

DEPARTMENT OF ENERGY**Privacy Act of 1974; Publication of Compilation of Systems of Records****AGENCY:** Department of Energy.**ACTION:** Notice.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a, and the Office of Management and Budget (OMB) Circular A-130, the Department of Energy (DOE or Department) is publishing its compilation of Privacy Act Systems of Records. This notice provides an accurate and complete text of the agency's systems of records, and adopts many of the recommendations that were made to DOE in comments that were submitted concerning proposed amendments to the compilation published by DOE on May 16, 2001.

In addition, this notice proposes to amend an existing system of records and establish two new systems of records.

DATES: The revised compilation of Privacy Act Systems of Records is effective June 30, 2003. The proposed amendment to an existing system of records and the establishment of the two new systems of records will become effective without further notice, on August 14, 2003, unless comments dictate otherwise.

ADDRESSES: Written comments should be directed to Abel Lopez, Director, Freedom of Information Act and Privacy Act Group, U.S. Department of Energy, ME-74, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Abel Lopez, Director, Freedom of Information Act and Privacy Act Group, ME-74, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5955; Verlette Moore, Freedom of Information Act and Privacy Act Group, ME-74, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5958; and Isiah Smith, Office of the General Counsel, GC-77, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8618.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion of Comments
- III. Proposed Amendment to an Existing System of Records
- IV. Proposed New Systems of Records
- V. Comment Procedures

I. Background

DOE published a proposed compilation of its Privacy Act systems of records on May 16, 2001, at 66 FR

27300. The notice provided an accurate and complete text of notices for the sixty systems of records established by DOE under the Privacy Act. Each system notice provided a description of the systems of records, identified the purpose and authority for collecting and maintaining the information, reflected administrative changes that had been made, identified the appropriate DOE locations, and incorporated all routine uses. In addition, the **Federal Register** notice proposed new routine uses for existing systems of records, deleted 10 systems of records, and established seven new systems of records.

A 30-day comment period was provided for the public to comment on the amendments to existing systems and proposed new systems. The comment discussion that refers to names of DOE offices is only relevant to the text of two systems of records. The names used are the names that existed at the time the comments were submitted, and not the current names of some of the offices. The Department received 13 internal comments and two public comments. An analysis of the comments and the response by the DOE are provided in this notice.

II. Discussion of Comments

Comment: The Department received several comments stating the text for DOE-31 "Firearms Qualifications Records" was omitted from the compilation.

Response: The comments were accurate. The text for this system has been incorporated with this notice.

Comment: Several comments were received requesting clarification of the "Notification Procedures" section of the Compilation of Privacy Act Systems of Records Notice. The commenters stated that it was not clear to whom Privacy Act requests should be directed for records maintained by various DOE Field sites that are managed and operated by contractors.

The "Notification Procedures" section stated that a request by an individual to determine if a system of records contains information about him/her should be directed to the Director, Headquarters Freedom of Information Act and Privacy Act Group, or the Privacy Act Officer at the appropriate address listed in the "System Location" section of the notice. However, since the Laboratories and Area Offices of the Department do not have a Privacy Act Officer on site it was unclear to whom a request should be directed when the system of records was located at one of these facilities.

Response: DOE agrees with the commenters and is revising the

"Notification Procedures" section of the "Compilation of Privacy Act Systems of Records; Notice" to address these comments. Accordingly, the "Notification Procedures" section is revised to read as follows:

In accordance with the DOE regulation implementing the Privacy Act, title 10, Code of Federal Regulations, part 1008, a request by an individual to determine if a system of records contains information about him/her should be directed to the Director, Headquarters Freedom of Information Act and Privacy Act Group, U.S. Department of Energy, or the Privacy Act Officer at the appropriate address identified above under "System Locations." For records maintained by a Laboratory or Area Office, requests should be directed to the Privacy Act Officer at the Operations Office that has jurisdiction over that facility. The request should include the requester's complete name, time period for which records are sought, and the office location(s) where the requester believes the records are located.

In addition, we have created a new section in the "Compilation of Privacy Act Systems of Records" entitled "Table Correlating DOE Field Locations and their Offices." This section will identify each Operations Office and the Laboratories and Area Offices under their respective jurisdiction. This will enable a requester to identify the appropriate Privacy Act Officer to whom a requester should submit a request for agency records maintained by a Laboratory or Area Office.

Comment: Another commenter stated that any reference to a Laboratory or a non-DOE office as a "System Location" should be deleted. The commenter stated that Management and Operating (M&O) contractors may maintain on behalf of DOE certain systems of records identified in their respective contracts with DOE. The commenter proposed that only the DOE offices should be referenced as a system location.

Response: DOE disagrees with this commenter. DOE has consulted with the Office of Management and Budget (OMB), the agency charged with providing guidance on the Privacy Act to other Federal agencies, and OMB has advised that agencies should identify all locations where the records are maintained. It is the goal of the agency to inform the public what records the agency maintains, where the records are maintained, to whom the records pertain, and the uses of the records. Therefore, the commenter's suggestion is not adopted.

Comment: Comments also were received on the proposed amendments to DOE-1 "Grievance Records." The commenter stated that, according to the notice, this system of records will maintain only grievance records subject