Appendix; E.O. 12600, 52 FR 23781 (June 25, 1987).

## Subpart A—General

## § 70.1 Purpose and scope.

This part contains the regulations of the Department of Labor implementing the Freedom of Information Act ("FOIA"), as amended, 5 U.S.C. 552. It also implements the public information provisions of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 435, 461. Subpart A contains general information about Department of Labor policies and procedures; Subpart B sets forth the procedures for obtaining access to records of the Department; and Subpart C contains the Department's regulations on fees. Appendix A contains a list of all Department of Labor disclosure officers from whom records may be obtained; Subpart D sets forth the procedures for obtaining access to certain public records.

## § 70.2 Definitions.

As used in this part:

(a) The terms "agency," "person," "party," "rule," "order," and "adjudication" have the meaning attributed to these terms by the definition in 5 U.S.C. 551.



(b) "Component" means each separate agency, bureau, office, board, division, commission, service or administration of the Department of Labor.

(c) "Disclosure officer" means those officials of the Department of Labor who have authority to disclose records under the FOIA and to whom requests to inspect or copy records in their custody may be addressed. Department of Labor disclosure officers are listed in Appendix A.

(d) The "Secretary" means the Secretary of Labor.

(e) The "Department" means the Department of Labor.

(f) "Request" means any request for records made pursuant to 5 U.S.C.

552(a)(3).

(g) "Requester" means any person who makes a request to a component.

(h) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(i) "Business submitter" means any person or entity who provides confidential commercial information to the government. The term "business submitter", includes, but is not limited to corporations, labor organizations, state governments and foreign governments.

#### § 70.3 Policy.

All agency records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b) shall be made promptly available to any person submitting a written request in accordance with the procedures of this part.

#### § 70.4 Public access to certain materials.

(a) To the extent required by 5 U.S.C. 552(a)(2), each component within the Department shall make the following materials available for public inspection and copying (unless they are published and copies are offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as other, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the agency and are not published in the *Federal Register*; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public, and which are not exempt from disclosure under section (b) of the FOIA.

(b) Each agency of the Department shall also maintain and make available current indexes providing identifying information regarding any matter issued, adopted or promulgated after July 4, 1967, and required by paragraph (a) of this section to be made available or published. Each agency shall publish and make available for distribution, copies of such indexes and supplements thereto at least quarterly, unless it determines by Notice published in the *Federal Register* that publication would be unnecessary and impracticable. After issuance of such Notice, the agency shall provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

(c) Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted from any record covered by this subsection that is published or made available for inspection.

(d) Certain records of the Department are available for examination or copying without the submission of a formal request under the FOIA, e.g., records maintained in public reference facilities. Information about the availability of records for examination and copying may be obtained by addressing an inquiry to the component which has custody of the records, or if the appropriate component is unknown, to the Assistant Secretary for Administration and Management.

#### § 70.5 Compilation of new records.

Nothing in 5 U.S.C. 552 or this part requires that any agency or component create a new record, either manually from preexisting files or through creation of a computer program, in order to fill a request for records.

#### § 70.6 Disclosure of originals.

No original document or record in the custody of the Department of Labor, or of any agency or officer thereof, shall on any occasion be given to any agent, attorney, or any other person not officially connected with the Department without the written consent of the Secretary or the Solicitor of Labor.

#### § 70.7 Authority of Agency Officials in Department of Labor

Each agency of the Department of Labor for which an officer or officers have authority to issue rules and regulations may through such officers promulgate supplementary regulations not inconsistent with this part, governing the disclosure of particular or specific records which are in the custody of that departmental unit.

#### § 70.8 Supplementary regulations currently in force.

Regulations duly promulgated by agencies of the Department and currently in force which govern the disclosure of records in the custody of the affected agency, shall remain in effect, insofar as such regulations are consistent with the provisions of this part, until such regulations are modified or rescinded.

#### Subpart B—Procedures for Disclosure of Records Under FOIA

##### § 70.9 Requests for records.

(a) *To Whom to Direct Requests.* Requests under this subpart for a record of the Department of Labor must be in writing. A request should be sent to the component that maintains the record at its proper address and both the envelope and the request itself should be clearly marked "Freedom of Information Act Request." (Appendix A of this part lists the components of the Department of Labor and their addresses.) The functions of each component are summarized in the United States Government Manual which is issued annually and is available from the Superintendent of Documents. This initial list of responsible officials has been included for informational purposes only, and the officials may be changed through appropriate designation. Regional, district and field office addresses have been included in Appendix A to assist requesters in identifying the disclosure officer who is most likely to have custody of the records sought.) Requesters who need guidance in defining a request or determining the proper component to which the request should be addressed, may write to the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Washington, DC 20210.

(b) *Description of information requested.* Each request shall reasonably describe the record or records sought; i.e., in sufficient detail to permit identification and location thereof with a reasonable amount of effort. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details.

(c) *Deficient descriptions.* If the description is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of effort, the officer processing the request will notify the



requester and indicate any additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

(d) *Classified records.* Any classified records which are in the custody of the Department of Labor shall be referred to the classifying agency under the provisions of § 70.10 (c) and (d).

(e) *Agreement to pay fees.* The filing of a request under this subpart shall be deemed to constitute an agreement by the requester to pay all applicable fees charged under this part, up to \$25.

#### § 70.10 Responses by components to requests.

(a) *In general.* (1) Except as otherwise provided in this section, when a request for a record is received, the component having custody of the requested record shall ordinarily be responsible for responding to the request.

(2) However, when another component or agency is better able to determine the disclosability of a record, that component or agency shall be responsible for responding to the request.

(3) The time for responding to a request begins to run when it is received by the component or agency responsible for making the determination on disclosure.

(b) *Authority to grant or deny requests.* The disclosure officer, or his or her designee, is authorized to grant or deny any request for a record in his or her custody.

(c) *Determination that request has been received by the proper component.*

(1) When a component receives a request for a record, the component shall promptly determine whether another component or another agency of the Government is better able to determine whether the record is exempt to any extent from mandatory disclosure under the FOIA.

(2) If the receiving component determines that it is the component and agency better able to determine whether or not to disclose the record requested, that component shall respond to the request.

(3) If the receiving component determines that another component or agency is better able to determine whether the requested record is exempt from mandatory disclosure under the FOIA, the receiving component shall refer the request to the appropriate component or agency.

(4) If the receiving component determines that it is the component and agency better able to determine whether part of the requested records is exempt from disclosure, and another component

or agency has primary responsibility with respect to other parts of the requested record, the receiving component shall either:

(i) Respond to the request after consulting with the appropriate component or agency concerning the records for which that component or agency has primary responsibility, or

(ii) Respond to the part of the request for which it has primary responsibility and refer the other portion or portions of the request to the appropriate component or agency.

(d) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or to another agency, it shall notify the requester of the referral and inform the requester of the name and address of each component or agency to which the request has been referred and the portions of the request so referred.

(e) *Processing of requests that are not properly addressed.* (1) A request that is not properly addressed as specified in § 70.7(a) of this Subpart shall be forwarded to the appropriate component, if known, or to the Office of the Assistant Secretary for Administration and Management (OASAM), which shall make reasonable efforts to determine the appropriate component and, if able to do so, shall forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department of Labor until OASAM has forwarded the request to the appropriate component and that component has received the request, or until the request would have been so forwarded and received with the exercise or reasonable diligence by Department personnel.

(2) A component receiving an improperly addressed request forwarded by OASAM shall notify the requester of the date on which it received the request.

(f) *Date for determining responsive records.* In determining records to a request, a component will include only those records existing as of the date of its receipt of the request.

#### § 70.11 Form and content of component responses.

(a) *Form of notice granting a request.* After a component has made a determination to grant a request in whole or in part, the component shall so notify the requester in writing. The notice shall describe the manner in which the record will be disclosed, whether by providing a copy of the

record to the requester or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such an inspection shall not unreasonably disrupt the operations of the component. The component shall inform the requester in the notice of any fees to be charged in accordance with the provisions of Subpart C.

(b) *Form of notice denying a request.* A disclosure officer denying a request in whole or in part shall so notify the requester in writing. The notice shall be signed by the disclosure officer or his designee, and shall include:

(1) The name and title or position of the disclosure officer and if applicable, of the designee.

(2) A brief description of the records withheld and a brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions which the component has relied upon in denying the request.

(3) A statement that the denial may be appealed under § 70.12 and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the component shall so notify the requester in writing.

#### § 70.12 Appeals from denial of requests.

When a request for access to records or for a waiver of fees has been denied in whole or in part, where a requester disputes matters relating to the assessment of fees, or when a component fails to respond to a request within the time limits set forth in the FOIA, the requester may appeal the denial of the request to the Solicitor of Labor. The appeal must be filed within 90 days of a notice denying the request, including a denial of a request for a fee waiver, or an agency's response on a dispute of matters relating to the assessment of fees, or in the case of a partial denial, 90 days from the date the material was received by the requester. The appeal shall state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, the appeal should include copies of the initial request and the response of the disclosure officer. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Both the envelope and the letter of appeal itself must be clearly marked: "Freedom of Information Act Appeal."



**§ 70.13 Action on appeals.**

The Solicitor of Labor, or his designee, shall review the appellant's supporting papers and make a determination *de novo* whether the denial of the request for records was proper and in accord with the applicable law.

**§ 70.14 Form and content of action on appeals.**

The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request shall include a brief statement of the reason or reasons for the affirmance, including each FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If it is determined on appeal that a record should be disclosed, the record should be provided promptly in accordance with the decision on appeal.

**§ 70.15 Time limits and order in which requests and appeals shall be processed.**

Components of the Department of Labor shall comply with the time limits required by the FOIA for responding to and processing requests and appeals, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(C). A component shall notify a requester whenever the component is unable to respond to or process the request or appeal within the time limits established by the FOIA.

**§ 70.16 Predisclosure notification to submitters for confidential commercial information.**

(a) *In general.* FOIA requests for confidential commercial information provided to the Department by business submitters shall be processed in accordance with this section.

(b) *Designation of confidential commercial information.* Business submitters of information to the Department, at the time of submission or within a reasonable time thereafter, may designate specific information as confidential commercial information subject to the provisions of this section. Such a designation may be made for information which the submitter claims could reasonably be expected to cause substantial competitive harm. The designation must be in writing and whenever possible, the submitter's claim of confidentiality shall be supported by a statement or certification by an officer or authorized representative of the submitter that the identified information

in question is, in fact, confidential commercial or financial information and has not been disclosed to the public.

(c) *Notice to submitters of confidential commercial information.* A component shall provide a business submitter with prompt written notice of a request encompassing its business information whenever required under paragraph (d) of this section, and except as is provided in paragraph (g) of this section. Such written notice shall either describe the nature of the confidential commercial information requested or provide copies of the records or portions thereof containing the requested information.

(d) *When notice is required.* (1) For confidential commercial information submitted to the Department prior to January 1, 1988, the component shall provide a business submitter with notice of a request whenever—

(i) Less than 10 years have passed since the date the information was received by the Department and the information is subject to prior express commitment or confidentiality given by the component to the business submitter, or

(ii) The component has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential commercial information submitted to the Department on or after January 1, 1988, the component shall provide a business submitter with notice of a FOIA request whenever—

(i) The business submitter has in good faith previously designated the information as commercially or financially sensitive information, or

(ii) The component has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

Notice of a request for confidential commercial information falling within paragraph (d)(2)(i) of this section shall be required for a period of not more than ten years after the date of submission. The business submitter may request a specific notice period of greater duration. The submitter should provide a justification for such a request. In such a case, the Department may, in its discretion, provide for an extended notice period.

(e) *Opportunity to object to disclosure.* Through the notice described in paragraph (c) of this section, a component shall afford a business submitter a reasonable period within which to provide the component with a

detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under Exemption 4 of the Freedom of Information Act, and shall demonstrate the basis for the contention that the information is contended to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(f) *Notice of intent to disclose.* A component shall consider a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information which has been designated by the submitter as confidential commercial information. Whenever a component decides to disclose such information over the objection of a business submitter or designee, the component shall notify the business submitter in writing. Such notice shall include:

(1) A description of the information to be disclosed;

(2) A specified disclosure date;

(3) A statement of why the submitter's objections are not sustained.

Such notice of intent to disclose shall to the extent permitted by law be forwarded a reasonable number of days, prior to the specified date upon which disclosure is intended. The requester shall be provided with a copy of the notice of intent to disclose.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(4) The disclosure is required by a rule that—

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm.



(5) The information request has not been designated by the submitter as in accordance with paragraph (b) of this section, and the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the component has reason to believe that disclosure of the information would result in substantial competitive harm; or

(6) The designation made by the submitter in accordance with these regulations appears obviously frivolous; except that in such case, the component must provide the submitter with written notice of any final administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of confidential commercial information covered by paragraph (b) of this section, the component shall promptly notify the business submitter.

(i) *Notice requirements.* The component shall fulfill the notice requirements of this section by addressing the notice to the business submitter or its legal successor at the address indicated on the records, or the last known address. If the notice is returned, the component shall make a reasonable effort to locate the business submitter or its legal successor. Where notification of a voluminous number of submitters is required, such notification may be accomplished by posting and publishing the notice in a place reasonably calculated to accomplish notification.

#### **§ 70.17 Preservation of records.**

Each component shall preserve all correspondence relating to the requests it receives under this part, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the Act.

#### **Subpart C—Costs for Production of Documents**

##### **§ 70.18 Definitions.**

The following definitions apply to the terms of this subpart.

(a) The term a "statute specifically providing for setting the level of fees for particular types of records" (See 5 U.S.C. 552(a)(4)(A)(vi)), means any statute other than FOIA that specifically requires a Government agency to establish a fee schedule for particular

types of records. An example of such a statute is section 205(c) of the Labor-Management Reporting and Disclosure Act, as amended, 29 U.S.C. 435(c). Statutes such as the User Fee Statute which only provide a general discussion of fees without explicitly requiring that an agency set and collect fees for particular documents are not within the meaning of this term.

(b) The term "direct costs" means those expenditures which an agency actually incurs in searching for and duplicating (and in the case of a commercial requester, reviewing) documents to respond to an FOIA request. Direct cost includes the salary of the employee performing the work and the cost of operating duplicating machinery, and when appropriate the cost of the medium in which the information is made available.

(c) The term "duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audiovisual materials or machine-readable documentation (e.g. magnetic tape or disk), among others.

(d) The term "search" means the process of looking for material that is responsive to a FOIA request; including page-by-page or line-by-line identification of materials within documents or, when available, use of an existing computer program. Searches are to be distinguished from the review of material, as defined in § 70.18(e), which is performed to determine whether material is exempt from disclosure.

(e) The term "review" means the process of examining documents located in response to a request that is for a commercial use, as defined in § 70.18(f), to determine whether any portion of the document located is exempt from disclosure, and accordingly may be withheld. It also includes the act of preparing materials for disclosure, i.e. doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(f) The term "commercial use request" means a request from one who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person or entity on whose behalf the request was submitted. When a request is submitted by a commercial enterprise, and from the nature of the information sought it appears the request is to further the objective of that enterprise, the request will be treated as a commercial use request unless the

requester indicates in the letter that the information is being sought for a non-commercial purpose. Where a requester indicates that the information is being sought for a noncommercial purpose, the disclosure officer will evaluate the requester's submission and determine how the request is to be treated. While requests by non-profit organizations would normally fall outside the commercial use category, when the disclosure officer determines that a request by such an entity or one acting on its behalf does further the entity's commercial interests, he or she may treat the request as a commercial use request.

(g) The term "educational institution" means:

- (1) An institution which is a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, and
- (2) Operates a program or programs of scholarly research.

To qualify under this definition, the program of scholarly research in connection with which the information is sought must be carried out under the auspices of the academic institution itself as opposed to the individual scholarly pursuits of persons affiliated with an institution. For example, a request from a professor to assist him or her in writing a book independent of his or her institutional responsibilities would not qualify under this definition, whereas a request predicated upon research funding granted to the institution would meet its requirements. Likewise, a request from a student enrolled in an individual course of study at an educational institution would not qualify as a request from the institution.

(h) The term "non-commercial scientific institute" means an institution that is not operated on a "commercial" basis as that term is defined in § 70.18(f), and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(i) The term "representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. Factors indicating such representation status include press accreditation, guild membership, a history of continuing publication, business registration, and/or Federal Communication Commission licensing, among others. For purpose of



this definition the term "news" contemplates information that is about current events or that would be of current interest to the public. A freelance journalist shall be treated as a representative of the news media if the person can demonstrate a solid basis for expecting publication of matters related to the requested information through a qualifying news media entity. A publication contract with a qualifying news media entity satisfies this requirement. An individual's past publication record with organizations of the foregoing nature is also relevant to this determination. Examples of news media entities include:

- (1) Television or radio stations broadcasting to the public at large, and
- (2) Publishers of periodicals (but only in those instances where they can qualify as disseminators of news) who make their products available for purchase or subscription by the general public.

#### § 70.19 Statutes specifically providing for setting of fees.

Nothing in this Subpart shall supersede fees chargeable under a statute other than the Freedom of Information Act which specifically provides for setting the level of fees for particular types of records.

#### § 70.20 Charges assessed for the production of records.

(a) There are three types of charges assessed in connection with the production of agency records in response to a Freedom of Information Act request: Costs associated with (1) searching for or locating responsive records (search costs), (2) reproducing such records (reproduction costs), and (3) reviewing records to determine whether any materials are exempt (review costs).

(b) There are four types of FOIA requesters:

- (1) Commercial use requesters,
- (2) Educational and non-commercial scientific institutions,
- (3) Representative of the news media, and
- (4) All other requesters.

Depending upon the nature of the requester, one or all of the foregoing costs may be assessed. Paragraph (c) of this section sets forth the extent to which the foregoing costs may be assessed against each type of requester. Paragraph (d) of this section establishes the actual rate to be charged in connection with each of the foregoing types of costs. Paragraph (e) delineates the manner in which costs are to be assessed against an individual seeking access to records about himself or

herself which are covered by the Privacy Act.

(c) *Categories of Users*—(1) *Commercial use requester*. When a commercial use requester as defined in § 70.18(f) makes a request for documents, search costs, reproduction costs and review costs may be assessed in their entirety.

(2) *Educational or non-commercial, scientific institution requester*. When an educational or non-commercial scientific institution requester, as defined in §§ 70.18 (g) and (h) makes a request, only reproduction costs may be assessed, excluding charges for the first 100 pages.

(3) *Request by representative of new media*. When a representative of the new media as defined in § 70.18(i) makes a request, only reproduction costs may be assessed, excluding charges for the first 100 pages.

(4) *All other requesters*. Requesters who do not fall within paragraphs (c) (1), (2) and (3) of the section may be charged search costs and reproduction costs, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Where computer searches are involved, i.e., executing an existing program, however, the monetary equivalent of two hours of search time by a professional employee shall be deducted from the total costs of computer processing time.

(d) *Categories of costs*—(1) *Search costs*. When a search for records is performed by a clerical employee, a rate of \$2.50 per quarter hour will be applicable. When a search is performed by professional or supervisory personnel, a rate of \$5.00 per quarter hour will be applicable. If the search for requested records requires transportation of the searcher to the location of the records or transportation of the records to the searcher, all transportation costs in excess of \$5.00 may be added to the search cost. When an existing computer program is employed to locate records responsive to a request, the disclosure officer may charge the actual cost of providing the service.

(2) *Reproduction costs*. (i) The standard copying charge for documents in paper copy is \$.15 per page. When responsive information is provided in a format other than paper copy, such as in the form of computer tapes and discs, the requester may be charged the direct costs of the tape, disc or whatever medium is used to produce the information, as well as any related reproduction costs.

(3) *Review costs*. Costs associated with the review of documents, as

defined in § 70.18(c), will be applicable at a rate of \$5.00 per quarter hour. Except as noted below, charges may only be assessed for review at the initial level, i.e. the review undertaken the first time the documents are analyzed to determine the applicability of specific exemptions to the particular record or portion of the record. Thus a requester would not be charged for review at the administrative appeal level with regard to the applicability of an exemption already applied at the initial level. When, however, a record has been withheld pursuant to an exemption which is subsequently determined not to apply and is reviewed again at the appellate level to determine the potential applicability of other exemptions, the costs attendant to such additional review may be assessed.

(e) *Privacy Act requesters*. Requests from individuals for records about themselves which are contained within agency systems of records shall be treated under the fee provisions of the Privacy Act of 1974 which permit the assessment of reproduction costs only, after providing the first copy of a file at no cost.

#### § 70.21 Reduction or waiver of fees.

This section sets forth conditions under which the applicable charges for records responsive to a request under 5 U.S.C. 552, as set forth in § 70.20, are subject to reduction or waiver by the disclosure officer.

(a) *Statutorily required waiver or reduction in fees*. Documents shall be furnished without charge or at a charge below the fees set forth in § 70.20 if all of the following conditions are satisfied:

- (1) The subject of the requested records concerns the operations or activities of the United States Government;
- (2) The disclosure of the requested records is likely to contribute to an understanding of Government operations or activities;
- (3) The disclosure is likely to contribute to a public understanding of such operations or activities;
- (4) The contribution to public understanding of government operations and activities will be significant; and
- (5) The public's interest in disclosure exceeds the requester's commercial interest in disclosure.

(b) *De minimus costs*. Where the cost of collecting a fee to be assessed to a requester exceeds the amount of the fee which would otherwise be assessed, no fee need be charged. Under normal circumstances, fees which do not exceed \$5.00 need not be collected.



(c) *Reformulating requests.* When the estimated reproduction costs are likely to exceed \$25.00, the requester may be notified of the estimated amount of fees, unless the requester has indicated in advance its willingness to pay fees as high as those anticipated. Such notice may invite the requester to reformulate the request to satisfy his or her needs at a lower cost.

(d) *Reproduction costs expected to exceed \$250.00.* When the ultimate volume of page copy is such that the reproduction charge at the standard page rate is expected to exceed \$250.00, a person desiring reproduction may request a special rate quotation.

#### § 70.22 Ancillary considerations.

(a) *Costs assessed when no records are disclosed.* The costs of searching for and, in the case of a commercial use request, reviewing records may be assessed even where ultimately no documents are disclosed.

(b) *Aggregating requests.* A requester may not file multiple requests, each seeking portions of a document or documents in order to avoid the payment of fees. When there is reason to believe that a requester or a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, any such requests may be aggregated and the requesters charged as if there were only a single request.

(c) *Advance payments.* An advance payment before work is commenced or continued on a request, may not be required unless:

(1) It is estimated or determined that the allowable charges that a requester may be required to pay are likely to exceed \$250. When a determination is made that the allowable charges are likely to exceed \$250, the requester shall be notified of the likely cost and be required to provide satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or be required to tender advance payment of at least 50% of the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing) in which case the requester may be required:

(i) To pay the full amount owed plus any applicable interest as provided in § 70.21(e), when an outstanding balance is due and owing, and

(ii) To make an advance payment of the full amount of the estimated fee

before the component begins to process a new request.

(3) In any case, the payment of outstanding fees may be required before responsive materials are actually disclosed to a requester.

(d) *Time limits to respond extended when advanced payments requested.* When an advanced payment of fees in accordance with paragraph (c) of this section, has been requested the administrative time limits prescribed in subsection (a)(6) of the FOIA, 5 U.S.C. 552(a)(6), will only begin to run after such advanced payment has been received by the agency.

(e) *Interest charges.* Interest charges on an unpaid bill may be assessed starting on the 31st day following the day on which the billing was sent. Interest shall be at the rate prescribed in section 3717 of Title 31 U.S.C. and shall accrue from the date of the billing.

(f) *Authentication of copies.* (1) *Fees.* The Freedom of Information Act does not require certification or attestation under seal of copies of records furnished in accordance with its provisions. Pursuant to provisions of the general user-charger statute, 31 U.S.C. 483a and Subchapter II of Title 29 of the United States Code, the following charges may be made where such services are requested:

(i) For certification of true copies: each \$1.

(ii) For attestation under the seal of the Department, each \$3.

(2) *Authority and form for attestation under seal.* Authority is hereby given to any officer or officers of the Department of Labor designated as authentication officer or officers of the Department to sign and issue attestations under the seal of the Department of Labor.

(g) *Transcripts.* All transcripts shall be made available in accordance with the terms set forth in § 70.20.

#### Subpart D—Public Records

##### § 70.23 Office of Labor-Management Standards.

(a) The following documents in the custody of the Office of Labor-Management Standards are public information available for inspection and/or purchase of copies in accordance with paragraphs (b) and (c) of this section.

(1) Data and information contained in any report or other document filed pursuant to sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (79 Stat. 524-528, 530, 79 Stat. 888, 298 U.S.C. 431-433, 441, 461).

(2) Data and information contained in any report or other document filed

pursuant to the reporting requirements of Part 458 of this title, which are the regulations implementing the standards of conduct provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 7120, and the Foreign Service Act of 1980, 22 U.S.C. 4117. The reporting requirements are found in 29 CFR 458.3.

(b) The above documents are available from: U.S. Department of Labor, Office of Labor-Management Standards, Public Documents Room, N-5616, 200 Constitution Avenue, NW., Washington, DC 20210. Documents are also available from the OLMS area or district office in whose geographic jurisdiction the reporting organization or individual is located. The addresses of these offices are listed in Appendix A of this Part.

(c) Pursuant to 29 U.S.C. 435(c) which provides that the Secretary shall by regulation provide for the furnishing of copies of the above documents, upon payment of a charge based upon the cost of the service, these documents are available at the cost of \_\_\_\_\_ [to follow the standard copying fee established in § 70.20] per page of record copies furnished. Authentication of copies is available in accordance with the fee schedule established in § 70.22(f). In accordance with 5 U.S.C. 552(a)(4)(A)(iii), the provisions for fee waivers and fee reductions in Subpart C do not supersede the above charges for these documents.

(d) Upon request of the Governor of a State for copies of any reports or documents filed pursuant to sections 201, 202, 203, or 211 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524-528, 79 Stat. 888; 29 U.S.C. 431-441), or for information contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Office of Labor-Management Standards shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies of information and data, or:

(2) Require the person who filed such reports and documents to furnish such copies or information and data directly to the State agency thus designated.

##### § 70.24 Pension and Welfare Benefit Programs.

The following documents are in the custody of the Office at the address indicated below, and the right of inspection and copying provided in this part may be exercised at such offices: Copies of summary plan descriptions, and annual reports, statements and



other documents filed pursuant to the Employee Retirement Income Security Act, Title I, and Part I, except that information described in section 105(a) and 105(c) with respect to a participant may be disclosed only to the extent that information respecting that participant's benefits under Title II of the Social Security Act may be disclosed under such Act. Address: U.S. Department of Labor, Office of Pension and Welfare Benefit Programs, Public Documents Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

#### Appendix A to Part 70—Disclosure Offices

(a) Offices in Washington, DC, are maintained by the following agencies of the Department of Labor. Field offices are maintained by some of these, as listed in the United States Government Manual (see § 70.5(b)).

- (1) Office of the Secretary of Labor
- (2) Office of the Solicitor of Labor
- (3) Office of the Assistant Secretary for Administration and Management
- (4) Office of Information and Public Affairs
- (5) Office of the Inspector General
- (6) Bureau of International Affairs
- (7) Bureau of Labor Management Relations and Cooperative Programs
- (8) Bureau of Labor Statistics
- (9) Employment Standards Administration
- (10) Employment and Training Administration
- (11) Mine Safety and Health Administration
- (12) Occupational Safety and Health Administration
- (13) Office of Labor Management Standards
- (14) Pension and Welfare Benefits Administration
- (15) Office of Assistant Secretary for Veterans' Employment and Training
- (16) Employees' Compensation Appeals Board
- (17) Wage Appeals Board
- (18) Benefits Review Board
- (19) Board of Contract Appeals
- (20) Office of Administrative Law Judges.

The heads of the foregoing agencies shall make available for inspection and copying in accordance with the provisions of this Part, records in their custody or in the custody of component units within their organizations, either directly or through their authorized representative in particular offices and locations.

(b)(1) The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:

U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.  
 Secretary of Labor, ATTENTION:  
 Assistant Secretary for Administration and Management (OASAM)  
 Deputy Solicitor, Office of the Solicitor  
 Assistant Secretary for Administration and Management (OASAM)

Deputy Assistant Secretary for Administration and Management (OASAM)  
 Director, Directorate of Personnel Management, Office of the Assistant Secretary for Administration and Management (OASAM)  
 Director, Office of Personnel Management Services, National Capital Service Center (OASAM)  
 Director, Office of Procurement Services, National Capital Service Center (OASAM)  
 Deputy Director, National Capital Service Center (OASAM)  
 Director, Womens' Bureau  
 Chairperson, Employees' Compensation Appeals Board  
 Deputy Assistant Secretary for Policy  
 Director, Office of Information and Public Affairs  
 Director, Information, Privacy and Management Investigative Systems, Office of the Inspector General  
 Associate Deputy Under Secretary for International Affairs  
 Deputy Under Secretary for Labor-Management Relations and Cooperative Programs  
 Commissioner, Bureau of Labor Statistics  
 Assistant Secretary for Employment Standards  
 Director, Office of Workers' Compensation Programs, Employment Standards Administration (ESA)  
 Associate Director for Federal Employees' Compensation, ESA  
 Associate Director for Longshore and Harbor Workers' Compensation, ESA  
 Associate Director for Coal Mine Workers' Compensation, ESA Administrator, Wage and Hour Division, ESA  
 Deputy Administrator, Wage and Hour Division, ESA  
 Director, Office of Federal Contract Compliance Programs, ESA  
 Director, Office of Management, Administration and Planning, ESA  
 Director, Division of Program Development and Research, ESA  
 Director, Division of Personnel and Organization Management, ESA  
 Director, Office of State Liaison and Legislative Analysis, ESA  
 Director, Office of Information and Consumer Affairs, ESA  
 ESA Equal Employment Opportunity Coordinator, ESA  
 Director, Office of Equal Employment Opportunity Occupational Safety and Health Administration (OSHA)  
 Director, Office of Management Accountability and Performance, OSHA  
 Director, Office of Information and Consumer Affairs, OSHA  
 Director, Directorate of Federal-State Operations, OSHA  
 Director, Office of Training and Education, OSHA  
 Director, Directorate of Policy, OSHA  
 Director, Directorate of Administrative Programs, OSHA  
 Director, Office of Personnel Management, OSHA  
 Director, Office of Administrative Services, OSHA

Director, Office of Management Data Systems, OSHA  
 Director, Office of Management Systems and Organization, OSHA  
 Director, Office of Program Budgeting, Planning and Financial Management, OSHA  
 Director, Directorate of Field Operations, OSHA  
 Director, Directorate of Technical Support, OSHA  
 Director, Directorate of Safety Standards Programs, OSHA  
 Director, Directorate of Health Standards Programs, OSHA  
 Deputy Assistant Secretary for Labor Management Standards  
 Associate Director for Program Services, Pension and Welfare Benefits Administration  
 Director, Office of Veterans' Reemployment Rights  
 Deputy Assistant Secretary for Veterans' Employment and Training  
 Director, Office of Small and Disadvantaged Business Utilization  
 Assistant Secretary for Employment and Training, ETA  
 Administrator, Office of Financial and Administrative Management, ETA  
 Administrator, Office of Job Training Programs, ETA  
 Administrator, Office of Strategic Planning and Policy Development, ETA  
 Administrator, Office of Regional Management, ETA  
 Administrator, Office of Employment Security, ETA  
 Chief, Division of Foreign Labor Certification, ETA  
 Director, Office of the Comptroller, ETA  
 Director, Office of Grants and Contract Management, ETA  
 Chief, Division of Acquisition and ETA  
 Chief, Planning Policy Control and Review Group, ETA  
 Director, Office of Information Resources Management, ETA  
 Director, Office of Management Support, ETA  
 Personnel Officer, Division of Personnel and Administrative Services, ETA  
 Director, Office of Employment and Training Programs, ETA  
 Director, Office of Special Targeted Programs, ETA  
 Director, Office of Job Corps, ETA  
 Director, Bureau of Apprenticeship and Training, ETA  
 Director, United States Employment Service, ETA  
 Director, Unemployment Insurance Service, ETA.

The mailing address for responsible officials in the Office of Trade Adjustment Assistance, Employment and Training Administration is:

Patrick Henry Building, 601 D Street NW., Washington, DC 20213: Director, Office of Trade Adjustment Assistance.

The mailing address for the Director of the Regional Bureau of Apprenticeship and Training in Region VIII is:



Room 476, U.S. Custom House, 721—19th Street, Denver, CO 80202.

The mailing address for responsible officials in the Mine Safety and Health Administration is:

4015 Wilson Boulevard, Arlington, Virginia 22203.

Deputy Assistant Secretary  
Chief, Office of Congressional and Legislative Affairs  
Director, Office of Information and Public Affairs  
Administrator for Coal Mine Safety and Health  
Chief, Office of Technical Compliance and Investigation  
Administrator for Metal and Nonmetal Mine Safety and Health  
Director, Office of Assessments  
Director, Office of Standards, Regulations and Variances  
Director of Program Planning and Evaluation  
Director of Administration and Management  
Director of Educational Policy and Development.

The mailing address for the Office of Administrative Law Judges and the Benefits Review Board is:

1111 20th Street NW., Washington, DC 20036  
Chief, Office of Administrative Law Judges, Suite 701  
Chair, Benefits Review Board, Suite 757.

(b)(2) The titles of the responsible officials in the field offices of the various independent agencies are listed below: Unless otherwise specified, the mailing address for these officials by region, shall be:

Region I: J. F. K. Building, Government Center, Boston, Massachusetts 02203  
Region II: 201 Varick Street, Room 750, New York, New York 10014  
Region III: 3535 Market Street, Philadelphia, Pennsylvania 19104  
Region IV: 1371 Peachtree Street NE., Atlanta, Georgia 30367  
Region V: 230 South Dearborn Street, Chicago, Illinois 60604  
Region VI: 525 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202  
Region VII: Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106  
Region VIII: Federal Office Building, 1961 Stout Street, Denver, Colorado 80294  
Region IX: 71 Stevenson Street, San Francisco, California 94119  
Region X: 909 First Avenue, Seattle, Washington 98174  
Regional Administrator for Administration and Management (OASAM)  
Regional Personnel Officer, OASAM  
Regional Administrator for Information and Public Affairs  
Regional Administrator for Employment and Training Administration, (ETA)  
Regional Director, Job Corps, ETA  
Director, Regional Bureau of Apprenticeship and Training (ETA)  
Regional Administrator for Employment Standards Administration  
Assistant Regional Administrator for Wage and Hour, ESA

Assistant Regional Administrator for Federal Contract Compliance Programs, ESA

Assistant Regional Administrator for Workers' Compensation Program, ESA  
Executive Assistant to the Regional Administrator, ESA  
State Liaison Advisor, ESA.

*Office of Workers' Compensation Programs, Deputy Commissioner*

Room 1800, J.F.K. Building, Government Center, Boston, Massachusetts 02203  
201 Varick Street, Room 750, New York, New York 10014

3535 Market Street, Philadelphia, Pennsylvania 19104

Penn Traffic Building, 319 Washington Street, Johnstown, Pennsylvania 15901 (BLBA only)

South Main Towers, 116 South Main Street, Wilkes-Barre, Pennsylvania 18701 (BLBA only)

Wellington Square, 1225 South Main Street, Greensburg, Pennsylvania 15601 (BLBA only)

31 Hopkins Plaza, Baltimore, Maryland 21201 (LHWCA only)

200 Granby Mall, Norfolk Virginia 23502 (LHWCA only)

1026 Quarrier Street, First Floor, Charleston, West Virginia 25301 (BLBA only)

609 Market Street, Parkersburg, West Virginia 26101 (BLBA only)

1100 L Street, NW., Room 9101, Washington, DC 20210 (FECA only)

1129 20th Street, NW., Washington, DC 20036 (DCCA)

334 Main Street, Fifth Floor, Pikeville, Kentucky 41501 (BLBA only)

500 Springdale Plaza, Spring Street, Mt. Sterling, Kentucky 40353 (BLBA only)

311 West Monroe, Jacksonville, Florida 32202 (LHWCA only)

400 West Bay Street, Jacksonville, Florida 32202 (FECA only)

230 South Dearborn Street, Chicago, Illinois 60604

1240 East 9th Street, Cleveland, Ohio 44199 (FECA only)

274 Marconi Boulevard, Third Floor, Columbus, Ohio 43215 (BLBA only)

525 Griffin Street, Federal Building, Dallas Texas 75202

500 Camp Street, New Orleans, Louisiana 70130

12600 North Featherwood Drive, Houston, Texas 77034 (LHWCA only)

601 Rosenberg Avenue, Galveston, Texas 77553 (LHWCA only)

911 Walnut Street, Kansas City, Missouri 64106 (FECA only)

1961 Stout Street, Drawer 3558, Denver, Colorado 80294 (FECA only)

P.O. Box 25346, Denver, Colorado 80225 (BLBA only)

Federal Building, P.O. Box 3769, San Francisco, California 94119

P.O. Box 3327, Terminal Island, California 90731 (LHWCA only)

300 Ala Moana Boulevard, Honolulu, Hawaii 96850

909 1st Avenue, Seattle, Washington 98174.

*Chief, Division of Mining Information Systems*

MSHA, P.O. Box 25367, DFC, Denver, CO 80225-0367.

*Superintendent, National Mine Health and Safety Academy*

P.O. Box 1166, Beckley, WV 25802-1166.

*Chief, Approval and Certification Center*

MSHA, R.R. 1, Box 251, Industrial Park Road, Tridelfia, WV 26059.

*District Manager for Coal Mine Safety and Health:*

Penn Place, Room 3128, 20 N. Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701

4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213

5012 Mountaineer Mall, Morgantown, West Virginia 26505

P.O. Box 112, Mt. Hope, West Virginia 25880

P.O. Box 560, Norton, Virginia 24273

218 High Street, Pikeville, Kentucky 41501

P.O. Box 572, Barbourville, Kentucky 40906

501 Busseron Street, Vincennes, Indiana 47591

P.O. Box 25367 OFC, Denver, Colorado 80225

P.O. Box 473, Madisonville, Kentucky 42431.

*District Manager for Metal and Nonmetal Mine Safety and Health:*

228 Federal Building, Duluth, Minnesota 55802

P.O. Box 927, Vincennes, Indiana 47591

4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213

U.S. Post Office and Courthouse, P.O. Box 1894, Albany, New York 12201-1874

P.O. Box 25367 OFC, Denver, Colorado 80225

307 W. 200 South, Suite 3003, Salt Lake City, Utah 84101

1100 Commerce Street, Room 4C50, Dallas, Texas 75242

P.O. Box 1156, Rolla, Missouri 65401

228 W. Valley Avenue, Room 102, Birmingham, Alabama 35209

301 W. Cumberland Avenue, Room 223, Knoxville, Tennessee 37902

620 Central Avenue, Building 7 AFC, Alameda, California 94501-3898

3221 N. 16th Street, Suite 300, Phoenix, Arizona 85016

117-107th Avenue, NE., Room 100, Bellevue, Washington 98004.

*Regional Administrator, Occupational Safety and Health Administration: Area Director, OSHA*

400-2 Totten Pond Road, 2nd Floor, Waltham, Massachusetts 02154

1550 Main Street, Room 532, Springfield, Massachusetts 01103-1493

Federal Building, Room 334, 55 Pleasant Street, Concord, New Hampshire 03301

40 Western Avenue, Room 121, Augusta, Maine 04330

380 Westminster Mall, Room 243, Providence, Rhode Island 02903

450 Main Street, Room 508, Hartford, Connecticut 06103

90 Church Street, Room 1405, New York, New York 10007

100 South Clinton Street, Room 1267, Syracuse, New York 13260



- 990 Westbury Road, Westbury, New York 11590
- 5360 Genesee Street, Bowmansville, New York 14026
- 136-21 Roosevelt Avenue, 3rd Floor, Flushing, New York 11354
- U.S. Courthouse & Federal Office Building, Room 555, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918
- Leo W. O'Brien Federal Building, Room 132, Clinton Avenue & North Pearl Street, Albany, New York 12207
- 2101 Ferry Avenue, Room 403, Camden, New Jersey 08104
- Teterboro Airport Professional Building, Room 206, 377 Route 17, Hasbrouck Heights, New Jersey 07604
- 2 East Blackwell Street, Dover, New Jersey 07801
- Plaza 35, Suite 205, 1030 Saint Georges Avenue, Avenel, New Jersey 07001
- U.S. Custom House, Room 242, Second & Chestnut Street, Philadelphia, Pennsylvania 19106
- Federal Office Building, Room 3007, 844 King Street, Wilmington, Delaware 19801
- Federal Building, Room 2236, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222
- Rathrock Building, Room 408, 121 West 10th Street, Erie, Pennsylvania 16501
- Federal Building, Room 1110, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201
- Penn Place, Room 2005, 20 North Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701
- 850 N. 5th Street, Allentown, Pennsylvania 18102
- Progress Plaza, 49 North Progress Street, Harrisburg, Pennsylvania 17109
- 200 Granby Mall, Federal Office Building, Room 340, Mall Drawer 486, Norfolk, Virginia 23510
- 550 Eagan Street, Room 206, Charleston, West Virginia 25301
- Building 10, Suite 33, LaVista Perimeter Office Park, Tucker, Georgia 30084
- 1600 Drayton Street, Savannah, Georgia 31401
- Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35216
- 951 Government Street, Suite 502, Mobile, Alabama 36604
- 1835 Assembly Street, Room 1468, Columbia, South Carolina 29201
- 1720 West End Ave., Suite 302, Nashville, Tennessee 37203
- Federal Building, Suite 1445, 100 West Capitol Street, Jackson, Mississippi 39269
- Federal Building, Room 108, 330 W. Broadway, Frankfort, Kentucky 40601
- Federal Building, Room 302, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301
- 700 Twiggs Street, Room 624, Tampa, Florida 33602
- Art Museum Plaza, Suite 17, 2747 Art Museum Drive, Jacksonville, Florida 32207
- Century Station, Room 104, 300 Fayetteville Mall, Raleigh, North Carolina 27601
- 1400 Torrence Avenue, 2nd Floor, Calumet City, Illinois 60409
- 6000 West Touhy Avenue, Niles, Illinois 60648
- 344 Smoke Tree Business Park, North Aurora, Illinois 60542
- United States Post Office & Courthouse, Room 422, 46 East Ohio Street, Indianapolis, Indiana 46204
- 2618 North Ballard Road, Appleton, Wisconsin 54915
- Federal Building, U.S. Courthouse, 500 Barstow Street, Room B-9, Eau Claire, Wisconsin 54701
- Henry S. Reuss Building, 310 West Wisconsin Avenue, Suite 1180, Milwaukee, Wisconsin 53203
- 2934 Fish Hatchery Road, Suite 220, Madison, Wisconsin 53713
- Federal Office Building, Room 4028, 550 Main Street, Cincinnati, Ohio 45202
- Federal Office Building, Room 899, 1240 East 9th Street, Cleveland, Ohio 44199
- Federal Office Building, Room 634, 200 North High Street, Columbus, Ohio 43125
- Federal Office Building, Room 734, 234 North Summit Street, Toledo, Ohio 43604
- 110 South 4th Street, Minneapolis, Minnesota 55401
- 2001 West Willow Knolls, Peoria, Illinois 61614
- 218A Main Street, Belleville, Illinois 62220
- 231 West Lafayette, Room 628, Detroit, Michigan 48226
- Hoover Annex, Suite 20, 2156 Wooddale Boulevard, Baton Rouge, Louisiana 70806
- 1425 West Pioneer Drive, Irving, Texas 75061
- Government Plaza, Room 300, 400 Main Street, Corpus Christi, Texas 78408
- 611 East 6th Street, Room 303, Austin, Texas 78701
- Federal Building, Room 421, 1205 Texas Avenue, Lubbock, Texas 79401
- 2320 LaBranch Street, Room 1103, Houston, Texas 77004
- Western Bank Building, Room 1810, 505 Marquette Avenue NW., Albuquerque, New Mexico 87102
- 210 Walnut Street, Room 815, Des Moines, Iowa 50309
- Overland-Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106
- 4300 Goodfellow Boulevard-Building 105E, St. Louis, Missouri 63120
- Savers Building, Suite 828, 320 West Capitol Avenue, Little Rock, Arkansas 72201
- 720 West Main Place, Suite 725, Oklahoma City, Oklahoma 73102
- 216 North Waco, Suite B, Wichita, Kansas 67202
- 911 Walnut Street, Room 2202, Kansas City, Missouri 64106
- 19 North 25th Street, Billings, Montana 59101
- P.O. Box 15200, 1781 South 300 West, Salt Lake City, Utah 84115
- 801 Ignacio Valley Road, Walnut Creek, California 94596
- 400 OceanGate, Suite 530, Long Beach, California 90802
- Tremont Center, 1st Floor, 333 West Colfax, Denver, Colorado 80204
- 3221 North 16th Street, Suite 100, Phoenix, Arizona 85016
- 550 East Charleston Blvd., Las Vegas, Nevada 89104
- 1220 Southwest 3rd Street, Room 640, Portland, Oregon 97204
- 701 C Street, Box 29, Anchorage, Alaska 99513
- 121-107th Street NE., Bellevue, Washington 98004
- Federal Building, Room 324, 550 West Fort Street, Box 007, Boise, Idaho 83724
- Federal Building, Room 348, P.O. Box 2439, Bismarck, North Dakota 58501
- 300 Ala Moana Boulevard, Suite 5122, P.O. Box 50072, Honolulu, Hawaii 96850
- Office of Labor Management Standards, Area Administrator or District Director:*
- Area Administrator, Room 211, New Studio Building, 110 Tremont Street, Boston, Massachusetts 02108
- District Director, Room 1310, Federal Building, 111 West Huron Street, Buffalo, New York 14202
- District Director, Room 804, 234 Church Street, New Haven, Connecticut 06510
- Area Administrator, Room 537, 26 Federal Plaza, New York, New York 10278
- District Director, Room 201, 134 Evergreen Place, East Orange, New Jersey 07018
- District Director, Room 650, Federal Office Building, Carlos Chardon Street, Hato Rey, Puerto Rico 00918
- Area Administrator, Room 9452, William Green Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106
- Area Administrator, Room 804, Federal Office Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222
- Area Administrator, Room 558, Riddell Building, 1730 K Street, NW., Washington, DC 20006
- District Director, Room 716, 1808 West End Building, Nashville, Tennessee 37203
- Area Administrator, Room 300, 1371 Peachtree Street, NE., Atlanta, Georgia 30367
- District Director, Suite 503 Washington Square Building, 111 NW 183rd Street, Miami, Florida 33169
- District Director, 1211 North Westshore Boulevard, Suite 401, Interstate Building, Tampa, Florida 33502
- Area Administrator, Room 831, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199
- District Director, Suite 950, 525 Vine Street, Cincinnati, Ohio 44199
- Area Administrator, Room 630 Federal Office Building and U.S. Courthouse, 231 West Lafayette Street, Detroit, Michigan 38226
- District Director, Room 505C, Butler Square Building, 100 North Sixth Street, Minneapolis, Minnesota 55403
- Area Administrator, Room 774, Federal Office Building, 230 South Dearborn Street, Chicago, Illinois 60604
- Area Administrator, Room 1606, Federal Office Building, 911 Walnut Street, Kansas City, Missouri 61106
- District Director, Room 555, 210 Tucker Boulevard, St. Louis, Missouri 631-1
- Area Administrator, Room 300, 525 Griffin Square Building, Griffin & Young Streets, Dallas, Texas 75202
- District Director, Room 940 Federal Office Building, 600 South Maestri Place, New Orleans, Louisiana 70130
- District Director, 2320 LaBranch, Room 2108, Houston, Texas 77004
- Area Administrator, Room 708, 3660 Wilshire Boulevard, Los Angeles, California 90012



District Director, Room 1523, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294

District Director, Room 5115, 300 Ala Moana, POB 50204, Honolulu, Hawaii 96850

Area Administrator, Suite 725, 71 Stevenson Street, San Francisco, California 94119

District Director, Room 3095, Federal Office Building, 909 First Avenue, Seattle, Washington 98174.

**Pension and Welfare Benefits Administration  
Area Director or District Supervisor**

Area Director, J.W. McCormick Post Office and Court House Building, 1st Floor, Boston, Massachusetts 02109

Area Director, 26 Federal Plaza, Room 537, New York, New York 10278

Area Director, 3535 Market Street, Room M300, Gateway Building, Philadelphia, Pennsylvania 19104

District Supervisor, Riddell Building, Room 558, 1730 K Street, NW., Washington, DC 20006

Area Director, 1371 Peachtree Street, NE, Room 205, Atlanta, Georgia 30367

District Supervisor, Washington Square Building, Suite 504, 111 NW 183rd Street, Miami, Florida 33169

Area Director, Ft. Wright Executive Building, Suite 210, 1885 Dixie Highway, Ft. Wright, Kentucky 41011

District Supervisor, Federal Building & U.S. Courthouse, Room 619, 231 W. Lafayette Street, Detroit, Michigan 48226

Area Director, 175 W. Jackson Boulevard, Suite 1207, Chicago, Illinois 60604

Area Director, Federal Office Building, Room 2200, 911 Walnut Street, Kansas City, Missouri 64106

District Supervisor, 210 N. Tucker Boulevard, Room 570, St. Louis, Missouri 63101

Area Director, Federal Office Building, Room 707, 525 Griffin Street, Dallas, Texas 75202

Area Director, Suite 915, 71 Stevenson Street, P.O. Box 3455, San Francisco, California 94119-3455

District Director, Federal Office Building, Room 3135, 909 First Avenue, Seattle, Washington 98174

Area Director, 3660 Wilshire Boulevard, Room 718, Los Angeles, California 90010.

**Regional Directors, Veterans' Employment and Training Service**

*Region I:* 506 JFK Federal Building,

Government Center, Boston, Massachusetts 02203

*Region II:* 201 Varick Street, Room 750, New York, New York 10014

*Region III:* U.S. Customs House, Room 240, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106

*Region IV:* 1371 Peachtree Street NE, Room 716, Atlanta, Georgia 30367

*Region V:* 230 South Dearborn, Room 1064, Chicago, Illinois 60604

*Region VI:* 525 S. Griffin Federal Building, Room 204, Griffin and Young Streets, Dallas, Texas 75202

*Region VII:* Federal Building, Room 800, 911 Walnut Street, Kansas City, Missouri 64106

*Region IX:* Federal Building, P.O. Box 3760, San Francisco, California 94119.

Signed at Washington, DC, this 4th day of February 1988.

**Ann McLaughlin,**  
*Secretary of Labor.*

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