

documentation of records relating to the organization, planning, and execution of audits, inspections and investigations and for use as a sound basis for action.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

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

**STORAGE:**

Paper records in file folders and electronic storage media.

**RETRIEVABILITY:**

By name and/or case number.

**SAFEGUARDS:**

Records are stored in office buildings protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access is limited to persons responsible for servicing and authorized to use the system.

**RETENTION AND DISPOSAL:**

Permanent—Maintain audits and inspections on site for 3 years, then transfer to the Washington National Records Center (WNRC), then retire to the National Archives Records Administration when 20 years old.

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

Director, Inspector General's Office, Defense Intelligence Agency, Washington, DC 20340-5100.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington DC 20340-5100.

Individual should provide their full name, current address, and telephone number.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN-1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340-5100.

Individual should provide their full name, current address, and telephone number.

**CONTESTING RECORD PROCEDURES:**

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001 "Defense Intelligence Agency Privacy Act Program;" 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From individuals of an investigation or complaint, records also derived from personnel, medical and/or security records as well as agency officials.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7), as applicable.

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source. NOTE: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5

U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

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**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID: DOD-2010-OS-0070]

**U.S. Court of Appeals for the Armed Forces Proposed Change to Electronic Filing Guidelines**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of proposed change to the Electronic Filing Guidelines of the United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice announces the following proposed change by Court Order to the Electronic Filing Guidelines of the United States Court of Appeals for the Armed Forces.

**DATES:** Comments on the proposed change must be received within 30 days of the date of this notice.

**ADDRESSES:** You may submit comments, identified by docket number and title by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** William A. DeCicco, Clerk of the Court, telephone (202) 761-1448.

Dated: May 26, 2010.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

### Proposed New Order for Electronic Filing of Pleadings

Effective (date), all pleadings, except as noted below, may be filed on paper or electronically in accordance with the guidelines attached to this Order. Joint Appendices to Briefs, filed under Rule 24(f), Rules of Practice and Procedure, shall be filed in paper form only. Administrative matters, such as bar admission applications and attorney disciplinary proceedings, may not be filed electronically. Attorneys appearing before the Court are reminded that personal data identifiers must be redacted from documents filed electronically. See Guideline paragraph 3h.

This Order supersedes the Order of the Court of July 15, 2009, concerning electronic filing of petition documents, and that Order is hereby rescinded effective (date).

#### Guidelines for Electronic Filing of Pleadings

##### 1. Scope.

The United States Court of Appeals for the Armed Forces adopts the following provisions to govern the electronic filing of pleadings:

a. This Order applies to all pleadings filed electronically on or after (date).

Alternatively, pleadings may be filed in a paper format; however, the same pleading may not be filed both electronically and on paper.

b. Administrative matters, such as bar admission applications and attorney disciplinary proceedings, may not be filed electronically.

c. If the supplement to the petition for grant of review is filed electronically, an appendix to the supplement (containing the decision of the Court of Criminal Appeals, matters submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and other required matter) shall also be filed electronically unless it consists of more than 50 pages. In such a case, the appendix may be submitted on paper and the supplement submitted electronically. In lieu of submitting an appendix in excess of 50 pages on paper, counsel may submit it in a CD or DVD format and note in the supplement that it is being filed in that format under separate cover. Record matters in the form of video media on CD-ROM or DVD may be submitted in a separate volume of the appendix that is filed in accordance with Rule 21(b).

d. A petition for grant of review filed personally by an appellant shall be filed on paper, as provided under Rule 20(a). All subsequent documents related to the petition for grant of review filed by counsel in such a case may be filed on paper or electronically.

e. The Joint Appendix to the brief will be filed in paper form only with the required number of paper copies rather than electronically. If the appellant or petitioner files the brief electronically, the Joint Appendix will be filed on the same day the brief is filed electronically.

##### 2. Electronic Filing Address.

Counsel shall electronically file pleadings using an electronic mail message at the following e-mail address:

*efiling@armfor.uscourts.gov*. For questions or help concerning the electronic filing of pleadings, counsel should contact the Clerk's Office at (202) 761-1448.

##### 3. Procedure.

a. The electronic filing of a pleading in compliance with these Guidelines shall constitute filing under the Rules of Practice and Procedure. The pleading will be deemed filed as of the date and time of the transmission of the electronic mail message.

b. The electronic mail message shall contain the following in the subject block: (1) The name of the case; (2) the docket number if a docket number has been assigned; and (3) the words "electronic filing." A description of the nature of the pleading will be included in the body of the electronic mail message.

c. The pleading shall be attached to the electronic mail message in Portable Document Format (PDF), and, when printed, shall be in compliance with the Rules of Practice and Procedure of the Court.

d. Counsel shall send an electronic copy of the message and all attachments to opposing counsel to accomplish service of the pleading under Rule 39. This may be accomplished by listing opposing counsel as a "cc" recipient of the electronic message.

e. The brief attached to an electronic filing shall contain the conformed signature ("/s/") or digital signature of the attorney of record. This will comply with the requirements of Rule 38.

f. If a pleading is filed electronically in accordance with this Order, the party filing the pleading is not required to prepare and file printed copies of that pleading under Rules 37(a) and 37(b)(2). The Court will send a reply electronic message to the sender indicating receipt of the electronic filing. Electronic filers are advised that if they do not receive a reply electronic message by the following business day, they should immediately contact the Clerk's Office.

g. Classified material and material under seal will not be filed electronically. If such matters need to be filed, they will be submitted to the Court on paper as a supplemental filing to the document in which they would otherwise appear. In such cases, counsel will include in the text of the electronic mail message a notation that classified or sealed material is being separately submitted. The classified or sealed material will be appropriately packaged, marked and delivered, and will include a notation that it accompanies an electronic filing in the case. All classified material will be handled in accordance with Rule 12.

h. Counsel will refrain from including and shall redact the following personal data identifiers from documents filed with the Court:

- Social security numbers
- Names of minors
- Dates of birth
- Financial account numbers
- Home addresses.

*Comment:* The proposed change will authorize all pleadings, except as noted in the Order, to be filed in an electronic

format. Previously, only petition stage documents could be filed electronically. If a pleading is filed electronically, paper copies will not be filed. As an alternative, filing on paper will still be permitted in lieu of electronic filing.

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BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Intent To Grant Exclusive Patent License; AmberWave Systems Corporation

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice; revision.

**SUMMARY:** The Department of the Navy published a document in the **Federal Register** on August 6, 2009, announcing the intent to grant to AmberWave Systems Corporation, a revocable, nonassignable, exclusive license. The scope of the intent to license has been revised.

**FOR FURTHER INFORMATION CONTACT:** Rita Manak, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375-5320, telephone 202-767-3083. Due to U.S. Postal delays, please fax 202-404-7920, e-mail: *rita.manak@nrl.navy.mil* or use courier delivery to expedite response.

#### Need for Revision

In the **Federal Register** of August 6, 2009, in DOCID: fr06au09-45, make the following revision:

1. In the first column, on page 39308, revise the **SUMMARY** caption to read as follows:

**"SUMMARY:** The Department of the Navy hereby gives notice of its intent to grant to AmberWave Systems Corporation, a revocable, nonassignable, exclusive license to practice in the field of use of substrates for laser diodes, light emitting diodes, radio frequency power amplifiers, radio frequency power transistor devices, and power devices and their use for the fabrication of laser diodes, light emitting laser diodes, light emitting diodes, radio frequency power amplifiers, power transistor devices, and power devices in the United States, the Government-owned inventions described in U.S. Patent No. 6,323,108: Fabrication of Ultra-Thin Bonded Semiconductor Layers, Navy Case No. 78,980./U.S. Patent No. 6,328,796: Single Crystal Material on Non-Single Crystalline Substrate, Navy Case No. 78,978./U.S. Patent No. 6,497,763: Electronic Device with Composite