

In addition, the following information should be provided when requesting notification: (1) Full name and Social Security number; and (2) nature of the study, or probable exposure or disease subregistry which might include the requester.

**RECORD ACCESS PROCEDURE:**

Same as the notification procedures. Requesters should also reasonably specify the record contents being sought. An accounting of disclosures that have been made of the record, if any, may be requested.

**CONTESTING RECORD PROCEDURE (REDRESS):**

Contact the system manager at the address specified above, reasonably identify the record and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Subject individuals, families of deceased individuals, concerned citizens associated with a particular site, State and local health departments, physicians' records, hospital records, Social Security Administration, Environmental Protection Agency and other agencies responsible for environmental public health.

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

None.

[FR Doc. 2010-33004 Filed 1-24-11; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Privacy Act of 1974; Report of Modified or Altered System of Records**

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION:** Notification of Proposed Altered System of Records.

**SUMMARY:** The Department of Health and Human Services proposes to alter System of Records, 09-20-0001, "Certifying Interpreting Physician File, HHS/CDC/NIOSH." HHS is proposing to add the following Breach Response Routine Use Language to comply with the Office of Management and Budget

(OMB) Memoranda (M) 07-16, Safeguarding Against and responding to the Breach of Personally Identifiable Information:

To appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

These records will be maintained by the Division of Respiratory Disease Studies (DRDS), National Institute for Occupational Safety and Health (NIOSH).

**DATES:** Comments must be received on or before February 24, 2011. The proposed altered System of Records will be effective 40 days from the date submitted to the OMB, unless NIOSH receives comments that would result in a contrary determination.

**ADDRESSES:** You may submit comments, identified by the Privacy Act System of Record Number 09-20-0001:

- *Federal eRulemaking Portal:* <http://regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* Include PA SOR number 09-20-0001 in the subject line of the message.
- *Phone:* 770/488-8660 (not a toll-free number).
- *Fax:* 770/488-8659.
- *Mail:* HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F-35, Chamblee, GA 30341.
- *Hand Delivery/Courier:* HHS/CDC Senior Official for Privacy (SOP), Office of the Chief Information Security Officer (OCISO), 4770 Buford Highway—M/S: F-35, Chamblee, GA 30341.

• Comments received will be available for inspection and copying at this same address from 9 a.m. to 3 p.m., Monday through Friday, Federal holidays excepted.

**SUPPLEMENTARY INFORMATION:** NIOSH proposes to alter System of Records, No. 09-20-0001, "Certifying Interpreting Physician File, HHS/CDC/NIOSH." The main purpose is to certify physicians as qualified to interpret X-rays using the ILO system of classification for pneumoconiosis.

This System of Record Notice is being altered to add the Breach Response Routine Use Language to comply with the Office of Management and Budget (OMB) memorandum dated May 22, 2007.

The following notice is written in the present tense, rather than the future tense, in order to avoid the unnecessary

expenditure of public funds to republish the notice after the System has become effective.

Dated: December 11, 2009.

**James D. Seligman,**  
*Chief Information Officer, Centers for Disease Control and Prevention.*

**Editorial Note:** This document was received at the Office of the Federal Register on December 27, 2010.

**Department of Health and Human Services (HHS)**

**Centers for Disease Control and Prevention (CDC)**

National Institute for Occupational Safety and Health (NIOSH)

**Certifying Interpreting Physician File—Report of Modified or Altered System of Records**

**Narrative Statement**

**I. Background and Purpose of the System**

*A. Background*

The Department of Health and Human Services proposes to alter System of Records, 09-20-0001, "Certifying Interpreting Physician File, HHS/CDC/NIOSH." HHS is proposing to add the following Breach Response Routine Use Language to comply with the Office of Management and Budget (OMB) Memoranda (M) 07-16, Safeguarding Against and responding to the Breach of Personally Identifiable Information:

To appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

*B. Purpose*

The main purpose of this system is certify physicians as qualified to interpret X-rays using the ILO system of classification for pneumoconiosis.

**II. Authority for Maintenance of the System**

The statutory authority for this system is given under the Federal Mine Safety and Health Act of 1977, Sections 203, "Medical Examinations" and 501, "Research" (30 U.S.C. 843, 951).

**III. Proposed Routine Use Disclosures of Data in the System**

This System of Records contains information such as Name, address, and phone number supplied to coal operators and X-ray facilities so that they may contact physicians to do work for them. Physicians who have taken the

test to be certified to interpret X-rays under the Federal Mine Safety and Health Act of 1977. Records are also maintained on physicians who have attempted to obtain certification, but did not qualify.

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use".

The routine uses proposed for this System are compatible with the stated purpose of the System:

1. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice or to a court or other tribunal, when: (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Records subject to the Privacy Act are disclosed to private firms for data entry, computer systems analysis and computer programming services. The contractors promptly return data entry records after the contracted work is completed. The contractors are required to maintain Privacy Act safeguards.

4. In the event of litigation initiated at the request of NIOSH, the Institute may disclose such records as it deems desirable or necessary to the Department of Justice and to the Department of Labor, Office of the Solicitor, where appropriate, to enable the Departments to effectively represent the Institute, provided such disclosure is compatible with the purpose for which the records were collected. The only types of litigative proceedings that NIOSH is

authorized to request are: (1) Enforcement of a subpoena issued to an employer to provide relevant information; or (2) contempt citation against an employer for failure to comply with a warrant obtained by the Institute.

5. Records may be disclosed to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information disclosed is relevant and necessary for that assistance.

#### IV. Effects of the Proposed System of Records on Individual Rights

The first routine use permits an individual may learn if a record exists about himself or herself is by contacting the system manager at the address above. Requesters in person must provide driver's license or other positive identification. Individuals who do not appear in person must either: (1) Submit a notarized request to verify their identity; or (2) certify that they are the individuals they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

#### V. Safeguards

NIOSH has safeguards in place for authorized users and monitors. The records in this System are stored in File folders, microcomputer files, computer tapes/disks and printouts, and microfilm. The records are retrieved by their name and/or Social Security number, which is optional and to be supplied on a voluntary basis. The records in this System will be maintained in locked cabinets in locked rooms, 24-hour guard service in buildings, personnel screening and escorting of visitors, a limited access, secured computer room with fire extinguishers and overhead sprinkler system, computer terminals and automated records located in secured areas. These practices are in compliance with the safeguards outlined above are in accordance with the HHS Information Security Program Policy and FIPS Pub 200, "Minimum Security Requirements for Federal Information and Information Systems." Data maintained on CDC's Mainframe and the NIOSH LAN are in compliance with OMB Circular A-130, Appendix III. Security is provided for information collection, processing, transmission, storage, and

dissemination in general support systems and major applications.

NIOSH or contractor employees involved in patenting and licensing of HHS inventions or in keeping records of inventions made by HHS contractors and grantees. Access is granted to only a limited number of physicians, scientists, statisticians, and designated support staff of the Centers for Disease Control and Prevention (CDC), or its contractors, as authorized by the system manager to accomplish the stated purposes for which the data in this system have been collected. Data is also occasionally located at contractor sites as studies are developed, data collected, and reports written. A list of contractor sites where individually identified data are currently located is available upon request to the system manager.

#### VI. OMB Control Numbers, Expiration Dates, and Titles of Information Collection

A. *Full Title*: Certifying Interpreting Physician File.

*OMB Control Number*: 09-20-0001.

*Expiration Date*: TBD.

#### VII. Supporting Documentation

A. Preamble and Proposed Notice of System for publication in the **Federal Register**.

B. *Agency Rules*: None.

C. *Exemption Requested*: None.

D. *Computer Matching Report*: The new system does not require a matching report in accordance with the computer matching provisions of the Privacy Act.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Privacy Act of 1974; Report of Modified or Altered System of Records

**AGENCY**: Procurement and Grants Office (PGO), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION**: Notification of Proposed Altered System of Records.

**SUMMARY**: The Department of Health and Human Services proposes to alter System of Records, 09-20-0055, "Administrative Files for Research/ Demonstration and Training Grants, and Cooperative Agreements Applications, HHS/CDC/PGO." HHS is proposing to add the following Breach Response Routine Use Language to comply with the Office of Management and Budget