

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathon G. Katz,

Secretary.

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SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; Report of New Routine Use

AGENCY: Social Security Administration (SSA).

ACTION: New routine use.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), we are notifying the public of our intent to add a routine use statement to the systems notices for the following systems of records:

- Black Lung Payment System, 09-60-0045;
- Master Files of Social Security Number (SSN) Holders and SSN Applications, 09-60-0058;
- Earnings Recording and Self-Employment Income System, 09-60-0059;
- Master Beneficiary Record, 09-60-0090;
- Supplemental Security Income Record, 09-60-0103.

We last published a notice in the **Federal Register** pertaining to system 09-60-0045 at 59 FR 46439, September 8, 1994; pertaining to 09-60-0058 at 60 FR 16155, March 29, 1995; pertaining to 09-60-0059 at 59 FR 66551, December 27, 1994; pertaining to 09-60-0090 and 09-60-0103 at 60 FR 2144, January 6, 1995.

The proposed routine use will permit SSA to disclose information about individuals without their consent to parties conducting epidemiological and similar research when those disclosures are required by section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), which was added by section 311 of the Social Security Independence and Program Improvements Act of 1994, Pub. L. No. 103-296 (SSIPIA), and amended by section 108(b) of the SSIPIA.

We invite public comments on this publication.

DATES: We filed a report of an altered system of records with the Senate Committee on Governmental Affairs, the House Committee on Government Reform and Oversight, and the Office of Management and Budget, Office of Information and Regulatory Affairs, on September 29, 1995. The proposed routine use will become effective as

proposed, without further notice, on November 20, 1995, unless we receive comments on or before that date which would warrant our preventing the alteration from taking effect.

ADDRESSES: Interested individuals may comment on this proposal by writing to the SSA Privacy Officer. The mailing address is 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235; telephone 410-965-1736. Comments may be faxed to 410-966-0869. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Peter J. Benson, Office of Disclosure Policy, 6401 Security Boulevard, Baltimore, Maryland 21235; telephone 410-965-1736.

SUPPLEMENTARY INFORMATION:

A. Background of the Proposed Routine Use

SSA previously disclosed information about vital status and verified SSNs for epidemiological and similar research, under the Freedom of Information Act (FOIA, 5 U.S.C. 552). We applied a balancing test to determine whether such information was exempt from disclosure under 5 U.S.C. 552(b)(6), under which we weighed the public interest in disclosure against individual privacy interests. Using this test, we determined that disclosures for epidemiological research were required under the FOIA.

However, the Supreme Court, in *United States Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989), determined that the only public interest in disclosure that could be considered under the balancing test of exemption (b)(6) of the FOIA was whether the disclosure would inform the public of how the Federal government carries out its statutory obligations. As a result of this ruling, we discontinued making disclosures for epidemiological research under the FOIA, because those disclosures do not serve the public interest identified in the Reporters Committee ruling.

Section 311 of the SSIPIA, enacted in 1994, added a new subsection (d) to section 1106 of the Social Security Act. The new section 1106(d), as further amended by section 108(b) of the SSIPIA, requires SSA to disclose upon request "information regarding whether an individual is shown on the records of [SSA] as being alive or deceased * * * for purposes of epidemiological or similar research * * *" when certain conditions are met:

- SSA, in consultation with the Department of Health and Human Services, finds that the research involved "may reasonably be expected to contribute to a national health interest;"

- The requesting party agrees to reimburse SSA for the cost of providing the information; and

- The requesting party agrees to comply with safeguards and limitations specified by SSA on rerelease and redisclosure of such information.

SSA may not disclose under section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)) information concerning an individual's death if such disclosure would violate a contract between SSA and the State which furnished such information under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

Hence, SSA now proposes to resume disclosing, for epidemiological and similar research, information as to whether SSA's records indicate that a person is alive or dead. SSA will not release death information in violation of any contract entered into pursuant to section 205(r) of the Social Security Act.

When a person is not a beneficiary and SSA has no record of death or of recent earnings, the requester will be informed that SSA has no information about the person's vital status.

Specifically, we propose to add the following routine use to the above listed systems:

"Information as to whether an individual is alive or deceased may be disclosed pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), upon request, for purposes of an epidemiological or similar research project, provided that:

(a) SSA determines, in consultation with the Department of Health and Human Services, that the research may reasonably be expected to contribute to a national health interest;

(b) The requester agrees to reimburse SSA for the costs of providing the information; and

(c) The requester agrees to comply with any safeguards and limitations specified by SSA regarding rerelease or redisclosure of the information."

B. Compatibility of the Proposed Routine Use

The Privacy Act and SSA's disclosure regulation (20 CFR 401.310) permit us to disclose information about individuals without their consent for a routine use, i.e., a use that serves a purpose that is compatible with the purpose for which we collected the information. SSA's regulations also state that SSA will disclose when required by law (20 CFR 401.205).

In section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), Congress has established that epidemiological and similar research is an authorized use of information in SSA's records that indicate that a person is alive or dead. Section 1106(d) thus establishes the compatibility of the purposes of that research with the purposes for which SSA collects those records.

Moreover, § 401.325 of the disclosure regulation permits us to disclose information under a routine use for statistical and research purposes if:

- We determine that the researcher needs the information in an identifiable form and will protect individuals from unreasonable and unwanted contacts;
- The activity is designed to increase knowledge about Social Security programs or other Federal or State income maintenance or health-maintenance programs or consists of epidemiological or similar research; and
- The recipient agrees to keep the information as a system of statistical records, to follow appropriate safeguards, to allow our on-site inspection of those safeguards so that we can be sure the information is used or redisclosed only for statistical or research purposes, and to obtain our approval before redisclosing the information.

Before releasing information to a requester for epidemiological or similar research under the proposed routine use statement, we will execute an agreement with the researcher, containing the safeguards and restrictions required by section 1106(d) of the Social Security Act and § 401.325 of the regulations.

C. Effect of the Proposed Alteration on the Privacy of Individuals

Under section 1106(d) of the Social Security Act, added by the SSIPIA, researchers must agree to comply with any restrictions imposed by SSA regarding safeguarding of the information and limiting redisclosures as a condition of receiving information under this routine use. Thus, we do not anticipate that any adverse effects on the privacy of individuals will result from disclosures under the routine use statement proposed in this notice.

Dated: September 29, 1995.

Shirley S. Chater,

Commissioner of Social Security.

[FR Doc. 95-25174 Filed 10-10-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 95-066]

National Environmental Policy Act Environmental Assessment for U.S. Coast Guard Activities Along the U.S. Atlantic Coast

AGENCY: Coast Guard, DOT.

ACTION: Notice of reopening of comment period.

SUMMARY: On August 9, 1995, the Coast Guard published a notice of availability and request for comments announcing the availability of an Environmental Assessment (EA) and a proposed Finding of No Significant Impact (FONSI) for public review and comment. Comments were requested on or before September 8, 1995. Due to delays in finalizing and mailing requested copies of the EA, the comment period is being reopened. Copies have been sent to all who requested them in response to the August notice.

DATES: Comments must be received on or before October 27, 1995.

ADDRESSES: Comments or questions may be mailed or delivered to LCDR Wesley Marquardt, U.S. Coast Guard, Commandant (G-Nd), 2100 Second Street, SW., Washington, DC 20593-0001. Comments received will be available for inspection and copying in room 1202-A at the address listed above. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except for Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Wesley Marquardt, U.S. Coast Guard, Office of Navigation Safety and Waterway Services, (202) 267-1454.

SUPPLEMENTARY INFORMATION: The EA and proposed FONSI have been prepared for Coast Guard operations in the marine environment of the Atlantic coast from the northern tip of Maine south to Puerto Rico. The EA focuses on six whale and five turtle threatened or endangered species. The notice of availability and request for comments invited interested persons to participate in the public review process. Comments should specifically identify the environmental issues, topics, or information in the EA and proposed FONSI to which the comment applies. Comments, questions, or requests for copies of the EA and the proposed FONSI should be mailed or delivered to LCDR Wesley Marquardt in the address contained in **ADDRESSES**.

Dated: October 4, 1995.

Rudy K. Peschel,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95-25173 Filed 10-10-95; 8:45 am]

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Federal Aviation Administration

Notice of Availability of a Draft Environmental Assessment for the Jackson Hole Airport Master Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of a Draft Environmental Assessment.

SUMMARY: The Jackson Hole Airport Board has prepared a Draft Environmental Assessment (EA) for its proposed Master Plan improvements. Jackson Hole Airport is located within Grand Teton National Park in Wyoming. The need for the project arose due to safety concerns as a result of recent incidents of aircraft overrunning the runway, as well as concerns over the degree of congestion which occurs in the terminal building during peak travel periods. The EA addresses the potential environmental effects of a Preferred Alternative and numerous other options. The Preferred Project includes construction of stopways at each runway end, shifting the runway to the north to meet current FAA safety area requirements, retention of the current 6300-foot runway length, expansion of the terminal by 10,000 square feet, improved navigational aids, and the addition of a control tower and radar. All improvements for the Preferred Alternative are within the leased boundary of the Airport. Other alternatives examined in the EA included No Action, navigational aids, runway extensions of various lengths, 1,000 foot stopways, soft material arresting systems, and a 30,000 square foot terminal expansion.

DATES: Written comments addressing the adequacy of the Draft EA will be received through December 13, 1995. Comments should be sent to Mr. George Larson, Airport Director, Jackson Hole Airport, P.O. Box 159, Jackson, WY 83001. Oral and written comments may also be made in person at a public hearing in Jackson, Wyoming scheduled for the afternoon and evening of November 20, 1995. Please call (307) 733-7695 for details on the time and place of this meeting.

ADDRESSES: The Draft EA became available for public review on September 29, 1995. Copies are available for review at Jackson Hole