

From: Jona L. Souder (JLS3) ADM  
To: TW4:MLG2 Maryann Shodin, OIG  
Date: Tuesday, June 7, 1994 3:23 pm  
Subject: J2 -Reply

AD83-1  
PDR

Maryann,

When our meeting with Russ concluded, he gave you a markup of the routine uses that were agreed to with Sandy but that OMB did not like. His comments in the margins (such PA b7, pref 1, etc.) indicate where he thinks the specific routine use disclosure is covered by either the statutory provisions of the Privacy Act itself or by the prefatory general routine uses that are part of this system of records as it presently exists. You were going to run them by Sandy when you had lunch with her and get back to us to indicate whether or not you were satisfied that the routine uses (disclosures permitted outside the agency) that currently exist for the system are adequate for the time being, especially when you also consider the extent of the coverage afforded by the statute itself. If they are OK, the best approach to get the J2 through may be to leave the routine uses alone in this package and only change the areas that do not constitute major system revisions requiring an OMB/Congressional/public comment period before taking effect. These would include changes to the system name, safeguards, retention/disposal schedule, etc. Let me know if you want to take this approach. I'll be glad to do a markup of the current notice with what is proposed so you can see exactly where and what is being changed; we can take a look at it to see what you think really needs to be modified.

TVA recently got the J2 exemption for their OIG Investigative Records. I have a copy of their proposed rule to amend their Privacy Act implementing regulations to add the J2. It indicates why the system of records needs to be exempted from particular subsections of the Act, which is what we will need to do for Part 9. I called Mark Winter, the TVA contact for the proposed rule, to see if he received any comments from OMB, congress, or the public. He said there were no comments and the rule became effective as proposed. If you want to take a look at it to see if TVA's reasons for exempting their IG investigative record system from particular subsections of the Act pursuant to J2 are the same as they are for you, we can base our Part 9 rulemaking package on TVA's. Of course, you may have different reasons you would like stated and/or may want to use the TVA package as a place to start and make modifications, additions, or deletions as appropriate.

If you want me to proceed along these lines, let me know. If you would like to meet and talk again, that's fine too. Just give me a call or an e-mail message.

Thanks, Jona

CC: RAP1