

Access routine uses, which are employed in several systems of records. This is because the diversity of circumstances for Public Access disclosures in CGB-2, EB-1, OET-1, OET-2, OGC-5, OGC-6, OMD-3, OMD-6, OMD-9, OMD-13, OMD-17, OMD-19, WTB-1, WTB-6, and WTB-7, vary too greatly.

More detailed information on the proposed new and revised systems of records may be viewed in the complete text below.

The FCC also notes that it will provide two further updates to its systems of records in the future. First, prior to the full implementation of Homeland Security Presidential Directive-12 (HSPD-12) in October 2006, the Commission will publish the revised and renamed FCC/Central-10, Access Control System, to address the changes related to the implementation of HSPD-12 requirements to carry out the plan for a government-wide set of identification and badging protocols for all Federal employees, contractors, and visitors. Second, the Commission will publish a revised and renamed FCC/CIB-1, Informal Complaints and Inquiries, when the upgrades to this system of records are completed.

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### **FCC/CGB-2**

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

Comment Filing System (ECFS).

##### **SECURITY CLASSIFICATION:**

None.

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

Chief, Consumer and Governmental Affairs Bureau, Room 5-C758, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554 and 1270 Fairfield Road, Gettysburg, PA 17325.

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

Individuals who have filed comments relative to Federal Communications Commission (FCC) rulemakings and docketed proceedings or other matters arising under the Communications Act of 1934, as amended, and the Rehabilitation Act.

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

1. Comments received by the FCC, whether electronically through the Electronic Comment Filing System (ECFS), via the Internet, e-mail, mailed, or delivered by paper copy. This includes information provided via FCC Forms 475 and 501.

2. The system also contains files and records submitted in response to Commission rulemakings and docketed proceedings, and by the FCC's administrative law staff as the repository for official records arising out of the conduct of administrative proceedings.

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

44 U.S.C. Chapter 36; 47 U.S.C. 151 and 154; and Sections 504 and 508 of the Rehabilitation Act, 29 U.S.C. 794 *et al.*

##### **PURPOSE(S):**

In order to comply with the requirements of various statutes and regulations, the FCC offers multiple avenues through which the public can be involved in its decision-making process and can inform the FCC of concerns regarding compliance with FCC rules and requirements. Collecting and maintaining these types of information allows the FCC to be fully informed in decision-making, implementation, and enforcement endeavors. Such a system also allows staff access to documents and improves staff efficiency. Records in this system are available for public inspection.

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

Additionally, information about individuals in this system of records may routinely be disclosed under the following conditions:

1. Public Access—under the rules of the Commission, public comments on rulemakings are routinely available to the public—unless confidentiality is requested (47 CFR 0.459)—via either the Commission's electronic comment filing system (ECFS) at <http://www.fcc.gov/cgb/ecfs/> or the public Reference Information Center (RIC) at <http://www.fcc.gov/cgb/ric.html>;

2. Enforcement—when a record in this system involves an informal complaint filed against telecommunications providers, the complaint may be forwarded to the defendant provider for a response, pursuant to Section 208 of the Communications Act of 1934, as amended, and other applicable rules. When an order or other Commission-issued document that includes consideration of informal complaints filed against telecommunications providers is entered by the FCC to implement or to enforce the Communications Act, pertinent rule, regulation, or order of the FCC, the complainant's name may be made public in that order or document. Where

a complainant in filing his or her complaint explicitly requests that the FCC withhold his or her name from public disclosure, such a request will be granted and the complainant's name will not be disclosed in the Commission-issued order or document;

3. Adjudication and Litigation—where by careful review, the agency determines that the records are both relevant and necessary to litigation and the use of such records is deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records, these records may be used by a court or adjudicative body in a proceeding when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation;

4. Law enforcement and Investigation—where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be shared with appropriate Federal, State, or local authorities either for purposes of obtaining additional information relevant to an FCC decision or for referring the record for investigation, enforcement, or prosecution by another agency;

5. Congressional Inquiries—when requested by a Congressional office in response to an inquiry by an individual made to the Congressional office for their own records; and

6. Government-wide Program Management and Oversight—when requested by the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906; when the U.S. Department of Justice is contacted in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act; or when the Office of Management and Budget is contacted in order to obtain that office's advice regarding obligations under the Privacy Act.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

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

None.

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

Paper copies of records in this system of records are maintained in file folders. The electronic files are located in computer databases on the FCC internal network.

**RETRIEVABILITY:**

Records are retrieved by individual name, entity name, rulemaking number, and/or docket number.

**SAFEGUARDS:**

Records are available over the Internet 24 hours a day, seven days a week. Paper copies representing one third of the records are maintained in the Reference Information Center (RIC). Back-up of the data in ECFS is the responsibility of the FCC's Information Technology Center of the Office of Managing Director and is performed nightly.

**RETENTION AND DISPOSAL:**

The retention schedule for this system of records has not yet been determined. No records will be destroyed until a disposal schedule is approved by the National Archives and Records Administration (NARA).

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

Chief, Reference Information Center, Consumer and Governmental Affairs Bureau (CGB), Federal Communications Commission (FCC), 445 12th Street, Room CY-B533, SW., Washington, DC 20554.

**NOTIFICATION PROCEDURE:**

Address inquiries to the system manager.

**RECORD ACCESS PROCEDURES:**

Address inquiries to the system manager.

**CONTESTING RECORD PROCEDURES:**

Address inquiries to the system manager.

**RECORD SOURCE CATEGORIES:**

Commenters and subject entities.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**FCC/EB-1****SYSTEM NAME:**

Violators File.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Primary: Enforcement Bureau (EB), Room 7-C732, Federal Communications

Commission (EB), 445 12th Street, SW., Washington, DC 20554.

Secondary: Various field facilities. See Federal Communication Commission (FCC) telephone directory for field office phone numbers. The directory can be found at <http://www.fcc.gov/fcc-bin/findpeople.pl>, or locate local FCC offices in commercial telephone directory under "U.S. Government." Information about FCC Field Offices can also be found in 47 CFR 0.121 and 0.401. Field office mailing addresses can also be found at <http://www.fcc.gov/eb/ddadd.html>.

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

1. Individuals who have been subjects of Federal Communications Commission (FCC) field enforcement actions (monitoring, inspection, and/or investigation) for violations of radio law, FCC Rules and Regulations, or International Treaties; and

2. Licensees, applicants, and unlicensed persons under parts 80, 87, 90, 94, 95, and 97 of the FCC rules about whom there are questions of compliance with the Commission's rules or the Communications Act of 1934, as amended.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Inspection reports, complaints, monitoring reports, investigative cases, referral memos, correspondence, discrepancy notifications, warning notices, and forfeiture actions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

47 U.S.C. 101, 102, 104, 301, 303, 309(e), 312, 315, 318, 362, 364, 386, 501, 502, 503, 507, and 510.

**PURPOSE(S):**

Records from this system are for:

1. Use in connection with the Commission's field enforcement programs to determine levels of compliance among radio users; to issue marine certificates of compliance; to document Commission monitoring inspections and investigations for enforcement purposes; to provide a basis for various administrative, civil, or criminal sanction actions taken against violators by the EB or other appropriate Commission bureaus or offices; and
2. A cross-reference, which prevents duplication of enforcement actions, and tracking the progress of enforcement cases.

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

Information about individuals in this system of records may routinely be disclosed under the following conditions:

1. Public access—copies of FCC enforcement actions are available for public inspection via the Internet at <http://www.fcc.gov/eb/>, and in the FCC's Reference Information Center at <http://www.fcc.gov/cgb/ric.html>;

2. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the agency—disclosure may be made to a Federal, State, local, or foreign agency maintaining civil, criminal, or other relevant enforcement records, other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant or other benefit;

3. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by other than the agency—disclosure may be made to a Federal, State, local, foreign, tribal, or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire records if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action;

4. Adjudication and Litigation—where by careful review, the agency determines that the records are both relevant and necessary to litigation and the use of such records is deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records, these records may be used by a court or adjudicative body in a proceeding when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation;

5. Law enforcement and investigation—where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be