

(b)(2) Except for electronically filed pleadings, an original and 7 legible copies of all pleadings or other papers relative to a case shall be filed.

*Comment:* These changes are proposed to account for orders of the Court pertaining to electronic filing of pleadings.

Rule 40(b)(3):

(3) *Time allowed.* Each side will normally be allotted [30] 20 minutes to present oral argument.

*Comment:* This change is proposed to bring the rule into conformance with recent court practice.

### Proposed Order on Electronic Filing

Effective (date), the following pleadings may be filed on paper or electronically in accordance with the guidelines attached to this Order:

(a) Petitions for grant of review filed by counsel under Rule 18(a)(1);

(b) Supplements to petitions for grant of review filed under Rule 21;

(c) Answers (including 10-day letters to the Clerk) and replies filed under Rule 21(c); and

(d) Motions filed under Rule 30 that concern the pleadings described in paragraphs (a)-(c), and replies thereto, when such motions are filed prior to the Court's action granting or denying a petition for grant of review.

It is further ordered that the Orders pertaining to electronic filing issued on May 8, 2003 (58 M.J. 282) and August 5, 2004 (60 M.J. 308) are hereby rescinded, effective (date).

### Proposed 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 filing of the documents described in paragraphs (a)-(d) of the order (hereinafter collectively referred to as "petition documents"):

a. This Order applies to all petition documents filed electronically on or after (date). An appendix to the supplement to the petition for grant of review (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) is included in this requirement to 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).

b. A petition for grant of review filed personally by an appellant shall be filed on paper as provided under Rule 20(a). All subsequent petition documents filed by counsel in such a case may be filed on paper or electronically except as provided in section 1.c of these guidelines.

c. This Order does not provide for electronic filing of documents concerning other matters, such as documents concerning certified cases; mandatory review cases; writ-appeal petitions; petitions for extraordinary relief; petitions for new trial; and petitions for reconsideration. In a case arising under Article 67(a)(3), UCMJ, (petitions for grant of review), the Order permits electronic filing only with respect to documents filed before the Court issues an order granting or denying review.

#### 2. Electronic Filing Address

Counsel shall file petition and motion documents at the following e-mail address: (to be filled in)

@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 petition document shall 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 what is being attached 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 pleading attached to an electronic filing shall contain the conformed signature ("/s/") or digital

signature of the attorney of record. This will comply with Rule 38.

f. If a pleading is filed electronically in accordance with this Order, the party is not required to prepare and file printed copies 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.

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 must 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

i. Upon the entry of an order granting or denying an electronically filed petition for grant of review, the Clerk will electronically transmit a copy of the order to counsel.

*Comment:* Appellate courts are increasingly providing for electronic filing of pleadings. This proposal will permit electronic filing of pleadings at the petition stage of cases before the Court. By making the program optional, the rules provide for circumstances in which counsel may find it necessary to file on paper.

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

[Docket ID USAF-2009-0028]

### Privacy Act of 1974; System of Records

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice to delete a System of Records.

**SUMMARY:** The Department of the Air Force proposes to delete a system of

records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on June 1, 2009 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force Privacy Act Officer, Office of Warfighting Integration and Chief Information Officer, SAF/XCPPI, 1800 Air Force Pentagon, Suite 220, Washington, DC 20330-1800.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ben Swilley at (703) 696-6648.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Air Force proposes to delete a system of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 27, 2009.

**Morgan E. Frazier,**

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

#### F036 AF PC S

##### SYSTEM NAME:

Contingency Operations System (COMPES) (June 11, 1997, 62 FR 31793).

##### REASON:

This system was incorporated into F036 AF PC C, Air Force Military Personnel Data System (PDS) (June 11, 1997, 62 FR 31793)

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## DEPARTMENT OF DEFENSE

### Department of the Army

[Docket ID: USA-2009-0011]

#### Privacy Act of 1974; System of Records

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

**ACTION:** Notice to alter a system of records.

**SUMMARY:** The Department of the Army is proposing to alter a system of records notice in its existing inventory of

records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** The proposed action will be effective on June 1, 2009 unless comments are received that would result in a contrary determination.

**ADDRESSES:** Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325-3905.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leroy Jones, (703) 428-6815.

**SUPPLEMENTARY INFORMATION:** The Department of the Army systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 24, 2009 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 24, 2009.

**Morgan E. Frazier,**

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

#### A0040-5a DASG DoD

##### SYSTEM NAME:

Defense Medical Surveillance System (May 5, 2006, 71 FR 87).

##### CHANGES:

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

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army, 10 U.S.C. 8013, Secretary of the Air Force, 10 U.S.C. 5013, Secretary of the Navy; DoD Instruction 1100.13, Surveys of DoD Personnel; DoD Directive 6490.2, Comprehensive Health Surveillance; DoD Directive 6490.3, Deployment Health; DoD Instruction 6485.01, Human Immunodeficiency Virus; DoD Directive 1404.10, Civilian Expeditionary Workforce; and E.O. 9397 (SSN)."

\* \* \* \* \*

##### SYSTEM LOCATION:

Delete entry and replace with "Armed Forces Health Surveillance Center, Building T-20, Room 213, 6900 Georgia Avenue, NW., Washington, DC 20307-5001; and Armed Forces Health Surveillance Center, 503 Robert Grant Avenue, Silver Spring, MD 20910-7500."

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

Delete entry and replace with "The Defense Medical Surveillance System contains up-to-date and historical data on diseases and medical events (e.g., hospitalizations, ambulatory visits, reportable diseases, evacuations, casualty records, immunizations, Human Immunodeficiency Virus (HIV) tests, other laboratory tests, prescription information, radiology information, acute respiratory diseases, and periodic and deployment health appraisal information) and longitudinal data on personnel and deployments.

Information in this system of records originates from personnel systems, medical records, health surveys (e.g., Pentagon Post Disaster Health Assessment, periodic, pre and post deployment health assessments) and/or health assessments made from specimen collections (remaining serum from blood samples) from which serologic tests can be performed (serum number, specimen locator information, collection date, place of collection).

Records being maintained include individual's name, Social Security Number (SSN), date of birth, gender, branch of service, home address, age, medical treatment facility, condition of medical and physical health and capabilities, responses to survey questions, register number assigned, and similar records, information and reports, relevant to the various registries; and specimen collections (remaining serum from blood samples) from which serologic tests can be performed (serum number, specimen locator information, collection date, place of collection)."

\* \* \* \* \*

##### PURPOSE:

Delete entry and replace with "The Defense Medical Surveillance System (DMSS) supports a systematic collection, analysis, interpretation, and reporting of standardized, population based data for the purposes of characterizing and countering medical threats to a population's health, well being and performance. The Armed Forces Health Surveillance Center, which operates the DMSS, routinely publishes summaries of notifiable diseases, trends of illnesses of special