

complete such review and make final determination, unless, for good cause shown, the Executive Director extends such thirty-day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the Board shall permit the individual or authorized representative to file with the Executive Director a concise statement setting forth the reasons for his or her disagreement with the refusal of the Executive Director and shall notify the individual or authorized representative that he or she may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 1121.9 Notification of dispute.

In any disclosure pursuant to §1121.10 containing information about which the individual has previously filed a statement of disagreement under §1121.8, the Board shall clearly note any portion of the record which is disputed and provide copies of the statement and, if the Executive Director deems it appropriate, copies of a concise statement of the reasons of the Executive Director for not making the amendments requested.

§ 1121.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Board will not disclose a record to any individual or agency other than the individual to whom the record pertains, except to an authorized representative, unless the disclosure has been listed as a "routine use" in the Board's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 1121.11 Accounting of disclosures.

(a) The Board shall, except for disclosure made under sections (b)(1) and (b)(2) of the Privacy Act of 1974 (5 U.S.C. 552a) keep an accurate accounting of—

(1) The date, nature and purpose of each disclosure of a record to any person or another agency made pursuant to §1121.10; and

(2) The name and address of the person or agency to whom the disclosure is made.

(b) This accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(c) The Board shall make this accounting available to the individual named in the record at his or her request, except for disclosures made under section (b)(7) of the Privacy Act of 1974 (5 U.S.C. 552a).

(d) The Board shall inform any person or other agency to whom disclosure has been made pursuant to §1121.10 about any correction or notation of dispute made by the Board.

§ 1121.12 Fees.

If an individual or authorized representative requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

PART 1150—PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Subpart A—General Information

- Sec.
- 1150.1 Purpose.
- 1150.2 Applicability: Buildings and facilities subject to guidelines and standards.
- 1150.3 Policy of amicable resolution.
- 1150.4 Definitions.
- 1150.5 Scope and interpretation of rules.
- 1150.6 Suspension of rules.

Subpart B—Parties, Complainants, Participants

- 1150.11 Parties.
- 1150.12 Complainants.
- 1150.13 Participation on petition.
- 1150.14 Appearance.

Subpart C—Form, Execution, Service and Filing of Documents for Proceedings on Citations

- 1150.21 Form of documents to be filed.
- 1150.22 Signature of documents.
- 1150.23 Filing and service.
- 1150.24 [Reserved]
- 1150.25 Date of service.
- 1150.26 Certificate of service.

§ 1150.1

36 CFR Ch. XI (7–1–05 Edition)

Subpart D—Time

- 1150.31 Computation.
- 1150.32 Extension of time or postponement.

Subpart E—Proceedings Prior to Hearings; Pleadings and Motions

- 1150.41 Informal resolution.
- 1150.42 Citations.
- 1150.43 Answers.
- 1150.44 Amendments.
- 1150.45 Request for hearing.
- 1150.46 Motions.
- 1150.47 Disposition of motions and petitions.
- 1150.48 PER: Citation, answer, amendment.

Subpart F—Responsibilities and Duties of Judge

- 1150.51 Who presides.
- 1150.52 Authority of judge.
- 1150.53 Disqualification of judge.

Subpart G—Prehearing Conferences and Discovery

- 1150.61 Prehearing conference.
- 1150.62 Exhibits.
- 1150.63 Discovery.

Subpart H—Hearing Procedures

- 1150.71 Briefs.
- 1150.72 Purpose of hearing.
- 1150.73 Testimony.
- 1150.74 Exclusion of evidence.
- 1150.75 Objections.
- 1150.76 Exceptions.
- 1150.77 Official notice.
- 1150.78 Public documents.
- 1150.79 Offer of proof.
- 1150.80 Affidavits.
- 1150.81 Consolidated or joint hearing.
- 1150.82 PER proceedings.

Subpart I—The Record

- 1150.91 Record for decision.
- 1150.92 Official transcript.

Subpart J—Posthearing Procedures; Decisions

- 1150.101 Posthearing briefs; proposed findings.
- 1150.102 Decision.
- 1150.103 PER: Posthearing briefs, decision.
- 1150.104 Judicial review.
- 1150.105 Court enforcement.

Subpart K—Miscellaneous Provisions

- 1150.111 Ex parte communications.
- 1150.112 Post-order proceedings.
- 1150.113 Amicable resolution.
- 1150.114 Effect of partial invalidity.

AUTHORITY: 29 U.S.C. 792, as amended.

SOURCE: 45 FR 78474, Nov. 25, 1980, unless otherwise noted.

Subpart A—General Information

§ 1150.1 Purpose.

Purpose. The purpose of the regulations in this part is to implement section 502(b)(1) of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95-602, section 118, 92 Stat. 2979, by establishing rules of procedure for public hearings which ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.* (including standards of the U.S. Postal Service).

§ 1150.2 Applicability: Buildings and facilities subject to guidelines and standards.

(a) *Definitions.* As used in this section, the term:

Constructed or altered on behalf of the United States means acquired by the United States through lease-purchase arrangement, constructed or altered for purchase by the United States, or constructed or altered for the use of the United States.

Primarily for use by able-bodied military personnel means expected to be occupied, used, or visited principally by military service personnel. Examples of buildings so intended are barracks, officers' quarters, and closed messes.

Privately owned residential structure means a single or multi-family dwelling not owned by a unit or subunit of Federal, state, or local government.

(b) *Buildings and facilities covered.* Except as provided in paragraph (c) of this section, the standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 *et seq.* (including standards of the United States Postal Service) apply to any building or facility—

(1) The intended use for which either—

(i) Will require that such building or facility be accessible to the public, or

(ii) May result in employment or residence therein of physically handicapped persons; and