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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-187]

Oriental Fruit Fly; Addition to the Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by adding an additional portion of Los Angeles County, California, to the list of areas designated as quarantined areas. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. This action imposes certain restrictions on the interstate movement of regulated articles from the quarantined areas.

DATES: Interim rule effective October 20, 1989. Consideration will be given only to comments received on or before December 26, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 89-187. Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Senior Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, Room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Dacus dorsalis* (Hendel), is a destructive pest of numerous fruits (especially citrus fruits), nuts, vegetables, and berries. The Oriental fruit fly can cause serious economic losses. Heavy infestations can cause complete loss of crops. The short life cycle of this pest permits the rapid development of serious outbreaks.

In an interim rule effective on August 15, 1989, and published in the **Federal Register** on August 21, 1989 (54 FR 34477-34483, Docket No. 89-144), we established the Oriental fruit fly regulations and quarantined an area of Los Angeles County, California, in the West Covina area. The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. The regulations also designate soil, and a large number of fruits, nuts, vegetables, and berries, as regulated articles.

In another interim rule, effective September 19, 1989, and published in the **Federal Register** September 25, 1989 (54 FR 39161-39162, Docket No. 89-170), we amended the Oriental fruit fly regulations by adding an additional portion of Los Angeles County and an adjoining portion of Orange County, California, to the list of quarantined areas. This quarantined area is known as the Cerritos area.

In an interim rule effective on October 16, 1989, and published in the **Federal Register** on October 20, 1989 (54 FR 43037, Docket Number 89-186), we again amended the Oriental fruit fly regulations by removing the West Covina area in Los Angeles County, California, from the list of quarantined areas. We took this action after determining that the Oriental fruit fly had been eradicated from the West Covina area.

The Oriental fruit fly has now been found in an additional area of Los Angeles County, California, in the Elysian Park area, as a result of recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The regulations in § 301.93-3 provide that the Administrator of the Animal and Plant Health Inspection Service shall list as a quarantined area each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector. Accordingly, we are amending the regulations by adding the following area in Los Angeles County, California, as a quarantined area:

Los Angeles County—That portion of the county in the Elysian Park area bounded by a line drawn as follows: Beginning at the intersection of U.S. Highway 101 and Barham Boulevard; then northerly along this boulevard to its intersection with Forest Lawn Drive; then northeasterly along this drive to its intersection with State Highway 134; then easterly along this highway to its intersection with Interstate Highway 5; then southerly along Interstate Highway 5 to its intersection with Colorado Boulevard; then easterly along this boulevard to its intersection with Eagle Rock Boulevard; then southwesterly along Eagle Rock Boulevard to its intersection with York Boulevard; then southeasterly along York Boulevard to its intersection with Figueroa Street; then southwesterly along this street to its intersection with Avenue 60; then southeasterly along this avenue to its intersection with Montery Road; then southerly along this road to its intersection with Huntington Drive North; then southwesterly along this drive to its intersection with Soto Street; then southwesterly along this street to its intersection with Whittier Boulevard; then westerly along this boulevard to its intersection with 6th Street; then northwesterly along this street to its intersection with Broadway; then southwesterly along Broadway to its intersection with Interstate Highway 10; then westerly along this highway to its intersection with Western Avenue; then north along this avenue to its intersection with Venice Boulevard; then westerly along this boulevard to its intersection with Crenshaw Boulevard; then northeasterly along this boulevard to its intersection with Olympic Boulevard; then westerly along this boulevard to its intersection with Highland Avenue; then northerly along this avenue to its intersection with U.S. Highway 101; then northwesterly along this highway to the point of beginning.

Emergency Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this rule without prior opportunity for public comment. Immediate action is necessary

to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register.** After the comment period closes, we will publish another document in the **Federal Register,** including discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This interim rule restricts the interstate movement of regulated articles from a portion of Los Angeles County, California. It appears that there are approximately 234 small entities in the quarantined area that may be affected by this rule. These include approximately 25 nurseries, 2 citrus processing plants, 1 farmers market, 1 community garden, 5 wholesale markets, and 200 retail fruit/produce vendors.

These small entities comprise less than 5 percent of the total number of small entities that move these articles interstate from nonquarantined areas in California. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement. The sale of these articles would therefore remain unaffected by the regulatory provisions we are issuing. Also, many of the entities sell other items in addition to the regulated articles, so that the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments specified in the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations. The specified treatments, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Oriental fruit fly, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, 7 CFR part 301 is amended to read as follows:

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.93–3, paragraph (c), the designation of the quarantined areas is amended by adding a new portion of Los Angeles County, California, following the listing for "Los Angeles County, and Orange Counties California," to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) * * *

California

* * * * *

Los Angeles County—That portion of the county in the Elysian Park area bounded by a line drawn as follows: Beginning at the intersection of U.S. Highway 101 and Barham Boulevard; then northerly along this boulevard to its intersection with Forest Lawn Drive; then northeasterly along this drive to its intersection with State Highway 134; then easterly along this highway to its intersection with Interstate Highway 5; then southerly along Interstate Highway 5 to its intersection with Colorado Boulevard; then easterly along this boulevard to its intersection with Eagle Rock Boulevard; then southwesterly along Eagle Rock Boulevard to its intersection with York Boulevard; then southeasterly along York Boulevard to its intersection with Figueroa Street; then southwesterly along this street to its intersection with Avenue 60; then southeasterly along this avenue to its intersection with Monterey Road; then southerly along this road to its intersection with Huntington Drive North; then southwesterly along this drive to its intersection with Soto Street; then southwesterly along this street to its intersection with Whittier Boulevard; then westerly along this boulevard to its intersection with 6th Street; then northwesterly along this street to its intersection with Broadway; then southwesterly along Broadway to its intersection with Interstate Highway 10; then westerly along this highway to its intersection with Western Avenue; then north along this avenue to its intersection with Venice Boulevard; then westerly along this boulevard to its intersection with Crenshaw Boulevard; then northeasterly along this boulevard to its intersection with Olympic Boulevard; then westerly along this boulevard to its intersection with Highland Avenue; then northerly along this avenue to its intersection with U.S. Highway 101; then northwesterly along this highway to the point of beginning.

Done in Washington, DC, this 20th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–25238 Filed 10–25–89; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

RIN 3150–AD41

Clarifying Amendment Relating to Enforcement Activities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its environmental regulations to make clear that the provision excluding NRC enforcement activities from the requirements of the National

Environmental Policy Act of 1969, as amended, not only encompasses formal enforcement actions but also encompasses informal administrative mechanisms relating to enforcement such as bulletins, information notices, generic letters, notices of deviation, notices of nonconformance and confirmatory action letters. This minor amendment will help to clarify the manner in which this provision will be applied.

EFFECTIVE DATE: October 26, 1989.

FOR FURTHER INFORMATION CONTACT: Stuart A. Treby, Assistant General Counsel for Rulemaking and Fuel Cycle, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone (301) 492–1636.

SUPPLEMENTARY INFORMATION: On March 12, 1984 (49 FR 9352), the Commission promulgated final regulations implementing section 102(2) of the National Environmental Policy Act of 1969, as amended, (NEPA) in a manner which is consistent with the NRC's domestic licensing and related regulatory authority. These regulations, 10 CFR part 51, subpart A, reflect the Commission's policy of developing regulations voluntarily subject to certain conditions to take account of the regulations of the Council on Environmental Quality (CEQ) implementing the procedural provisions of NEPA. Section 51.14(b) of the NRC regulations adopts certain definitions used in the CEQ regulations. These definitions include the definition of "Major Federal action" in 40 CFR 1508.18.[1] As this definition makes clear, for NEPA purposes, the term "Major Federal action" does not include "* * * bringing judicial or administrative civil or criminal enforcement actions * * *." This portion of the CEQ definition of "Major Federal action" is highlighted in § 51.10 of the Commission's regulations which addresses the purpose and scope of NRC's regulations implementing section 102(2) of NEPA and states in paragraph (d):

(d) Commission actions initiating or relating to administrative or judicial civil or criminal enforcement actions or proceedings are not subject to section 102(2) of NEPA. These actions include issuance of notices, orders, and denials of requests for action pursuant to subpart B of part 2 of this chapter, and matters covered by part 15 and 160 of this chapter.

Although the Commission's regulations make clear that enforcement matters are not subject to the NEPA process, there has been some uncertainty as to whether certain types of informal administrative actions used by the NRC staff as an adjunct to the Commission's formal enforcement mechanisms, which include the issuance of orders pursuant to 10 CFR part 2, subpart B, are intended to be included within the scope of 10 CFR 51.10(d). *See* 10 CFR part 2, Appendix C, General Statement of Policy and Procedure for NRC Enforcement Actions, section V.H. These informal administrative actions include, among others, various written notices such as bulletins, information notices, generic letters, notices of deviation or non-conformance and confirmatory action letters. As use of the word "include" in the second sentence of § 51.10(d) makes clear, § 51.10(d) does not purport to provide a comprehensive list of Commission activities relating to enforcement. The types of enforcement actions mentioned were intended to be only illustrative.

As described in the Commission's General Statement of Policy on Enforcement, "Confirmatory Action Letters are letters confirming a licensee's or a vendor's agreement to take certain actions to remove significant concerns about health and safety, safeguards, or the environment." A confirmatory action letter is an informal enforcement tool issued by the NRC staff pursuant to 10 CFR part 2, Appendix C, V, H, 3. The letter memorializes commitments made by the licensee to the NRC staff that the licensee will take certain specific actions with regard to a facility.

The NEPA status of such informal tools, including resumption of plant operation, was not explicitly addressed in § 51.10 since the Commission believed, as it argued in *Commonwealth of Massachusetts* v. *United States Nuclear Regulatory Commission*, No. 88–2211, that such informal enforcement tools did not involve agency action. However, in that case the First Circuit Court of Appeals concluded that resumption of operation of the Pilgrim facility, after an extended shutdown for corrective actions reflected in a Confirmatory Action Letter, involved NRC action to reinstate the license. The Court went on to uphold the NRC actions against related challenges. The case did not raise and the Court did not address any NEPA related issues.

Licensee actions undertaken voluntarily, as documented in a confirmatory action letter, are generally directed to restoring compliance with NRC regulations, thereby enabling the licensee to resume licensed activities. Consequently, the only environmental effects of the licensee's voluntary actions to reestablish that licensed activities will be undertaken in accordance with the license are those evaluated at the time the facility or activity was licensed and assessed in the NRC Environmental Impact Statement prepared in connection with the initial issuance of the license and in subsequent environmental evaluations in connection with license amendments. The environmental effects of NRC activities associated with the supervision of such licensee actions, including NRC approval and supervision of the licensee's subsequent resumption of licensed activities are the same and do not require additional environmental review.

Although the Commission did not intend § 51.10(d) of its NEPA regulations to be read as if it applied exclusively to the types of enforcement activities specifically enumerated therein, it recognizes that clarification would be helpful. Accordingly, the Commission is promulgating this final rule.

It should be clearly understood that it has always been contemplated, under § 51.10(d), that when licensee actions to

[1] 40 CFR 1508.18 states: " 'Major Federal action' includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (§ 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

"(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§§ 1506.8, 1508.17). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

"(b) Federal actions tend to fall within one of the following categories:

"(1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.

"(2) Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

"(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

"(4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities."

remediate the matters underlying the enforcement action have been completed to the satisfaction of the Commission, the conditions of operation previously reviewed in an environmental context will be restored. Accordingly, when the NRC authorizes licensed activities to resume, no additional environmental review pursuant to NEPA or the Commission's regulations is needed. If it should be necessary for the licensee to obtain a license amendment to restore compliance with the Commission's safety requirements in order to satisfy the concerns underlying the enforcement action, any environmental effects associated with issuance of the license amendment would either be addressed in an Environmental Assessment or encompassed by a categorical exclusion under 10 CFR 51.22(c). In this way, appropriate consideration of any environmental impact would be assured.

Because this amendment is merely clarifying and interpretative in nature, relates solely to matters of agency practice and does not involve a significant question of policy, good cause exists for omitting notice of proposed rulemaking and public procedures thereon as unnecessary and for making the amendment effective upon publication in the **Federal Register** without the customary thirty day notice.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final regulation.

Paperwork Reduction Act Statement

This final rule contains no new or amended information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

Questions have arisen as to whether 10 CFR 51.10(d), which excludes Commission actions relating to enforcement from the NEPA process, encompasses informal administrative actions such as those described in section V.H. of the Commission's General Statement of Policy and Procedure for NRC Enforcement Actions, 10 CFR part 2, Appendix C, *i.e.*, bulletins, information notices, generic letters, notices of deviation or nonconformance and confirmatory action letters. Section 51.10(d) of the Commission's regulations is not limited to a portion of the Commission's enforcement activities but is all-inclusive. The NRC staff has a need to assure a uniform understanding of the scope of actions encompassed by this regulation. This rule change revising the text of § 51.10(d) to make clear that it applies to the entire spectrum of the Commission's enforcement activities is the appropriate means to achieve this end.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule because this amendment to 10 CFR 51.10(d) does not contain any provisions which impose backfits as defined in 10 CFR 50.109(a)(1) and therefore a backfit analysis is not required.

List of Subjects in 10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the National Environmental Policy Act of 1969, as amended, and 5 U.S.C. 552 and 533, the NRC is adopting the following amendment to 10 CFR part 51:

PART 51— ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

1. The authority citation for part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041. Sections 51.20, 51.30, 51.60, 51.61, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act of 1982, sec. 114(f), 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

2. Paragraph (d) of § 51.10 is revised to read as follows:

§ 51.10 Purpose and scope of subpart; Application of regulations of Council on Environmental Quality.

* * * * *

(d) Commission actions initiating or relating to administrative or judicial civil or criminal enforcement actions or proceedings are not subject to section 102(2) of NEPA. These actions include issuance of notices, orders, and denials of requests for action pursuant to subpart B of part 2 of this chapter, matters covered by part 15 and part 160 of this chapter, and any other matters covered by Appendix C to part 2 of this chapter.

Dated at Rockville, Maryland, this 19th day of October, 1989.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 89–25228 Filed 10–25–89; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–92–AD; Amdt. 39–6371]

Airworthiness Directives; Airbus Industrie Model A300, A310, A300–600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300, A310, and A300–600 series airplanes, which requires inspection of the pitch trim electrical circuit for defective trim switches, and replacement of faulty switches, if necessary. This amendment is prompted by reports of electrical trim malfunction due to faulty trim switches. This condition, if not corrected, could result in pitch trim runaway.

EFFECTIVE DATE: December 1, 1989.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM–113; telephone (206) 431–1918. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to Airbus Industrie Model A300, A310, and A300–600 series airplanes, which requires inspection of the pitch trim electrical circuit for defective trim switches, and replacement of faulty switches, if necessary, was published in the **Federal Register** on July 11, 1989 (54 FR 29052).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received in response to the proposal.

The commenter supported the rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 103 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $24,720.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Models A300, A310, and A300–600 series airplanes, certificated in any category. Compliance is required within 30 days after the effective date of this AD, unless previously accomplished.

To prevent pitch trim runaway, accomplish the following:

A. Perform an inspection to determine if SAMM trim switches, Part Number BP 20–455, Serial Numbers 110 to 923, inclusive, are fitted on the normal pitch trim electrical circuit, in accordance with All Operators Telex (AOT) 22/88/01, dated November 23, 1988. If any trim switch is determined to have any of these serial numbers, prior to further flight, replace the switch with a serviceable trim switch having a serial number 924 or higher, in accordance with Airplane Maintenance Manual (AMM) 22–27–12 for Model A310 and A300–600 series airplanes) or AMM 27–11–11 (for Model A300 series airplanes, as appropriate.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 1, 1989.

Issued in Seattle, Washington, on October 17, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–25203 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–100–AD; Amdt. 39–6373]

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 and 767 series airplanes, which requires the inspection and replacement of the Ram Air Turbine (RAT) Ground Checkout Module (GCM) and possible replacement of the RAT hydraulic pump. This amendment is prompted by reports of four RAT hydraulic pumps which may have been damaged by fragments from a filter screen in the GCM. This condition, if not corrected, could result in an inoperable RAT hydraulic pump and complete loss of hydraulic power should a dual engine loss occur.

EFFECTIVE DATE: December 1, 1989.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Systems & Equipment Branch, ANM–130S; telephone (206) 431–1949. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 757 and 767 series airplanes, which requires the inspection and replacement of the Ram Air Turbine

(RAT) Ground Checkout Module (GCM) and possible replacement of the RAT hydraulic pump, was published in the **Federal Register** on July 11, 1989 (54 FR 29056).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters stated that Boeing has subsequently released revisions to the service bulletins called out in the Notice of Proposed Rulemaking that provide operators with additional options that may enable them to turn around aircraft and equipment more quickly. These commenters requested that the latest revisions be called out in the final rule. The FAA concurs. The FAA has reviewed and approved Boeing Service Bulletin 757–29A0037, Revision 2, dated August 3, 1989, and Boeing Service Bulletin 767–29A0035, Revision 2, dated August 3, 1989. These revisions provide instructions for inspections that allow the operator to evaluate the RAT GCM and hydraulic pump to determine if the pump needs to be removed, inspected, and replaced/repaired. The final rule has been revised to allow inspections and modification to be accomplished in accordance with these later service bulletin revisions, and to identify conditions where the pump does not need to be removed.

The Air Transport Association (ATA) of America, commenting on behalf of its members, stated that they would be able to comply with the rule in the proposed time period, provided the vendor is able to support the replacement program with sufficient spares. The FAA does not consider the availability of replacement parts to be a problem. The addition of the revised service bulletins discussed above will provide the airlines with the ability to determine if the RAT hydraulic pump does not need to be replaced. This will reduce the impact on the vendor, allowing for sufficient spares support.

The ATA also stated that, in the **SUPPLEMENTARY INFORMATION** section of the Notice of Proposed Rulemaking, the reference to Sundstrand Service Bulletin "734933–29–2" should have read "729550–29–3." The FAA does not totally concur. Sundstrand Service Bulletin 734933–29–2 describes procedures for modifying the GCM on Model 757 series airplanes; Sundstrand Service Bulletin 729550–29–3 describes procedures for modifying the GCM on Model 767 series airplanes. The FAA acknowledges that both references should have been included in the preamble. However, no change to the rule is necessary since the Sundstrand Service Bulletin was identified in the preamble for information purposes only.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 400 Model 757 and 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 215 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $68,800.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 757 and 767 series airplanes, as listed in Boeing Alert Service Bulletins 757–29A0037, Revision 1, and 767–29A0035, Revision 1, both dated November 23, 1988, certificated in any category. Compliance required within the next 6,000 hours time-in-service after the effective date of this AD, unless previously accomplished.

To prevent the possible complete loss of hydraulic power, accomplish the following:

A. Remove and rework or replace the Ram Air Turbine (RAT) Ground Checkout Module (GCM) in accordance with Boeing Service Bulletin 757–29A0037, Revision 1, dated November 23, 1988, or Revision 2, dated August 3, 1989 (for Model 757 airplanes); or Boeing Service Bulletin 767–29A0035, Revision 1, dated November 23, 1989, or Revision 2, dated August 3, 1989 (for Model 767 airplanes); as appropriate. Prior to returning the airplane to service:

1. If the RAT has been operated or tested since the airplane delivery, prior to returning the airplane to service, inspect the downstream filter screen of the removed GCM.

2. If the screen is damaged or missing, or if GCM has been removed previously without inspecting the screen, prior to further flight, either test the RAT hydraulic pump or replace it in accordance with the applicable service bulletins.

3. If the RAT hydraulic pump is tested and found to be damaged, prior to further flight, replace it with a serviceable pump in accordance with the applicable service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Seattle Aircraft Certification Office.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 1, 1989.

Issued in Seattle, Washington, on October 17, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-25204 Filed 10-25-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-ANE-05; Amdt. 39-6770]

Airworthiness Directives; CFM International (CFMI) CFM56-2/-3/-3B/-3C/-5 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that supersedes AD 89-17-04, which established a repetitive inspection and removal from service program for certain Number 3B bearings installed in CFM56-2/-3/-3B/-3C series turbofan engines. The amendment supersedes AD 89-17-04 by carrying forth all existing AD requirements, and by adding new bearing part numbers (P/N) and serial numbers (S/N), and the CFM56-5 engine model to the bearing inspection and removal program. The AD is needed to prevent failure of the No. 3B bearing, and subsequent inflight shutdown.

DATES: *Effective:* November 11, 1989.

Comments for inclusion in the docket must be received on or before December 11, 1989.

Compliance: As indicated in the body of the AD.

ADDRESSES: Comments on the amendment may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-ANE-05, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311, at the above address.

Comments delivered must be marked: Docket No. 89-ANE-05.

Comments may be inspected at the above location in Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable manufacturer's maintenance manuals may be obtained from the General Electric Company, Technical Publications Department, 1 Neumann Way, Cincinnati, Ohio 45215, or may be examined in the Regional Rules Docket.

FOR FURTHER INFORMATION CONTACT: Marc J. Bouthillier, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7085.

SUPPLEMENTARY INFORMATION: AD 89-17-04, Amendment 39-6196 (54 FR 32436), was published in the **Federal Register** on August 8, 1989. The AD established a repetitive inspection and removal from service program for certain Number 3B bearings installed in CFM56-2/3/3B/3C series turbofan engines. The FAA has since determined that additional bearing P/N's and S/N's installed in CFM56-2/-3/-3B/-3C/-5 model engines, also have a high rate of failure in service. There have been a total of approximately 40 failures of Number 3B bearings in service, with approximately 25 inflight shutdowns. Although the investigations have not revealed a definitive cause for all failures, approximately half are attributed to contamination (phosphorus and aluminum oxide). The repetitive inspections can identify bearings with excessive wear, and preclude bearing failure and inflight shutdown. Therefore, this AD supersedes Amendment 39-6196 by adding new bearing P/N's and S/N's, and the CFM56-5 model engine to the bearing inspection and removal program.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above.

All communications received on or before the closing date for comments will be considered by the FAA. This rule may be amended in light of comments received. Comments that provide a factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effectiveness of the AD and determining whether additional rulemaking is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available both before and after the closing date for comments in Room 311, at the Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts, for examination by interested persons. A report summarizing each FAA-public contact concerning the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this amendment must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 89-ANE-05. The postcard will be date/time stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the rules docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the rules docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends part 39 of the Federal

Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

CFM International: Applies to CFM International (CFMI) CFM56–2/–3/–3B/–3C/–5 series turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent failure of Number 3B bearings, accomplish the following:

(a) For CFM56–3/–3B/–3C series engines equipped with Number 3B bearings, Part Numbers (P/N) 9732M10P12 (Serial Number (S/N) series FAFDxxxx and FAFExxxx); 9732M10P18; and 1362M76P02 accomplish the following:

(1) Inspect the forward sump magnetic plug chip detector in accordance with the instructions of Appendix I, within the next 50 hours time in service (TIS) after the effective date of this AD. Thereafter, reinspect the forward sump magnetic plug chip detector at intervals not to exceed 50 hours TIS since last inspection (SLI) in accordance with the instructions of Appendix I to this AD until accomplishment of paragraph (a)(2) below. Remove from service, prior to further flight, engines which exhibit magnetic plug chip detector metallic debris defined as not serviceable in accordance with the instructions of Appendix I to this AD.

(2) Remove from service affected Number 3B bearings at the next shop visit, or on or before October 31, 1991, whichever occurs first.

Note: Shop visit is defined as exposure of the inlet gearbox.

(b) For CFM56–2 series engines equipped with Number 3B bearings, P/N 9732M10P12 (S/N series FAFDxxxx and FAFExxxx); 9732M10P18; and 1362M76P02 accomplish the following:

(1) Inspect the forward sump magnetic plug chip detector in accordance with the instructions of Appendix II to this AD, within the next 50 hours TIS after the effective date of this AD. Thereafter, reinspect the forward sump magnetic plug chip detector at intervals not to exceed 50 hours TIS SLI in accordance with the instructions of Appendix II to this AD until accomplishment of paragraph (b)(2) below. Remove from service, prior to further flight, engines which exhibit magnetic plug chip detector metallic debris defined as not serviceable in accordance with the instructions of Appendix II to this AD.

(2) Remove from service affected Number 3B bearings at the next shop visit, or on or before October 31, 1991, whichever occurs first.

Note: Shop visit is defined as exposure of the inlet gearbox.

(c) For CFM56–3/–3B/–3C series engines equipped with Number 3B bearings, P/N 9732M10P10; 9732M10P17; and 9732M10P12 (S/N series other than FAFDxxxx or FAFExxxx), accomplish the following:

Inspect the forward sump magnetic plug chip detector in accordance with the instructions of Appendix I to this AD, within the next 75 hours TIS after the effective date of this AD. Thereafter, reinspect the forward sump magnetic plug chip detector at intervals not to exceed 75 hours TIS SLI in accordance with the instructions of Appendix I to this AD. Remove from service, prior to further flight, engines which exhibit magnetic plug chip detector metallic debris defined as not serviceable in accordance with the instructions of Appendix I to this AD.

(d) For CFM56–2 series engines equipped with Number 3B bearings, P/N 9732M10P10; 9732M10P17; and 9732M10P12 (S/N series other than FAFD or FAFE), accomplish the following:

Inspect the forward sump magnetic plug chip detector in accordance with the instructions of Appendix II to this AD, within the next 375 hours TIS after the effective date of this AD. Thereafter, reinspect the forward sump magnetic plug chip detector at intervals not to exceed 375 hours TIS SLI in accordance with the instructions of Appendix II to this AD. Remove from service, prior to further flight, engines which exhibit magnetic plug chip detector metallic debris defined as not serviceable in accordance with the instructions of Appendix II to this AD.

(e) For CFM56–5 series engines equipped with Number 3B bearing, P/N 9542M60P01, accomplish the following:

Inspect the forward sump magnetic plug chip detector in accordance with the instructions of Appendix III, within the next 50 hours TIS after the effective date of this AD. Thereafter, reinspect the forward sump magnetic plug chip detector at intervals not to exceed 50 hours TIS SLI in accordance with Appendix III to this AD. Remove from service, prior to further flight, engines which exhibit magnetic plug chip detector metallic debris defined as not serviceable in accordance with the instructions of Appendix III to this AD.

Note: Bearing P/N 9732M10P12 (S/N series FAFDxxxx and FAFExxxx) inspected as previously required under Amendment 39–6196, AD 89–17–04, is considered in compliance with the requirements of paragraphs (a) and (b) of this AD.

(f) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD may be accomplished.

(g) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD, may be approved by the Manager, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment supersedes AD 89–17–04, Amendment 39–6196 (54 FR 32436).

This amendment becomes effective on November 11, 1989.

Issued in Burlington, Massachusetts, October 11, 1989.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

Appendix I

Note: Boeing CFM 737–300/400 Maintenance Manual, Document No. D6–37588–388, dated November 15, 1988, Chapter-Section 79–00–00, Paragraph 5 "Inspection/Check", pertains to this inspection.

Appendix II

Note: CFMI CFM56–2 Maintenance Manual, dated February 28, 1989, Chapter-Section 79–00–00, Paragraph 6 "Inspection/Check", pertains to this inspection.

Appendix III

Note: Airbus A320 Aircraft Maintenance Manual, Revision 8, dated February 1, 1989, Chapter-Section 79–21–10 "Inspection/Check", pertains to this inspection.

[FR Doc. 89–25205 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 89–ASO–35]

Designation of Transition Area, Greensboro, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the Greensboro, GA, transition area. A Standard Instrument Approach Procedure (SIAP) has been developed to serve the Greene County Airpark Airport based on the Greensboro nondirectional radio beacon (NDB). This action lowers the floor of controlled airspace from 1,200 to 700 feet above the surface in vicinity of the airport for protection of instrument flight rules (IFR) aeronautical operations. Concurrent with publication of the SIAP, the operating status of the airport will change from visual flight rules (VFR) to IFR.

EFFECTIVE DATE: 0901 u.t.c., April 5, 1990.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On August 22, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to designate the Greensboro, GA, transition area (54 FR 34789). The floor of controlled airspace would be lowered from 1,200 to 700 feet above the surface in vicinity of the Greene County Airpark Airport. A new NDB SIAP has been developed for the airport and the additional controlled airspace is necessary for protection of IFR aeronautical operations. The operating status of the airport will change from VFR to IFR concurrent with publication of the SIAP. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations designates the Greensboro, GA, transition area. This action lowers the floor of controlled airspace from 1,200 to 700 feet above the surface in vicinity of the airport for protection of IFR aeronautical operations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. § 71.181 is amended as follows:

Greensboro, GA [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Greene County Airpark Airport (latitude 33°35'57" N, longitude 83°08'13" W); within three miles each side of the 072° bearing from the Greensboro NDB (latitude 33°35'41" N, longitude 83°08'27" W), extending from the 6.5-mile radius area to 8.5 miles east of the NDB.

Issued in East Point, Georgia, on October 12, 1989.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 89–25206 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF EDUCATION

34 CFR Part 30

Debt Collection

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: On August 30, 1988, amendments to the final regulations for 34 CFR part 30, titled "Debt Collection," governing the use of administrative offset to collect debts held by the Secretary were published at 53 FR 33424. In that document § 30.20, paragraphs (c), (d), and (e) were redesignated as paragraphs (b), (c), and (d), respectively. However, redesignated paragraph (c) contains cross references that were not revised in the August 30 amendments. In order to correct the error, this document correctly revises the cross reference in newly designated § 30.20 (c)(1) and (c)(2).

FOR FURTHER INFORMATION CONTACT: David T. Dexter, Director, Credit Management Improvement Staff, Office of Management, U.S. Department of Education, 400 Maryland Avenue SW., Room 3017 FOB–6, Washington, DC 20202. Telephone: (202) 732–4194.

Authority: 20 U.S.C. 1221e–3(a)(1), and 1226a–1, 31 U.S.C. 3711(e), 31 U.S.C. 3716(b) and 3720A, unless otherwise noted.

Dated: October 20, 1989.

Gary J. Rasmussen,

Acting Deputy Under Secretary for Management.

§ 30.20 [Corrected]

In the final regulations published on August 30, 1988, on page 33425, in the third column, in the amendments to § 30.20, the following changes are added. The cross reference to "(c)(4)" in newly designated paragraph (c)(1) is corrected to read "(b)(4)" and the cross reference to "(d)(1)" in newly designated paragraph (c)(2) is corrected to read "(c)(1)".

[FR Doc. 89–25179 Filed 10–25–89; 8:45 am]

BILLING CODE 4000–01–M

34 CFR Part 208

RIN 1810–AA40

Mathematics and Science Education Program; State Grants

AGENCY: Department of Education.

ACTION: Final rule; correction.

SUMMARY: On August 10, 1989, the Secretary published in the **Federal Register** at 54 FR 32936 final regulations for the Mathematics and Science Education Program. Under the **"EFFECTIVE DATE"** section of the preamble to those final regulations, §§ 208.11 and 208.22 were cited as not being approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. In fact, those sections had been approved under OMB control number 1810–0515.

EFFECTIVE DATE: The regulations for part 208, including §§ 208.11 and 208.22, were effective on September 24, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Genevieve W. Cornelius, Director, Division of Formula Grants, School Improvement Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6246. Telephone: (202) 732–4062.

Dated: October 16, 1989.

Daniel Bonner,

Acting Assistant Secretary for Elementary and Secondary Education.

§ 208.11 [Corrected]

On page 32938, column 2, § 208.11 is corrected by adding the following statement after the section: "(Approved by the Office of Management and Budget under Control Number 1810–0515)".

§ 208.22 [Corrected]

On page 32939, column 1, § 208.22 is corrected by adding the following statement after the section: "(Approved by the Office of Management and Budget under Control Number 1810–0515)".

[FR Doc. 89–25201 Filed 10–25–89; 8:45 am]

BILLING CODE 4000–01–M

Office of Elementary and Secondary Education

34 CFR Part 219

Assistance for School Expenditures and Construction in Cases of Certain Disasters; Correction

AGENCY: Department of Education.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the final regulations published in the **Federal Register** on October 4, 1988 (53 FR 39018) concerning assistance for school expenditures and construction in cases of certain disasters.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Hansen, Director, Impact Aid Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2079, Washington, DC 20202–6272. Telephone: (202) 732–3637.

SUPPLEMENTARY INFORMATION:

Program Authority: 20 U.S.C. 241–1 and 646. (Catalog of Federal Domestic Assistance No. 84.041, School Assistance in Federally Affected Areas—Maintenance and Operations.)

Dated: October 16, 1989.

Daniel F. Bonner,

Acting Assistant Secretary, Elementary and Secondary Education.

§ 219.22 [Corrected]

On page 39019, column 2, item 5, § 219.22 should be corrected by removing the period at the end of the sentence and adding "and by redesignating paragraphs (a)(1), (a)(2), and (a)(3) as (a), (b), and (c), respectively."

[FR Doc. 89–25200 Filed 10–25–89; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 153

[CGD 88–100]
RIN 2115–AC35

Bulk Hazardous Materials; Correction

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule; correction.

SUMMARY: In the interim final rule concerning bulk hazardous materials which was published on September 29, 1989 (54 FR 40005) a paragraph appearing in the previously existing regulation was inadvertently omitted. This paragraph is added without change.

EFFECTIVE DATE: September 29, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis G. Payne, Hazardous Materials Branch, (202) 267–1577.

On page 40056, in the first column, following the heading of Table 2 in part 153, correct the table to add the following introductory paragraph to read as follows:

§ 153.1608 [Table 2 amended]

"The cargoes listed in this table are not regulated under subchapter D or O of this title when carried in bulk on non-oceangoing barges. Category A, B, or C noxious liquid substance (NLS) cargo, as defined in § 153.2 of this chapter, listed in this table, or any mixture containing one or more of these cargoes, must be carried under this subchapter if carried in bulk on an oceangoing ship. Requirements for Category D NLS cargoes and mixtures of non-NLS cargoes with Category D NLS cargoes are in 33 CFR part 151."

Dated: October 20, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89–25199 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 54, No. 206
Thursday, October 26, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-181]

Citrus Canker Regulations; Change in Status of Pinellas County, Fl

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to remove the remainder of Pinellas County, Florida, from the list of areas under special restriction because of citrus canker caused by the Asiatic strains. This action appears warranted because no infestation caused by an Asiatic strain of citrus canker has been found anywhere in Pinellas County since the last infested plant in the county was destroyed on July 15, 1987. Further, Pinellas County is separated by a large body of water from the only neighboring county where there has been an infestation within the past 2 years. This action would relieve some restrictions on the interstate movement of citrus fruit and calamondin and kumquat plants from the portion of Pinellas County presently under special restriction because of citrus canker caused by the Asiatic strains.

DATE: Consideration will be given only to comments received on or before November 13, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89-181. Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Eddie W. Elder, Chief Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 661, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 436-6365.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease caused by strains of the bacterium *Xanthomonas capestris* pv. *citri* (Hasse) Dye. The disease is known to affect plants and plant parts, including fruit, of citrus and citrus relatives (Family Rutaceae). It can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It may also make the fruit of infected plants unmarketable by causing lesions on the fruit. Infected fruit may also drop from trees before reaching maturity. Aggressive strains of *Xanthomonas capestris* pv. *citri* can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

In the United States, Florida is the only State where citrus canker exists. Regulations to prevent the interstate spread of citrus canker from Florida are contained in 7 CFR 301.75 through 301.75-16, "Subpart—Citrus Canker." These regulations recognize two types of citrus canker: one type caused by the so-called Florida nursery strains, and a more severe type caused by Asiatic strains of *Xanthomonas capestris* pv. *citri*. Citrus fruit and plants from areas of Florida affected by the Asiatic strains are subject to more stringent restrictions on interstate movement than citrus fruit and plants form other areas of the State.

Section 301.75-7(b)(3) of the regulation lists the following areas as being under special restriction because of citrus canker caused by the Asiatic strains:

Hillsborough County: The area south of State Highway 672 and west of State Highway 39;

Pinellas County: The area south of a line formed by State Highway 694, from Redington Shores to the intersection of State Highway 694 and Interstate 92, then along Interstate 92 to the eastern shore of Old Tampa Bay;

Manatee County: The entire county; and

Sarasota County: The area south of the Manatee County line, west of Interstate 75, and north of State Highway 72, County Road 789, and an imaginary line extending due west to the Gulf of Mexico.

The regulations at § 301.75-7(b) (1) and (2) provide that the special restrictions applicable to any area listed in § 301.75(b)(3) will remain in effect until 2 years after the last infested plant in that area has been destroyed.

Citrus canker caused by the Asiatic strains was first detected in Pinellas County in 1986. The infestation consisted of 23 infested trees located on nine residential properties in the southern part of the county. Eight of the properties were located in the same neighborhood, while the ninth, containing a single infested tree, was located four-and-a-half miles away. All of the infested trees were destroyed by July 15, 1987. The entire county was under special restriction because of these infestations until March 24, 1989, when a portion of Pinellas County was released, based, among other things, on multiple tree-by-tree surveys showing that the area of the county which was released had no infestations of citrus canker caused by the Asiatic strains.

Tree-by-tree surveys conducted in Pinellas County since 1986 have found no additional infestations in the area presently under special restriction because of the Asiatic strains. Further, Pinellas County is separated by a large body of water, Tampa Bay, from the only neighboring county (Manatee) that has had an infestation within the past 2 years. Therefore, we are proposing to remove the remainder of Pinellas County from the list of areas under special restriction because of citrus canker caused by the Asiatic strains.

Our proposal would relieve some restrictions on the interstate movement of citrus fruit and calamondin and kumquat plants from areas of Pinellas County, Florida, under special restriction because of the Asiatic strains. That is, under conditions specified in the regulations, regulated fruit from groves of 10 or more trees would become eligible for interstate movement to commercial citrus-producing areas of the United States, and own-root-only calamondin and kumquat plants would become eligible for interstate movement to all areas of the United States except commercial citrus-producing areas. Currently, regulated fruit from the area of Pinellas County under special restriction because of the Asiatic strains may be

moved interstate only to parts of the United States that are not commercial citrus-producing areas. The interstate movement of calamondin and kumquat plants from the area of Pinellas County under special restriction because of the Asiatic strains is prohibited.

In addition, groves of 10 or more trees producing regulated fruit for interstate movement to areas other than commercial citrus-producing areas would be subject to less stringent inspections, and the fruit could be treated with soap and water rather than with a chemical disinfectant. Personnel, equipment, and vehicles would no longer have to be treated with a disinfectant upon entering or leaving a grove of 10 or more regulated trees, and fruit from groves of fewer than 10 regulated trees would not have to be treated as a conditon of interstate movement.

Public Comment Period

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that this rulemaking proceeding should be expedited by allowing a 15-day comment period on this proposal. The last plant infested with the Asiatic strains of citrus canker in Pinellas County was destroyed more than 2 years ago. Therefore, Pinellas County should be removed from the list of areas under special restriction because of citrus canker caused by the Asiatic strains. We anticipate that this action would have the most impact on private individuals who want to send fruit from their dooryard groves (fewer than 10 trees) to relatives and friends, particularly during the winter holidays. Although the current regulations allow them to ship the fruit with a limited permit, few have been doing so because of the cost and inconvenience of having the fruit treated. The change in the status of Pinellas County should be made promptly so that these individuals and other persons affected can benefit from the reduced restrictions in time for the holiday shipping season, which begins in November.

Executive Order 12291 and the Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

As a result of this rulemaking, no portion of Pinellas County, Florida, would remain under special restriction because of citrus canker caused by the Asiatic strains. The entire State of Florida, however, would remain a quarantined area for citrus canker.

We anticipate that adoption of this proposed rule would have the most impact on private individuals who want to send fruit from their dooryard plantings (groves of fewer than 10 trees) to relatives and friends. Although the current regulations allow them to ship the fruit with a limited permit, few have been doing so because of the cost and inconvenience of having the fruit treated.

The changes pertaining to groves of 10 or more regulated trees would affect two owners of commercial citrus groves, one of three acres and the other of nine acres, which are harvested for fresh fruit. We estimate that the owners could save an estimated $20 per acre per year in no longer having to disinfect personnel, vehicles, and equipment. It does not appear that any of the other changes would result in substantial savings or gain for the owners. The cost of chemically treating fruit appears to be a very small part of the overall costs associated with packing house operations, and there is little difference in price between fruit sold for interstate movement to commercial citrus-producing areras and fruit sold for interstate movement to other areas or for intrastate movement.

We do not know of any nurseries in Pinellas County that raise calamondin or kumquat plants for interstate movement.

Under these circumstances, the administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Citrus canker, Plants (Agriculture), Plant diseases, Plant pests, Quarantine, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.75–7 [Amended]

2. Section 301.75–7 would be amended by removing paragraph (b)(3)(ii), and by redesignating paragraphs (b)(3)(iii) and (b)(3)(iv) as (b)(3)(ii) and (b)(3)(iii), respectively.

Done in Washington, DC, this 20th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–25239 Filed 10–25–89; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–ANE–26]

Airworthiness Directives; Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, – 7A, –7B, –9, –9A, –11, –15, –15A, –17, – 17A, –17R, and –17AR Turbofan Engines Incorporating Turbine Components Corp., Federal Aviation Administration Repair Stations No. 119–20, Repaired Second Stage Turbine Vanes Using Puddle Weld Repair Processes TESR1 and ADR2

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt an airworthiness directive (AD) that would require removal of certain second stage turbine vanes repaired by

Turbine Components Corporation (TCC) (FAA Repair Station No. 119–20) of Branford, Connecticut. The AD requires removal of second stage turbine vanes which were subjected to non-approved trailing edge and airfoil midsection ("H" dimension) puddle welds and replacement with serviceable vanes. The proposed AD is needed to prevent second stage turbine vane fractures which could subsequently result in fire, inflight shutdown, uncontained engine failure, or airframe damage.

DATES: Comments must be received on or before December 20, 1989.

ADDRESSES: Comments on the proposal may be mailed duplicate to: Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89–ANE–26, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311 at the above address.

Comments must be marked: Docket No. 89–ANE–26.

Comments may be inspected at the above location in Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE–141, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617 273–7121.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Regional Rules Docket, New England Region, Office of the Assistant Chief Counsel, Room 311, Burlington, Massachusetts 01803, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 89–ANE–26. The postcard will be date/time stamped and returned to the commenter.

This document proposes to adopt a new AD mandating removal of certain PW JT8D second stage turbine vanes repaired by TCC which contain non-approved puddle weld repairs of the vane airfoil.

There are 3,179 second stage turbine vanes which were repaired by TCC using non-approved airfoil weld repairs. The repairs consisted of puddle welding the trailing edge of vane airfoils to meet minimum chord dimensions. Puddle welds also were applied to the "H" dimension to meet minimum airfoil thickness. The PW Engine Manual, Part Number 481672, allows only slot weld repairs to the trailing edge and leading edge of the airfoil. The maximum size of the slot is 0.250 inches wide by 0.250 inches deep. Furthermore, 0.500 inches minimum of undamaged parent material must exist between slot weld repairs.

Non-approved puddle welding can produce a number of welding abnormalities including a significant amount of heat affected zone (HAZ) cracking. The HAZ cracking coupled with the aerodynamic loading and thermal cycling of the airfoil can lead to further crack propagation and eventual airfoil fracture. The subsequent damage created by a second stage turbine vane airfoil fracture can cause downstream turbine blade and vane fractures resulting in a possible fire, inflight shutdown, uncontained engine failure, or airframe damage.

The FAA has determined that PW JT8D second stage turbine vanes repaired by TCC using trailing edge and "H" dimension puddle welds may not possess adequate structural integrity and may fail during engine operation. Consequently, PW JT8D second stage turbine vanes repaired by TCC using trailing edge and "H" dimension puddle welds should be removed and replaced with serviceable vanes.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a federalism Assessment.

The FAA has determined that this proposed regulation involves approximately 400 engines and will cost approximately seven million dollars. It has also been determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the proposed rule affects only operators using aircraft in which JT8D–1 through JT8D–17AR engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT8D–1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR Turbofan Engines incorporating Turbine Components Corporation (TCC), FAA Repair Station No. 119–20, repaired Second Stage Turbine Vanes using Puddle Weld Repair Processes TESR1 and ADR2.

Compliance is required no later than 4,000 cycles in service after the effective date of this AD, unless already accomplished.

To ensure the continuing structural integrity and certified performance capabilities of JT8D turofan engines, remove all JT8D second stage turbine vanes which were repaired by TCC of Branford,

Connecticut, which contain airfoil trailing edge and midsection ("H" dimension) puddle welds as follows:

(a) Remove affected vanes and replace with serviceable vanes prior to return to service.

Notes: (1) TCC's trailing edge puddle weld repairs are identified by a "TESR1" marking on the outside diameter (OD) foot and TCC's "H" dimension puddle weld repairs are identified by an "ADR2" marking on the OD foot.

(2) Appendix I of this AD summarizes the shipment of affected vanes from TCC.

(3) Appendix II of this AD summarizes the further distribution of affected vanes from TCC through AAR Aircraft Turbine Center, Inc., Elk Grove Village, Illinois.

(b) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD may be accomplished.

(c) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD, may be approved by the Manager, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on September 27, 1989.

Jay J. Pardee,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

APPENDIX I

[NOTE: Summary of Non-Approved PW JT8D Second Stage Turbine Vane Weld Repairs by Turbine Components Corporation]

Customer/order no.	Repair issue no.	P/N	Invoice No.	Invoice date	Packing slip No.	No. of vanes
NW 7-593867	TESR1	785652	F50867	11-30-87	44472	10
AA 765459	TESR1	557352	F21751	12-18-85	10142	49
	TESR1	577352	F21604	12-12-85	10141	15
	TESR1	577352	F21975	12-27-85	10143	56
AA 765628	TESR1	577352	F24907	03-31-86	F3466	05
	TESR1	577352	N/A	04-18-86	F3614	88
	TESR1	577352	N/A	04-20-86	F3958	26
	TESR1	577352	F26188	05-06-86	F3671	55
	TESR1	577352	F26188	05-06-86	F3671	42
	TESR1	577352	N/A	07-11-86	F5026	33
	TESR1	577352	F28814	07-18-86	F5076	30
	TESR1	577352	F29239	07-29-86	F5171	32
	TESR1	577352	F29903	08-12-86	F5798	09
	TESR1	577352	F30589	08-29-86	F5967	76
	TESR1	577352	F32538	10-15-86	23412	80
	TESR1	577352	F33227	10-30-86	24291	34
	TESR1	577352	F34087	11-18-86	25253	17
	TESR1	577352	F35936	12-31-86	27536	20
	TESR1	577352	F36461	01-14-87	28071	15
	TESR1	577352	F34890	12-08-86	26196	55
	TESR1	577352	F35613	12-22-86	27095	18
AA 510602	TESR1	577352	F36521	01-15-87	28176	76
	TESR1	577352	F36923	01-23-87	28631	09
	TESR1	768352	F36923	01-23-87	28631	86
	TESR1	577352	F37267	10-30-87	29092	06
	TESR1	577352	F37267	01-30-87	29092	14
	TESR1	768352	F37835	01-13-87	29752	128
	TESR1	768352	F39054	03-10-87	31111	81
	TESR1	779052	F39054	03-10-87	31111	14
	TESR1	577352	F40578	04-13-87	32825	25
	TESR1	768352	F40578	04-13-87	32825	25
	TESR1	779052	F40582	04-13-87	32881	02
	TESR1	577352	F40582	04-13-87	33214	17
	TESR1	577352	F40948	04-22-87	33214	01
	TESR1	768352	F40948	04-22-87	33214	92
	TESR1	779052	F41311	04-29-87	33676	01
	TESR1	577352	F41311	04-29-87	33676	02
	TESR1	768352	F41311	04-29-87	33676	49
	TESR1	577352	F42076	05-14-87	34504	01
	TESR1	768352	F42076	05-14-87	34504	41
	TESR1	768352	F42405	05-20-87	34910	80
	TESR1	779052	F42405	05-20-87	34910	03
	TESR1	768352	F42841	05-29-87	35412	89
	TESR1	768352	F43084	06-03-87	35665	14
	TESR1	768352	F43395	06-11-87	36015	55
	TESR1	768352	F44022	06-25-87	36722	32
AA 510602	TESR1	767652	F44022	06-25-87	36722	04
	TESR1	779052	F44765	07-13-87	37564	06
	TESR1	767652	F44765	07-13-87	37564	16
	TESR1	761652	F44765	07-13-87	37564	03
	TESR1	768352	F44765	07-13-87	37564	11
	TESR1	577352	F44765	07-13-87	37564	05
	TESR1	768352	F45163	07-22-87	38141	02
	TESR1	779052	F45163	07-22-87	38141	06
	TESR1	768552	F45163	07-22-87	38141	01
AA 510611	TESR1	577352	F36809	01-21-87	28515	09
AA 510899	TESR1	768352	F49456	10-23-87	42919	40
	TESR1	779052	F49456	10-23-87	42919	30
	TESR1	768352	F49769	10-30-87	43228	13
	TESR1	779052	F49469	10-30-87	43228	15

APPENDIX I—Continued

[NOTE: Summary of Non-Approved PW JT8D Second Stage Turbine Vane Weld Repairs by Turbine Components Corporation]

Customer/order no.	Repair issue no.	P/N	Invoice No.	Invoice date	Packing slip No.	No. of vanes
	TESR1	577352	F49469	10-30-87	43228	13
	TESR1	768352	F50085	11-09-87	43675	17
	TESR1	779052	F50085	11-09-87	43675	13
	TESR1	768352	F51910	12-28-87	45689	06
	TESR1	577352	F51910	12-28-87	45689	01
	TESR1	779052	F52623	01-14-88	46456	39
	TESR1	768352	F53349	01-31-88	47333	19
	TESR1	779052	F53608	02-02-88	47598	21
	TESR1	779052	F55391	03-11-88	49577	23
AAR RO-13213	TESR1	779052	N/A	N/A	25519	84
	TESR1	768352	N/A	N/A	25519	11
	TESR1	779052	F33976	11-14-86	25122	80
	TESR1	768352	F33976	11-14-86	25122	15
	TESR1	779052	N/A	N/A	27110	74
	TESR1	768352	N/A	N/A	27110	21
	ADR2	779052	F36593	01-16-89	28331	08
	TESR1	779052	F36593	01-16-87	28331	15
	TESR1	768352	F36593	01-16-89	28331	03
	TESR1	768352	F36804	01-21-87	28544	10
	TESR1	768352	F41863	05-11-87	34250	11
	TESR1	779052	F41863	05-11-87	34250	31
	TESR1	761652	F41863	05-11-87	34250	01
	TESR1	779052	F43727	06-18-87	36413	11
	TESR1	768352	F43727	06-18-87	36413	06
	TESR1	767652	F44690	07-10-87	37511	04
	TESR1	768352	F44690	07-10-87	37511	09
	TESR1	768352	F46462	08-19-87	39654	20
	TESR1	779052	F46462	08-19-87	39654	29
	T, A2	779052	F46462	08-19-87	39654	18
	T, A2	768352	F46462	08-19-87	39654	03
	TESR1	779052	F46630	08-21-87	39790	07
	TESR1	779052	F38170	02-20-87	30168	86
	TESR1	768352	F38170	02-20-87	30168	14
	TESR1	779052	F47065	08-31-87	40330	14
AAR RO-13213	TESR1	768352	F47065	08-31-87	40330	13
	TESR1	779052	F41197	04-28-87	33532	48
	TESR1	768352	F41197	04-28-87	33532	09
	TESR1	768352	F46629	08-21-87	39789	06
	TESR1	779052	F46629	08-21-87	39789	46
	TESR1	768352	F48421	09-30-87	41808	27
	TESR1	779052	F48421	09-30-87	41808	59
	TESR1	768352	F50843	11-30-87	44467	13
	TESR1	779052	F50843	11-30-87	44467	51
	TESR1	768352	F49452	10-23-87	42898	09
	TESR1	779052	F49452	10-23-87	42898	39
	TESR1	768352	F49767	10-30-87	43286	21
	TESR1	779052	F49767	10-30-87	43286	47
	TESR1	768352	F40172	04-02-87	32388	39
	TESR1	779052	F40172	04-02-87	32388	34
	TESR1	779052	F40173	04-02-87	32389	81
	TESR1	768352	F50612	11-23-87	44241	11
	TESR1	779052	F50612	11-23-87	44241	20

NOTES: (1) TESR1 references a trailing edge puddle weld repair.
(2) ADR2 references an "H" dimension puddle weld repair.
(3) T, A2 references a repair in which both the trailing edge puddle weld and the "H" dimension puddle weld are performed.
(4) NW: Northwest Airlines
(5) AA: American Airlines
(6) AAR: AAR Aircraft Turbine Center, Inc.

APPENDIX II

[NOTE: Summary of Distribution of TCC Non-Approved JT8D Second Stage Turbine Vane Weld Repairs through AAR Aircraft Turbine Center, Inc.]

AAR inv. No.	TCC packing slip No.	Repair issue No.	Customer	Customer purchase number	Date	Qty
107225	25122	TESR1 (1)	Iberia (5)	24A0944-1	12-86	95
107225	25519	TESR1	Iberia	24A09444-1	12-86	95
108323	27110	TESR1	Iberia	26A10575-1	02-87	08
107644	27110	TESR1	Iberia	20A09446-1	01-87	75
108816	27110	TESR1	Iberia	26A10575-1	03-87	08
107907	27110	TESR1	Iberia	26A10575-1	02-87	04
108323	28331	T, A2 (3)	Iberia	26A10575-1	02-87	06
107907	28331	T, A2	Iberia	26A10575-1	02-87	02
110989	28331	T, A2	Iberia	23A21506-1	07-87	07

APPENDIX II—Continued

[NOTE: Summary of Distribution of TCC Non-Approved JT8D Second Stage Turbine Vane Weld Repairs through AAR Aircraft Turbine Center, Inc.]

AAR inv. No.	TCC packing slip No.	Repair issue No.	Customer	Customer purchase number	Date	Qty
108816	28331	T, A2	Iberia	26A10575-1	03-87	10
108816	28544	TESR1	Iberia	26A10575-1	03-87	05
108816	30168	TESR1	Iberia	26A10575-1	03-87	24
108323	30168	TESR1	Iberia	26A10575-1	02-87	76
110100	30469	TESR1	Iberia	23A17911-1	06-87	01
108816	30469	TESR1	Iberia	26A10575-1	03-87	19
110623	32388	TESR1	Israel (6)	N/A	07-87	02
108990	32388	TESR1	Iberia	21A17909-1	04-87	38
108937	32388	TESR1	NW(7)	04702482935	04-87	33
108937	32389	TESR1	NW	04702482935	04-87	53
108980	32389	TESR1	Iberia	21A17909-1	04-87	28
110100	33532	TESR1	Iberia	23A17911-1	06-87	04
109616	33532	TESR1	Iberia	25A17910-1	05-87	53
109616	34250	TESR1	Iberia	25A17910-1	05-87	42
110989	34250	TESR1	Iberia	23A21506-1	07-87	01
111631	36413	T, A1 (2)	Iberia	23A21506-1	08-87	35
112329	36413	T, A1	Iberia	23A21506-1	10-87	01
111629	36413	T, A1	Iberia	21A17909-1	08-87	03
111630	36413	T, A1	Iberia	23A21506-1	08-87	33
111536	36413	T, A1	Iberia	21A17909-1	08-87	15
110989	37511	T, A1	Iberia	23A21506-1	07-87	17
110973	37511	T, A1	Iberia	23A17911-1	07-87	13
111164	37511	T, A1	M & M (8)	1008-98	08-87	05
111628	39654	T, A1, A2 (4)	Iberia	21A7909-1	08-87	10
111629	39654	T, A1, A2	Iberia	21A7909-1	08-87	83
111630	39789, 39790	T, A1	Iberia	23A21506-1	08-87	13
111536	39789, 39790	T, A1	Iberia	21A17909-1	08-87	81
111779	40330	T, A1	Iberia	21A17909-1	09-87	07
111780	40330	T, A1	Iberia	23A21605-1	09-87	10
111782	40330	T, A1	Iberia	23A21605-1	09-87	19
113225	41808	T, A1	SwissAir (9)	370576	11-87	02
112739	41808	T, A1	SwissAir	370534	10-87	21
112761	41808	T, A1	SwissAir	370576	10-87	12
112328	41808	T, A1	Iberia	21A17909-1	10-87	18
112329	41808	T, A1	Iberia	23A21605-1	10-87	39
112730	42898	TESR1	Iberia	21A17909-1	10-87	02
112732	42898	TESR1	Iberia	23A21506-1	10-87	03
112761	42898	TESR1	SwissAir	370576	10-87	19
114936	42898	TESR1	NW	770097-22	02-88	03
114936	42898	TESR1	NW	770098-22	02-88-	12
113291	42898	TESR1	NW	70899-8-8	11-87	07
114938	43286, 43515	T, A1	NW	770097-22	02-88	24
113293	43286, 43515	T, A1	NW	70899-8-8	11-87	88
113225	43286, 43515	T, A1	SwissAir	370576	11-87	20
113249	43286, 43515	T, A1	Iberia	23A21506-1	11-87	02
116570	44615, 44467	T, A1	SwissAir	370921	04-88	23
113978	44615, 44467	T, A1	SwissAir	370576	12-87	03
117744	44615, 44467	T, A1	SwissAir	380446	05-88	09
114107	44615, 44467	T, A1	SwissAir	370576	12-87	03
116056	44615, 44467	T, A1	Pan Am (10)	Q6210/J130947	03-88	01
113997	44615, 44467	T, A1	Iberia	23A21506-1	12-87	22
110036	44615, 44467	T, A1	NW	770098-22	02-88	11
114545	44615, 44467	T, A1	Sabena (11)	22826AA1003	01-88	22

NOTES: (1) TESR1 references a trailing edge puddle weld repair.
(2) T, A1 references an Invoice Number which identifies a combination of trailing edge puddle weld repairs and trailing edge inserts.
(3) T, A2 references an Invoice Number which identifies a combination of trailing edge and "H" dimension puddle weld repairs.
(4) T, A1, A2 references an Invoice Number which identifies a combination of trailing edge and "H" dimension puddle weld reparis and trailing edge inserts.
(5) Iberia Lineas Aeras de Espana, S.A.
(6) Israel Aircraft Industries, Ltd.
(7) Northwest Airlines
(8) M & M Aerospace Hardware, Inc.
(9) Swiss Air Transport Co., Ltd.
(10) Pan American World Airways, Inc.
(11) Sabena Belgium World Airlines

[FR Doc. 89-25208 Filed 10-25-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-ANE-38]

Airworthiness Directives; All aircraft using Texas Instruments Circuit Breakers Models 6TC6-7.5 and -10 and 6TC20-7.5 and -10, All With Date Codes 8151 (1981) and Earlier

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt an airworthiness directive (AD) that would require the replacement of certain Texas Instrument circuit breakers on all such equipped aircraft. The proposed AD is needed to prevent potential overheating of certain circuit breaker models which could result in a fire aboard the aircraft.

DATES: Comments must be received on or before November 30, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Attn: Rules Docket No. 89-ANE-38, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: Docket No. 89-ANE-38.

Comments may be inspected at the New England Region, Office of the Assistant Chief Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable service bulletins may be obtained from the following:

(1) Boeing Commercial Airplanes, Mr. R.G. Kelsy, Manager, Service Bulletin Engineering, Mail Stop 2L-02, Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124.

(2) Lockheed Corporation: Commercial Order Administration, Department 65-33,U-20,A-1, Lockheed Aeronautical Systems Company, P.O. Box 551, Burbank, California 91520.

FOR FURTHER INFORMATION CONTACT: Manuel Macedo, Boston Aircraft Certification Office, ANE-153, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7067.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before any final action is taken on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 89-ANE-38. The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that Texas Instruments circuit breakers model 6TC6-7.5 and -10 and model 6TC20-7.5 and -10, all with date codes 8151 (1981) and earlier, could overheat when used for inductive circuits, and that this overheating could cause a fire aboard the aircraft. Since this condition is likely to exist or develop on other aircraft of the same type design, the proposed AD would require replacement of these circuit breakers when used on all such equipped aircraft.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves approximately one hour of labor per circuit breaker. The cost for each circuit breaker replacement, including labor, will be about $350.00 or less. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

Texas Instruments: Applies to circuit breakers models 6TC6-7.5 and C-10 and 6TC20-7.5 and -10, all with date codes 8151 (1981) and earlier.

Compliance is required within thirty days after the effective date of this AD, unless already accomplished.

(a) To prevent potential overheating of the applicable circuit breakers, replace Texas Instrument circuit breakers models 6TC6-7.5 and -10 and models 6TC20-7.5 and -10, all with date codes 8151 (1981) and earlier. These circuit breakers may be replaced with the same model number manufactured after 1981.

Notes: (1) The applicable circuit breakers are installed in, but are not limited to, aircraft manufactured by Boeing Commercial Airplanes and Lockheed Corporation.

(2) The Boeing Commercial Airplanes' service bulletins covering the affected Boeing aircraft are 757-24-0054, 747-24-2135 and 767-24-0060, all dated August 31, 1989.

(3) Boeing Commercial Airplanes uses Boeing part number BACC18AC7 to identify Texas Instrument model 6TC6-7.5 and Boeing part number BACC18AC10 to identify Texas Instrument model 6TC6-10.

(4) The Lockheed Corporation's service bulletin covering the affected Lockheed aircraft is 093-24-134, dated August 12, 1987.

(5) Lockheed Corporation uses Lockheed part number LS10159-7 to identify Texas Instrument model 6TC20-7.5 and Lockheed part number LS10159-10 to identify Texas Instrument model 6TC20-10.

(b) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manger, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on September 27, 1989.

Jay J. Pardee,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 25207 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 452

[Docket No. 89N–0378]

Erythromycin Capsules; Proposed Amendment of Dissolution Standard of Erythromycin Capsules

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration is proposing to amend the antibiotic drug regulations by revising the dissolution standard for erythromycin capsules. This action is being taken at the request of a manufacturer to provide for the marketing of a bioequivalent product.

DATES: Comments by December 26, 1989; requests for an informal conference by November 27, 1989.

ADDRESSES: Written comments or requests for an informal conference to the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD–520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: At the request of a manufacturer, FDA is proposing to amend the antibiotic drug regulations for erythromycin capsules by amending the current dissolution standard (the Q value) from "85 percent at 45 minutes" to "80 percent at 60 minutes" in 21 CFR 436.542(c) and 452.110c(b)(3).

In the **Federal Register** of March 13, 1981 (46 FR 16678), FDA promulgated a regulation (monograph) for erythromycin capsules that specified an original dissolution standard of "80 percent at 60 minutes." Based on data submitted by the manufacturer of the innovator product, the original dissolution standard was subsequently revised to "85 percent at 45 minutes" in the **Federal Register** of November 15, 1985 (50 FR 47212).

Another manufacturer has submitted data showing that although its product is bioequivalent to the innovator product, its product is unable to meet the current dissolution standard. The new manufacturer has requested that the current dissolution standard be revised to the original specification of "80 percent at 60 minutes." The manufacturer has submitted comparative dissolution data to demonstrate that both the innovator product and its bioequivalent product meet the original dissolution standard specification.

FDA has reviewed the manufacturer's request and has tentatively concluded that the current dissolution standard should be revised because it has been shown to rule out products that are in fact bioequivalent to the innovator product. Therefore, FDA is proposing that the monograph for erythromycin capsules be amended to revise the current dissolution standard from "85 percent at 45 minutes" to "80 percent at 60 minutes."

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

The agency has considered the economic impact of this proposed rule and has determined that it does not require a Regulatory Flexibility Analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354). Specifically, the proposal would refine an existing technical provision without imposing a more stringent requirement. Accordingly, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Submitting Comments or Requests for Conference

Interested persons may, on or before December 26, 1989, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before November 27, 1989, submit to the Dockets Management Branch a request for an informal conference. The participants in an informal conference, if one is held, will have until December 26, 1989 or 30 days after the day of the conference, whichever is later, to submit their comments.

List of Subjects in 21 CFR

Part 436: Antibiotics.

Part 452: Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 436 and 452 be amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR part 436 continues to read as follows:

Authority: Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

2. Section 436.542 is amended by revising the eighth sentence in paragraph (c) to read as follows:

§ 436.542 Acid resistance/dissolution test for enteric-coated erythromycin pellets.

* * * * *

(c) * * * Rotate the basket at 50 revolutions per minute for an accurately timed dissolution period of 60 minutes. * * *

* * * * *

PART 452—MACROLIDE ANTIBIOTIC DRUGS

3. The authority citation for 21 CFR part 452 continues to read as follows:

Authority: Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

4. Section 452.110c is amended by revising the last sentence in paragraph (b)(3) to read as follows:

§ 452.110c Erythromycin capsules.

* * * * *

(b) * * *

(3) * * * The quantity Q (the amount of erythromycin dissolved) is 80 percent at 60 minutes).

Dated: October 18, 1989.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-25223 Filed 10-25-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 452

[Docket No. 89N-0379]

Erythromycin Ethylsuccinate Tablets; Revision of Potency Testing Method

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by revising the accepted standards for erythromycin ethylsuccinate tablets to provide for a new sample preparation method to be used in potency testing. This action will provide better quality control of this product.

DATES: Comments by December 26, 1989, requests for an informal conference by November 27, 1989.

ADDRESSES: Written comments or requests for an informal conference to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

SUPPLEMENTARY INFORMATION: FDA is proposing to amend the antibiotic drug regulations by revising the accepted standards for erythromycin ethylsuccinate tablets to provide for a new sample preparation method to be used in potency testing.

The current microbiological agar diffusion assay used for the potency testing of erythromycin ethylsuccinate tablets requires a sequential blending of the sample in 200 milliliters (mL) of methyl alcohol and 300 mL of 0.1*M* potassium phosphate buffer, pH 8.0. The agency has determined, however, that the use of this current sample preparation method for one manufacturer's tablets results in the formation of an unwanted precipitate in the test sample when the phosphate buffer is added to the initial methyl alcohol blend of the sample. This precipitate in the sample results in an incorrect interpretation of the potency test results. Based on testing modifications developed in its laboratory, FDA has found that the formation of this precipitate can be eliminated by revising the sample preparation method to limit the concentration of test sample in the methyl alcohol blend to not more than 5 milligrams per mL and by deleting the procedure for further blending of the sample with phosphate buffer. FDA has tentatively concluded that this alternative sample preparation method provides more reliable and reproducible potency test results and can appropriately replace the current sample preparation method for potency testing of erythromycin ethylsuccinate tablets.

Therefore, in order to provide for a correct interpretation of the potency test results for this product, the agency is proposing to amend 21 CFR 452.125d of the antibiotic regulations for erythromycin ethylsuccinate tablets by replacing the current sample preparation method used for potency testing with the sample preparation method (described above) developed in its laboratory.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this proposed action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

The agency has considered the economic impact of this proposed rule and has determined that it does not require a Regulatory Flexibility Analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the proposal would constitute a minor amendment to an existing technical provision without imposing a more stringent requirement. Accordingly, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Submitting Comments or Requests for Conference

Interested persons may, on or before December 26, 1989, submit to the Dockets Manager Branch (address above) written comments regarding this proposal. Two copies of any comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before November 27, 1989 submit to the Dockets Management Branch (address above) a request for an informal conference. The participants in an informal conference, if one is held, will have until December 26, 1989, or 30 days after the day of the conference, whichever is later, to submit their comments.

Lists of Subjects in 21 CFR Part 452

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 452 be amended as follows:

PART 452—MACROLIDE ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR 452 continues to read as follows:

Authority: Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

2. Section 452.125d is amended by revising paragraph (b)(1) to read as follows:

§ 452.125d Erythromycin ethylsuccinate tablets.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient methyl alcohol to yield a concentration of 5 milligrams of erythromycin activity, or less per milliliter when blended. Blend for 3 to 5 minutes. Further dilute an aliquot of this solution with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

* * * * *

Dated: October 17, 1989.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-25222 Filed 10-25-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 882 and 887

[Docket No. R-89-1452; FR-2662-P-01]

RIN 2502-AE70

Section 8 Certificate Program, Moderate Rehabilitation Program and Housing Voucher Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Certificate Program, Moderate Rehabilitation Program, and Housing Voucher Program regulations to permit a Public Housing Agency (PHA) (including an Indian Housing Authority) to deny or terminate assistance to applicants and participants in these programs if family members are engaging in drug-related criminal activities or in violent criminal activities. Current regulations provide limited authority for a PHA to act effectively when it has reason to believe that a program applicant or participant is engaging in such activities. A family to whom a PHA proposes to deny or terminate assistance would be entitled to the same procedural protections that are currently applicable to proposed denials or terminations of assistance on other grounds. In deciding whether to deny or terminate assistance, a PHA would have discretion to consider all of the circumstances in each case.

The purpose of this rule is to further the government's war against drugs and violent crime, and to ensure the provision of decent and safe housing for eligible families and for individuals residing near assisted families.

DATE: *Comment due date:* December 26, 1989.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying on weekdays between 7:30 a.m. and 5:30 p.m. at the above address.

As a convenience to commenters, the Rules Docket Clerk will accept public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 755–2575. (This is not a toll-free number.) Only public comments of six or fewer total pages will be accepted via the FAX transmittal. This limitation is necessary in order to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be accepted. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk ((202) 755–7084). (This is not a toll-free number.)

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 755–5720. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 426–0015. (These telephone numbers are not toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

This rule proposes revisions to the Certificates, Moderate Rehabilitation, and Housing Voucher Program regulations to provide PHAs with more comprehensive authority to deny assistance or terminate assistance if family members are engaging in drug-related criminal activities or in violent criminal activities. The purpose of the proposed revisions is to further the government's war against drugs and violent crime, and to ensure the provision of decent and safe housing for eligible families and for families and individuals residing near assisted families. The Department emphasizes that the purpose of this rule is not to make adjudications that a family member is a criminal. Rather, the purpose is to identify behavior which is so detrimental to society as a whole (and more specifically to adjacent families and individuals and to other members of the assisted family) that it should not and cannot be tolerated. The Department believes that such conduct should be a basis for refusing to assist families that have members engaged in these activities. Providing PHAs with this additional authority should create incentives for family members to deter any other family member who may be engaging in these activities. The revisions would also avoid a circumstance in which a PHA might otherwise be required to issue a certificate or housing voucher to a family that had been evicted by an owner from assisted housing for engaging in drug-related or violent criminal activities.

Under current Certificate and Housing Voucher Program regulations, a PHA may terminate assistance to a family (including refusing to issue a family a new certificate or housing voucher when the family wants to move) if the family uses its assisted unit for drug trafficking or permits its assisted unit to be used for that purpose. The PHA may terminate assistance under these circumstances because a family's use of its unit for drug trafficking would constitute a violation of the family's obligation to use its unit "solely for residence by the family" (see §§ 882.118(a)(5) and 887.401(a)(4)). Current Certificate and Housing Voucher Program regulations, however, do not provide authority for a PHA to deny or terminate assistance if a member of an assisted family is engaging in drug-related criminal activities, but is not using the unit for these activities, even if these activities would constitute a lease violation.

The Moderate Rehabilitation Program regulations do not contain a comparable, explicit limitation on the use of the unit solely for residence by the family. Section 882.413 of the Moderate Rehabilitation regulations, however, authorizes a PHA to terminate assistance if a family fails to meet its responsibilities under the lease or the Statement of Family Responsibility. (The current Statement of Family Responsibility for the Moderate Rehabilitation Program, Form HUD–52578A, does not contain any provision that could be a basis for terminating assistance because of drug-related criminal activities.) If the drug-related criminal activity or other criminal activity constituted a lease violation, a PHA could terminate assistance under 24 CFR 882.413.

This proposed rule would provide a more uniform and effective approach to dealing with the problem of drug-related criminal activities in the PHA-administered Section 8 programs where the program participants are selected by the PHA. It would also give PHAs the authority to deny or terminate assistance to families where a family member engages in violent criminal activity.

This proposed rule would make the necessary revisions within the current regulatory framework for each program without attempting to make any major structural change to the respective program regulations. In the Certificate Program, § 882.118, Family obligations, and in the Housing Voucher Program, § 887.401, Family responsibilities, existing regulations define the obligations of a program participant. These provisions would be revised to

provide that family members shall not engage in drug-related criminal activity or violent criminal activity. "Drug-related criminal activity" would be defined to include the felonious manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). Drug-related criminal activity would be defined additionally to include the felonious use, or possession (other than with intent to manufacture, sell, or distribute), of a controlled substance. However, in the case of activity involving such use or possession, the rule proposes that the activity must have occurred within one year of the time that the PHA provides notice to the applicant or participant of its determination to deny admission or terminate assistance.

The rule makes this temporal distinction for criminal activity related to use of drugs in order to provide an outer limit on the amount of time that use-related activities may serve as the basis for adverse action against an applicant or participant. Just as the rule is intended to create a disincentive to drug use by applicant or tenant families by providing for denial or termination of their assistance, this limitation on the definition should serve as an incentive to former drug users who have stopped taking drugs and who are "clean" or are controlling their addiction.

"Violent criminal activity" would be defined to include any felonious criminal activity that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.

By adding this proscription of criminal activity to §§ 882.118(b)(4) and 887.401(b)(5), a PHA, under existing §§ 882.210(b) and 887.403(b), could: deny an applicant admission to participate in the Certificate or Housing Voucher Program; deny issuance of another Certificate or Housing Voucher to a participant who wants to move from another unit; or decline to enter into a housing assistance contract or to approve a lease, when requested by a participant, based on a violation of a family obligation. A PHA, under §§ 882.210(d) and 887.403(c), could also terminate housing assistance payments that are being made on behalf of a participant under a current housing assistance contract.

If a PHA proposed to terminate assistance to a participant family, based on alleged drug-related or violent criminal activities of one or more family members, the family would be entitled to due process protections as set forth in current § 882.216(b) or § 887.405(b). Under these sections a PHA must adopt written procedures for conducting a hearing for participants that include: providing the participant written notice of the decision and of the opportunity to request a hearing before a person or persons designated by the PHA, other than a person who made or approved the decision or a subordinate of such person; the right to be represented by a lawyer; opportunity for the participant to present evidence and question any witness; and issuance of a written decision, stating briefly the reasons for the decision.

Under the proposed revisions, a PHA, after meeting appropriate due process standards, could deny or terminate assistance whenever the criminal activities were engaged in while the family was a participant in either the Certificate or Housing Voucher Program. The above-described revisions would not, however, provide authority to deny assistance to an applicant family that is engaging in the proscribed criminal activities but is not a participant in either the Certificate or Housing Voucher Program, because the family would not be subject to the family obligation requirements of §882.118 or § 887.401. To cover this situation, this rule also would revise § 882.210, Grounds for denial or termination of assistance, to add a new paragraph (b)(4), and § 887.403, Grounds for PHA denial or termination of assistance, to add a new paragraph (b)(2). These new paragraphs would authorize a PHA to deny an applicant admission to the Certificate or Housing Voucher Program if a member of the applicant's family has engaged in drug-related criminal activity or violent criminal activity.

An applicant family that was being denied admission to participate in the programs because of alleged drug-related or violent criminal activities of a family member would be entitled to informal review of the decision under § 882.216(a) or § 887.405(a). The PHA's informal review procedures must include: notice to the applicant containing a brief statement of the reasons for the decision; the opportunity to request a review of the decision by a person or persons designated by the PHA, other than a person who made or approved the decision or a subordinate of such person; the opportunity to present written or oral objections to the decision; and a written final decision, including a brief statement of the reasons for the final decision.

This proposed revision would constitute a fundamental change in HUD policy concerning a PHA's authority to screen applicants for admission to these programs and to the Moderate Rehabilitation Program, discussed below.

Under these programs, the PHA is responsible for determining who may receive assistance, and the owner of the unit is responsible for choosing a tenant, including whether or not to rent to a certificate or housing voucher holder. HUD regulations have not authorized a PHA to consider expected behavior or suitability as a tenant in deciding whether to place a family on a waiting list or to issue a family a certificate or housing voucher. Existing grounds for denial of admission to participate in these programs that are based on past conduct have all concerned actions by an applicant related to past participation in a federal housing assistance program. Decisions concerning a family's expected behavior and suitability as a tenant have been left to the owner to make in deciding whether to lease a unit to the family.

The Department believes that it is appropriate to provide this limited authority to PHAs to consider the behavior of applicants. Clearly, the PHA should be able to deny assistance in the first instance on the same ground that it can terminate the assistance after it is being provided.

With respect to the Moderate Rehabilitation Program, § 882.413, Responsibility of the Family, would be revised to prohibit a family from engaging in drug-related criminal activities or violent criminal activities. Section 882.514, Family participation, would also be revised to authorize a PHA to deny eligibility to participate in the Moderate Rehabilitation Program if a member of the applicant's family engages in drug-related criminal activity or violent criminal activity.

The addition of these provisions would enable a PHA to use the current procedures in § 882.514(f) to deny assistance to an applicant family or to deny or terminate assistance to a participant family, if a family member fails to comply with this new requirement. Section 882.514(f) provides for written notice and an opportunity for an informal hearing before a PHA may deny or terminate assistance to a family.

These procedures would give PHA's broad discretion to consider all of the circumstances in each case, including the seriousness of the offense, the extent of participation by family members, and the effects that denial or termination would have on family members not involved in the proscribed activity. PHAs could, in appropriate cases, permit family members not involved in the proscribed activities to continue

receiving assistance on the condition that family members determined to have engaged in the proscribed activities will not reside in the unit.

Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. Analysis of the rule indicates that it would not: (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with provision of 5 U.S.C. 605(b), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because this rule's primary effect is to permit PHAs to terminate or deny assistance to families when a member or members of the family have participated in drug-related activities or in serious criminal activities.

HUD has determined, in accordance with E.O. 12612, *Federalism*, that this rule does not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on the distribution of power or responsibilities among the various levels of government because this rule would not substantially alter the established roles of HUD the States and local governments, including PHAs. The rule would provide PHA's with an additional ground for denying or terminating assistance, but the role of the PHA in these programs would remain unaltered.

HUD has determined that this rule is likely to have a significant impact on family formation, maintenance, and general well-being within the meaning of E.O. 12606, *The Family*, because the rule should improve the environment in which assisted families reside by enabling PHAs to terminate assistance to families engaging in criminal activities. It should also provide an incentive to families to discourage family members from engaging in these activities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 24, 1989, (54 FR 16708) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program number and title is: 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects

24 CFR Part 882

Grant programs—Housing and community development; Housing; Low and moderate income housing; Mobile homes; Rent subsidies.

24 CFR Part 887

Grant programs—Housing and community development; Housing; Low and moderate income housing; Rent subsidies.

Accordingly, the Department proposes to amend 24 CFR parts 882 and 887 as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING PROGRAM

1. The authority citation for part 882 would continue to read as follows:

Authority: Secs. 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 882.118, a new paragraph (b)(4) would be added to read as follows:

§ 882.118 Obligation of the family.

* * * * *

(b) * * *

(4) Engage in drug-related criminal activity or violent criminal activity. This proscription applies to each Family member. For the purposes of this section—

(i) *"Drug-related criminal activity"* includes the felonious manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). Drug-related criminal activity also includes the felonious use, or possession (other than with intent to manufacture, sell, or distribute), of a controlled substance, except that such use or possession must have occurred within one year prior to the date that the PHA provides notice to an applicant under § 882.216(a), or to a participant under § 882.216(b)(3)(i), of the PHA's determination to deny admission or terminate assistance.

(ii) *"Violent criminal activity"* includes any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

3. In §882.210, paragraph (b) would be revised to read as follows:

§882.210 Grounds for denial or termination of assistance.

* * * * *

(b) The PHA may deny an applicant admission to participate in the Certificate Program or, with respect to a current participant, may refuse to issue another Certificate for a move to another unit, approve a new lease, or execute a new Contract, if the applicant or participant:

(1) Currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

(2) As a previous participant in the Section 8 program or as a participant in the Certificate Program, has not reimbursed the PHA or another PHA for any amounts paid to an owner under a housing assistance contract for rent or other amounts owned by the Family under its lease (see § 882.112(d) and § 887.209 of this chapter), or for a vacated unit (see § 882.105(b)).

(3) Has violated any Family obligation under § 882.118 or under § 887.401 of this chapter.

(4) Has engaged in drug-related criminal activity or violent criminal activity, as defined in § 882.118(b)(4).

(5) Breaches an agreement provided for in paragraph (c) of this section.

(6) Has committed any fraud in connection with any Federal housing program.

* * * * *

4. Section 882.413 would be revised to read as follows:

§ 882.413 Responsibility of the family.

(a) A Family receiving housing assistance under this Program must fulfill all of its obligations under the Lease and Statement of Family Responsibility. No Family member may engage in drug-related criminal activity or violent criminal activity. Failure of the Family to meet its responsibilities under the Lease, the Statement of Family Responsibility, or this section shall constitute grounds for termination of assistance by the PHA. Should the PHA determine to terminate assistance

to the Family, the provisions of § 882.514(f) must be followed.

(b) For the purposes of this section—

(1) "Drug-related criminal activity" includes the felonious manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). Drug-related criminal activity also includes the felonious use, or possession (other than with intent to manufacture, sell, or distribute), of a controlled substance, except that such use or possession must have occurred within one year prior to the date that the PHA provides notice to an applicant or participant family of the PHA's determination to deny admission or terminate assistance.

(2) *"Violent criminal activity"* includes any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

5. In § 882.514, paragraph (a)(2) would be redesignated as paragraph (a)(3) and a new paragraph (a)(2) would be added, to read as follows:

§ 882.514 Family participation.

(a) * * *

(2) A PHA may determine that an applicant Family is ineligible for participation because one or more Family members have engaged in drug-related criminal activity or violent criminal activity, as defined in § 882.413(b).

* * * * *

PART 887—HOUSING VOUCHERS

4. The authority citation for part 887 would continue to read as follows:

Authority: Secs. 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

5. In § 887.401, a new paragraph (b)(5) would be added, to read as follows:

§ 887.401 Family responsibilities.

* * * * *

(b) * * *

(5) Engage in drug-related criminal activity or violent criminal activity. This proscription applies to each family member. For the purposes of this section—

(i) *"Drug-related criminal activity"* includes the felonious manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). Drug-related criminal activity also includes the felonious use, or possession (other than with intent to manufacture, sell, or distribute), of a controlled substance, except that such use or possession must have occurred within one year prior to the date that the PHA provides notice to an applicant or participant, under § 887.405, of the PHA's determination to deny admission or terminate assistance.

(ii) *"Violent criminal activity"* includes any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

6. In § 887.403, paragraph (b) would be revised to read as follows:

§ 887.403 Grounds for PHA denial or termination of assistance.

* * * * *

(b) *Denial of assistance.* The PHA may deny an applicant admission to participate in the Housing Voucher Program or, with respect to a current participant, may refuse to issue another housing voucher for a move to another unit, approve a new lease, or execute a new housing voucher contract, if the applicant or participant:

(1) Has violated any family obligation under the Housing Voucher Program or the Certificate Program.

(2) Has engaged in drug-related criminal activity or violent criminal activity, as defined in § 887.401(b)(5).

(3) Has committed any fraud in connection with any federal housing program.

(4) Currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

(5) Has not reimbursed the PHA or another PHA for any amounts paid to an owner under a housing assistance contract for rent or other amounts owed by the family under its lease (see § 887.215 and § 882.112(d) of this chapter), or for a vacated unit (see § 882.105(b)).

(6) Breaches an agreement to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. The PHA, at its discretion, may offer the applicant or participant the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.

* * * * *

Dated: October 3, 1989.

C. Austin Fitts,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 89-25236 Filed 10-25-89; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 254

RIN 0596-AA42

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2200

[AA-320-00-4212-02]

RIN 1004-AB28

Land Exchanges; Public Meetings

AGENCIES: Forest Service, Agriculture; Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: The Forest Service and the Bureau of Land Management will each hold separate public meetings to clarify each agency's proposed land exchange regulations which were published in the **Federal Register** on August 18, 1989 (54 FR 34368, 54 FR 34380). The purpose of the meetings is to provide an informal opportunity to clarify the proposed rules for persons who wish to submit written comments. The meetings will be conducted in a question and answer format. Only written comments received at these meetings and those submitted during the comment period will be considered in the development of the final rule. Written comments on the proposed rules are due by December 1, 1989.

DATES: The Bureau of Land Management meeting will be held on Tuesday, November 14, 1989, from 1 to 4 p.m.; the Forest Service meeting will be held on Wednesday, November 15, 1989, from 9 to 12 a.m. Reservations to attend are not required.

ADDRESS: Sheraton Hotel and Conference Center, 360 Union Boulevard, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: James M. Dear, Forest Service, (703) 235-2493 or Roger Taylor, Bureau of Land Management, (202) 343-8693.

Dated: October 20, 1989.
For the Forest Service.

George M. Leonard,

Associate Chief.

Dated: October 19, 1989.
For the Bureau of Land Management.

Dean E. Stepanek,

Deputy Director.

[FR Doc. 89-25237 Filed 10-25-89; 8:45 am]

BILLING CODE 3410-11-M

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Simulators Limited, Inc., requesting that the agency amend Standard No. 209, *Seat belt assemblies* and Standard No. 213, *Child restraint systems*, to require installation of its multi-part button for buckles on child restraint systems. According to the petitioner, adoption of its suggestions would result in a design that would resist "unwarranted" releases by young children.

NHTSA has decided to deny the petition. The most recent requirements for buckle release devices on child restraints, which were established in 1985, have proven to be effective. The agency would consider changing these requirements only if there were a compelling reason to do so. However, the available information indicates no such compelling reason. In fact, the petitioner's recommended requirements could be detrimental to motor vehicle safety, especially in some emergency situations. Given this information, there appears to be no reason to consider changing the test requirements for the buckle release devices. Accordingly, Simulators' petition is denied.

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington DC 20590. Telephone: (202) 366-4924.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard No. 213, *Child Restraint Systems* (49 CFR 571.213) specifies requirements for child restraint systems used in motor vehicles and aircraft. The purpose of the standard is to reduce the number of children killed or injured in motor vehicle crashes and in aircraft.

Section S6.2 sets forth requirements related to buckle release test procedures for child restraint systems. In particular, section S6.2.1 requires, in part, that "For push button-release buckles, the release force shall be applied by a conical surface (cone angle not exceeding 90 degrees)." This release force application device was intended to represent a finger and transfers the release force to the push button release. This provision was adopted in a final rule issued on August 21, 1985. (50 FR 33722). A 1979 final rule had adopted general buckle release test procedures with less specificity than the 1985 rulemaking. (44 FR 72131, 72135, December 13, 1979). The preamble to the 1985 final rule explained that the purpose for amending Standard No. 213's requirements related to child restraint buckle releases was "to prevent young children from unbuckling the restraint belt(s), while allowing adults to do so easily." The agency went on to explain that

> The agency's safety concerns over child restraint buckle force release and size stem from the need for convenient buckling and unbuckling of a child and, in emergencies, to quickly remove the child from the restraint. This latter situation can occur in instances of post-crash fires, immersions, etc. A restraint that is difficult to disengage, due to the need for excessive buckle pressure or difficulty in operating the release mechanism because of a very small release button, can unnecessarily endanger the child in the restraint and the adult attempting to release the child.

Petition

On April 3, 1989, Mr. Wilbur R. Adams on behalf of Simulators Limited, Inc., submitted a petition for rulemaking to NHTSA, requesting that Standard No. 209 and Standard No. 213 be amended to "mandate" the installation of its buckle release device on child restraints. The device includes a multi-part button for latch release. The petitioner explained that each tier of the three part button has to be depressed simultaneously for the latch to release. Simulators requested that section S6.2.1, of Standard No. 213, which specifies the release force application test device, be amended to delete the requirement that "For push button-release buckles, the release force shall be applied by a conical surface (cone angle not exceeding 90 degrees)." In its place, the petitioner requested the following language: "For all other buckle release mechanisms, the force shall be applied on the centerline of the buckle lever(s) or finger tab(s) in the direction that produces the maximum releasing effect * * *"

In addition, Simulators requested that section S4.3.(d)(2) of Standard No. 209, *Seat belt assemblies*, (49 CFR 571.209) be amended to delete the statement "* * * A buckle having other design for release shall have adequate access for two or more fingers to actuate release" because it was concerned that this provision would require a two finger actuating release.

According to Simulators' petition, these requested changes would allow its three part release button which it claimed was superior to current buckles. Simulators stated that its proposed system would provide a design resisting "unwarranted" releases from child restraint systems, a design with fewer parts to fail thus eliminating the hazards of jamming, a design resistant to foreign particles that might cause an emergency, a cost efficient security buckle, and peace of mind for the traveling parent or guardian. The petitioner further claimed

that to be opened, its three part "split button" would require greater concentration by anyone other than a responsible adult, require no special training and/or instruction, require greater dexterity than that possessed by a small child, and result in a simple mechanism with minimal possibility for failure.

Agency Determination

After carefully reviewing Simulators petition, NHTSA has decided to deny the petition for the reasons set forth below. NHTSA is generally reluctant to change the requirements and test procedures in its safety standards unless there is a compelling reason to do so. This reluctance is based primarily upon the fact that the agency has already determined, through the rulemaking process, that the established requirements and test procedures satisfy all the safety and other criteria specified in the Safety Act. Additionally, the agency and the affected manufacturers have gained experience and a data bank of test results following the established test procedures. These facts establish a legitimate interest in retaining test procedures that have been established for the safety standards.

This is not to suggest that the agency will never consider changes to an established test procedure. Hypothetically, it might be shown that the established test procedure no longer satisfies the criteria specified in the Safety Act, that the procedure no longer serves the purpose for which it was established, or that the procedure is imposing an unnecessary restriction to innovative technology. These circumstances would represent compelling reasons for NHTSA to consider changing an existing test procedure. An important part of this consideration would necessarily include whether a changed test procedure would result in an increase or decrease in the safety protection afforded to vehicle occupants.

The specific critical issue raised by Simulators' petition is whether there is any compelling reason for the agency to consider changing the requirements related to buckle release devices on child and vehicle restraint systems. After reviewing the petition in light of the earlier rulemakings on buckle release, NHTSA has concluded that there isn't any such reason.

The first reason suggested in Simulators' petition for changing the requirements related to buckle release is that small children "have *no* difficulty in releasing the current standard seatbelt buckle button" (emphasis in original). As a result, the petitioner believes that children can release themselves from the child restraint system at inappropriate times, causing them unnecessary exposure to injury. In support of this claim, Simulators cited misuse data from a report entitled "The Incidence and Factors Associated with Child Safety Seat Misuse." (NHTSA Report DOT HS 806 674–6, December 1984). On closer review, the agency has determined that this report revealed that a child removed the belt in only four incidents out of 1,006 observed cases, a rate of less than 0.4 percent. Therefore, the survey data do not show that there is a compelling reason to amend the standard. In addition, based on the extensive review which culminated in the 1985 rulemaking, the agency believes that the best method to guard against the problem of young children intentionally releasing a buckle on a child restraint system is by requiring the release mechanism to have a sufficiently high pressure level. The agency has determined that a minimum buckle force level of nine pounds is sufficient to prevent children up to age four from opening the buckle by themselves.

The second reason set forth in Simulators' petition for changing the requirements related to buckle release was that while the buckle release button would be difficult for children to operate, it would cause no problem for adults to operate because the "width of the average adult thumb or finger" would be adequate for release. In particular, the petitioner explained that its multi-part split button would "require greater concentration to be opened by anyone other than a responsible adult" and would "require greater dexterity than that afforded by a small child." As mentioned above, the agency closely analyzed buckle release systems in the 1985 final rule amending Standard No. 213's buckle release requirements and test procedures. (50 FR 33722, August 21, 1985). In that notice, NHTSA emphasized that along with preventing young children from unbuckling the restraint belts, an equally important consideration is to ensure that adults can release the child restraint buckle mechanism easily and with one hand, especially in emergency situations. Therefore, the agency has sought to guard against any restraint that would be difficult for an adult to disengage because such a system could unnecessarily endanger a child's life in an emergency situation. While that notice expressly mentioned problems related to requiring excessive buckle pressure or an extremely small release button, the agency emphasizes that any buckle release device that makes it difficult for an adult to operate in an emergency situation would pose a safety problem.

After examining the petitioner's multi-part release button, NHTSA is concerned that some adults might have difficulty operating them for the following reasons. First, the agency notes that it is possible for only two of the three button parts to be pressed if the operator has small fingers, such as a fifth percentile female. As a result, the buckle would not release, since the petitioner's design only releases if all three buttons are pressed simultaneously. Second, based on the petitioner's statement that its system would "require greater dexterity than that afforded a small child," the agency is concerned that the suggested system would adversely affect motor vehicle safety. For instance, the agency is aware that some elderly people and those stricken with arthritis or other debilitating problems have severely limited manual dexterity. For such people, the petitioner's requested buckle button release could be frustrating and inconvenient in routine situations and disastrous in emergency situations. Third, NHTSA notes that section S7.2(c) of Standard No. 208 requires a single point push button buckle release for the convenient operation of safety belts. While this requirement does not directly apply to buckle releases on child restraint systems, the agency believes that to facilitate motor vehicle safety, it is important to standardize the requirements for buckle release devices between standard safety belts subject to Standard No. 208 and belts on child restraint systems. If Standard No. 213 required a different buckle release device for child restraint systems than for safety belts, an adult unfamiliar with the unique multi-part release mechanism and faced with an emergency situation requiring quick action, might have difficulties activating that release device.

A third reason offered in Simulators petition for changing the belt release test provision was that the conical testing device specified in S6.2.1 requires the release force to be applied over an area smaller than a finger or thumb. According to the petitioner, this provision requiring a single release button was ineffective because anything small such as a pencil point or a child's finger could eliminate the value of the designed restraint. As explained above, the minimum buckle force level is sufficient to prevent children up to age four from opening the buckle by themselves. In addition, NHTSA notes that several commenters to the 1985 rulemaking had similar criticisms of this

type of testing device. However, after a great deal of consideration of this and other release force application devices, the agency determined that the conical device's "small contact area allow(s) accurate positioning on the release button, which will yield consistently reliable test results." In addition, a study commissioned by the agency concluded that the conical device most closely simulates the real world actuation of push button release mechanisms. (50 FR 33724).

A fourth set of reasons offered in Simulators' petition to amend the buckle release requirements was that its design would be less likely to jam because it had fewer parts and would be resistant to foreign particles causing problems with the buckle release mechanism. NHTSA is not aware of any evidence, and the petitioner did not produce any evidence, that these situations pose a significant safety risk. Therefore, the agency believes that the buckle release mechanisms that comply with the existing standard adequately prevent these problems.

Accordingly, NHTSA has concluded that there is no reasonable possibility that a rule amending the buckle release procedures for child restraints in accordance with Simulators' petition would be issued at the conclusion of the requested rulemaking proceeding. Therefore, Simulators' petition is denied.

(15 U.S.C. 1392, 1407, 1410a, delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 20, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89-25168 Filed 10-25-89; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 54, No. 206
Thursday, October 26, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

October 20, 1989.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer,USDA, OIRM, Room 404-W Admin. Bldg.,Washington, DC 20250, (202) 447-2118.

Revision

• Food and Nutrition Service, Negative Quality Control Review Schedule—Statistical Summary of Sample

Disposition—Status of Sample Selection and Completion, FNS-245; FNS-247; FNS-248,

Recordkeeping; On occasion; Monthly; Annually,

Individuals or households; State or local governments; 31,689 responses; 94,119 hours; not applicable under 3504(h),

Karen Peko (703) 756-3471.

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 89-25240 Filed 10-25-89; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Southern Region; Delegation of Authority

AGENCY: Forest Service, USDA.

ACTION: Notice of delegation.

SUMMARY: The Regional Forester of the Southern Region of the Forest Service has delegated authority to the Forest Supervisors to issue all easements and reservations for construction and use of roads under authority of the Forest Road and Trail Act of October 13, 1964. (78 Stat. 1089; 16 U.S.C. 533) and Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1761). The delegation is being issued in a Regional supplement to Chapter 2730 of the Forest Service manual.

Pursuant to 36 CFR 251.52 and the delegation to the Regional Forester Southern Region, by the Chief, Forest Service (FSM 2732.04 and FSM 2733.04b) the Regional Forester, Southern Region of the Forest Service hereby delegates to the Forest Supervisors of the following National Forests the authority to issue Forest Road and Trail Act Easements to public road agencies, and to terminate such easement with the consent of the grantee, as well as the authority to issue Federal Land Policy and Management Act Easements and to terminate easements on the occurrence of fixed or agreed-upon condition, event or time when the easement, by its terms, provides for such termination. These Forests have staff with training and experience needed to perform the delegated authority.

Forest	DOT letters of authorization	FRTA easements to public road agencies	FLPMA easement
Alabama	X	X	X
Daniel Boone	X	X	X
Chattahoochee-Oconee.	X	X	X
Cherokee	X	X	X
Florida	X	X	X
Kisatchie	X	X	X
Mississippi	X	X	X
George Washington	X	X	X
Ouachita	X	X	X
Ozart-St. Francis	X	X	X
North Carolina	X	X	X
Francis Marion & Sumter.	X	X	X
Texas	X	X	X
Jefferson	X	X	X
Caribbean	X	X	X

EFFECTIVE DATE: October 26, 1989.

FOR FURTHER INFORMATION CONTACT: Questions about the exercise of this delegation may be addressed to George Hemingway, Group Leader, Special Uses, Southern Region, Forest Service, USDA, 1720 Peachtree Rd. NW., Atlanta, Georgia 30367, Telephone: (404) 347-2595 or FTS 257-2595.

Dated: October 16, 1989.

Marvin C. Meier,

Deputy Regional Forester.

[FR Doc. 89-25241 Filed 10-25-89; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Modification; Center for Coastal Marine Studies (P79D)

Notice is hereby given that Dr. Burney J. LeBoeuf, Professor of Biology, Center for Coastal Marine Studies, University of California at Santa Cruz, Santa Cruz, California 94064, has requested a modification of Permit No. 496 issued on April 8, 1985, under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 496 and subsequent modifications authorize the Holder to take 4940 elephant seals per year for scientific research. One or more of the activities to be performed on the

animals include tagging with roto-tags, marking, weighing, biopsy sampling, and blood sampling.

The Permit Holder requests a modification to allow (1) transport of 50 juvenile northern elephant seals from Ano Nuevo Island to sea or shore within a 50 mile radius of the island. The aim is to determine whether they will "home" and return to the island in a few hours or a few days; (2) collection of tissue samples from 500 adult male northern elephant seals, 600 adult females and 600 pups to examine genetic variation and determine paternity and estimate reproductive success among males by employing the technique of DNA fingerprinting; and (3) to export tissue samples to the Holder's research collaborator at the University of Cambridge, England.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Hwy., Room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisherics Service.

Documents submitted in connection with the above modification request are available for review by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Hwy., Room 7324, Silver Spring, Maryland 20910;

and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7514.

Dated: October 19, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 89–25185 Filed 10–25–89; 8:45am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit: Dolphin Services (P324A)

On May 30, 1989, notice was published in the **Federal Register** (54 FR 22927) that an application had been filed by Dolphin Services, Mill Farm, Hurst Green, Brightlingsea, Colchester, Essex C07 OEH, England to obtain four beached/stranded or captive born California sea lions (*Zalophus californianus*) for public display at Pleasurewood Hills American Theme Park.

Notice is hereby given that on October 19, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that Dolphin Services offers an acceptable program for education or conservation purposes. The facilities are open to the public on a regularly scheduled basis and access to the facilities are not limited or restricted other than by admission fee.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Rm. 7324, Silver Spring, Maryland 20910; and

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 19, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89–25186 Filed 10–25–89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit; Kamogawa Sea World (P332A)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Kamogawa Sea World, 1464–18 Higashicho, Kamogawa City-Chiba Pref., 296, Japan.

2. *Type of Permit:* Public display.

3. *Name and Number of Animals:* Northern elephant seal (*Mirounga angustirostris*): 2.

4. *Type of Take:* Rehabilitated animals from beached/stranded stock.

5. *Location of Activity:* Sea World, San Diego.

6. *Period of Activity:* 3 years.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) it is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Director of Research Division, Fisheries Agencies, Ministry of Agriculture, Forestry and Fisheries, Government of Japan, have been found appropriate and sufficient to allow consideration of the permit application.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, Silver Spring, Maryland

20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910; and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 19, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-25187 Filed 10-25-89; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection, the Buy American Certificate.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Jeritta Parnell, Office of Federal Acquisition Policy, GSA (202) 523-6982.

SUPPLEMENTARY INFORMATION:

a. Purpose. The Buy American Act requires that only domestic end products be acquired for public use unless specifically authorized by statute or regulation; provided, that the cost of the domestic products is reasonable.

The Buy American Certificate provides the contracting office with the information necessary to identify which products offered are domestic end products and which are of foreign origin. Components of unknow origin are considered to have been supplied from outside the United States.

b. Annual Reporting Burden. This is estimated as follows: Respondents, 20; total annual 53,260; hours per response, .167; responses, total burden hours, 8,894.

Obtaining Copies of Proposals: Requester may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building Washington, DC 20405, telephone (202) 523-4755. Please cite OMB Control No. 9000-0024, The Buy American Certificate.

Dated: October 18, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89-25246 Filed 10-25-89; 8:45 am]

BILLING CODE 6820-JC-M

Department of the Army

Intent To Grant Exclusive Patent License to Biotechnology Research and Development Corp.

The Department of the Army announces its intention to grant an exclusive license to Biotechnology Research and Development Corporation, having a place of business at 1815 North University, Peoria, Illinois 61604, under U.S. Patent Application No. 07/316,701 entitled "Parasite's Antigen, Polypeptitides, Antibodies thereto, Q Fever Vaccine, DNA Encoding the Polypeptitides, Recombinant Vector, Assay Kits and Method for Immunizing against and detecting Parasites."

The proposed exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR 474.7. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Intellectual Property Counsel of the Army, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332-A, Falls Church, VA 22041-5013.

For further information concerning this notice, contact: Earl T. Reichert, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332-A, Falls Church, VA 22041-5013, Telephone No. (202) 756-2623.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 89-25243 Filed 10-25-89; 8:45 am]

BILLING CODE 3710-08-M

Intent To Grant Exclusive Patent License to Medicis Corp.

The Department of the Army announces its intention to grant an exclusive license to Medicis Corporation, having a place of business at 1747 Pennsylvania Avenue, NW., Washington, DC 20006, under U.S. Patent No. 4,426,378 entitled "Thyrotopin Releasing Hormone in Therapy of Shock and as a Central Nervous System Stimulant" and issued on 17 January 1984.

The proposed exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR 474.7. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Intellectual Property Counsel of the Army, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332-A, Falls Church, VA 22041-5013.

For further information concerning this notice, contact: Earl T. Reichert, Patents, Copyrights, and Trademarks Division, Office of The Judge Advocate General, Department of the Army, 5611 Columbia Pike, Room 332-A, Falls Church, VA 22041-5013, Telephone No. (202) 756-2623.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 89-25244 Filed 10-25-89; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before November 27, 1989.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732–3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: October 20, 1989.

Carlos U. Rice,

Director, for Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: 1990 National Postsecondary Student Aid Study.
Frequency: Triennial.
Affected Public: Individuals or households; Non-profit institutions; Small businesses or organizations.
Reporting Burden:
Responses: 59,500
Burden Hours: 29,750
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This study will collect data from a sample of students in postsecondary institutions, their parents and their school financial aid records. It will provide a student-based information system for student financial aid. It will assess the distribution and use of financial aid and address important issues in this area.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.
Title: Application for Designation as an Unusually Successful Program that Serves Disadvantaged Youth.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 260
Burden Hours: 1300
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This information will be used to select program projects for designation as an unusually successful program serving disadvantaged children.

Office of Elementary and Secondary Education

Type of Review: Revision.
Title: Drug-Free Schools and Communities Act of 1986—Part B State and Local Programs—Application for Federal Financial Assistance.
Frequency: Triennially.
Affected Public: State or local governments.
Reporting Burden:
Responses: 57
Burden Hours: 1710
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This application will be used by State and local educational agencies to apply for grants under the Drug-Free Program. The information collected will be used by the Department to award grants and monitor the performance of effective alcohol and drug abuse education and prevention programs.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Three Year State Plan for Vocational Rehabilitation Services under Title I and the State Supported Employment Services Program under Title VI, Part C of the Rehabilitation Act of 1973 as amended.
Frequency: Triennial.
Affected Public: State or local governments.
Reporting Burden:
Responses: 86
Burden Hours: 4,730
Recordkeeping Burden:
Recordkeepers: 86
Burden Hours: 5

Abstract: States are required to submit a State plan in order to receive funds under Vocational Rehabilitation Programs. The Department will use the information to make grant awards, and to evaluate States' performance and compliance under Title I and Title VI of the Rehabilitation Act, as amended.

[FR Doc. 89–25180 Filed 10–25–89; 8:45 am]
BILLING CODE 4000–01–M

Office of Administrative Law Judges Hearing

Grants and Contracts Service; Intent To Compromise a Claim, Saint Augustine College, IL

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise a claim against Saint Augustine College now pending before the Office of Administrative Law Judges, Docket No. 89–1–R (20 U.S.C. 1234(a)(j)).

DATE: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before December 11, 1989.

ADDRESS: Comments should be addressed to Dennis P. Koeppel, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 4066, FOB–6), Washington, DC 20202.

SUPPLEMENTARY INFORMATION: The claim in question arose from an audit of expenditures charged by Saint Augustine College to the Bilingual Vocational Training (BVT) Program for the period July 16, 1984 through July 15, 1986. The audit was performed by the Department's Office of Inspector General.

The auditors found that the College charged certain expenditures to the BVT grant in violation of the cost principles in 34 CFR part 74, and recommended a refund of $50,561. The violations included overclaiming the actual costs of unemployment compensation and vacation and sick pay, and charging to the BVT grant several items not included in the budget.

Based on a review of the audit report and documentation provided by the College, the Chief of the Cost Determination Branch of the Department's Grants and Contracts Service sustained most of the auditors' findings, and directed the College to refund to the Department $40,647. Pursuant to the provisions of Part E of the General Education Provisions Act, 20 U.S.C. 1234 *et seq.*, the College appealed the determinations to the Office of Administrative Law Judges.

The Department proposes to compromise the full amount of the $40,647 claim for $28,000. In light of the documentation submitted by the College in response to the audit findings, the litigation costs that would be incurred by the Department in defending a relatively small claim, and the fact that the compromise would provide a recovery of a substantial portion of the claim, we do not believe it would be practical or in the best public interest to continue the appeal. Furthermore, the college has taken steps to improve its accounting practices and we have no reason to believe that the vioations will recur.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Dennis P. Koeppel, Esq. at the address given at the beginning of the notice.

(Catalog of Federal Domestic Assistance No. 84-077A)

Dated: October 20, 1989.

Gary J. Rasmussen,

Acting Deputy Under Secretary for Management.

[FR Doc. 89-25181 Filed 10-25-89; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

[CFDA NOS. 84.120A and 84.120B]

Technical Assistance Workshop

AGENCY: Department of Education.

ACTION: Notice of Technical Assistance Workshop.

SUMMARY: This is a supplement to the Notice Inviting Applications for New Awards under the Minority Science Improvement Program (MSIP). This notice was published in the Federal Register, on Friday, September 15, 1989 (54 FR 38334). The Acting Assistant Secretary for Postsecondary Education of the U.S. Department of Education will sponsor a 2-day Technical Assistance Workshop for colleges and universities interested in applying for Minority Science Improvement Program (MSIP) grants. This workshop will be conducted by representatives of the Office of Higher Education Program Services and will cover regulations governing MSIP applications, allowable and non-allowable costs, and application evaluation criteria, and will offer hints for preparing successful applications. The sessions will be especially helpful for firsttime and former unsuccessful MSIP applicants.

DATE: November 6-7, 1989.

TIME: 9:00 a.m. to 5:00 p.m., both days.

PLACE: Clark Atlanta University, Thayer Hall, Room 121, 240 James P. Brawley Drive, S.W., Atlanta, Georgia 30314.

FOR FURTHER INFORMATION CONTACT: Dr. Argelia Velez-Rodriguez or Dr. John E. Bonas, Minority Science Improvement Program, Division of Higher Education Incentive Programs, Office of Postsecondary Education. Their respective telephone numbers are (202) 732-4396 and (202) 732-4397.

(Catalog of Federal Domestic Assistance Nos. 84.120A and 84.120B, Minority Science Improvement Program: Design, Institutional and Cooperative Projects, and Special Projects, respectively.)

Dated: October 19, 1989.

James B. Williams,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 89-25182 Filed 10-25-89; 8:45am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

Coal Policy Committee; National Coal Council; Correction

An open meeting of the Coal Policy Committee of the National Coal Council is scheduled to be held on Wednesday, November 8, 1989 at 9:00 AM. This meeting was announced in the Federal Register, Vol. 54, No. 222 on Wednesday, October 18, 1989 (54 FR 42837) and the time was incorrectly stated as 8:30 a.m.

Michael R. McElwrath,

Acting Assistant Secretary, Fossil Energy.

[FR Doc. 89-25293 Filed 10-25-89; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent To Prepare a Draft Environmental Impact Statement for Puget Sound Area Reinforcement

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare and consider a draft environmental impact statement (Draft EIS).

SUMMARY: Electrical loads in the Puget Sound area are continuing to grow rapidly. The last major reinforcement to the transmission system serving this area was completed over 12 years ago in 1977. Maximum reliable transmission capacity limits are now being reached or exceeded during severe cold weather peak loads. If the region has another severe cold spell like that of February 1989, loss of one of the major line serving the area could cause a blackout. As Puget Sound loads continue to grow, vulnerability to such an event will increase. A series of potentially serious outcomes could result if corrective actions are not taken.

BPA has decided to prepare an EIS evaluating alternate means for solving the region's transmission capacity problem.

DATES: BPA is planning a series of scoping activities to help define the range of feasible alternatives, define criteria by which alternatives will be compared in the Draft EIS.

A series of scoping meeting will be held.

BPA will also establish a Technical Review Group (TRG) to help BPA look at technical aspects of the problem and help define the alternatives that will be analyzed in the EIS. The date, time, and location of these opportunities for public involvement will be announced. Those interested in working on the Technical Review Group may write to the address below.

Written comments will be accepted through May 31, 1990. Based on the findings of the scoping process, BPA plans to file and distribute the Draft EIS for public review in fall 1990.

ADDRESSES: BPA welcomes written comments on the scope and emphasis of the Draft EIS. Send comment letters and request to be placed on a mail list or to receive further information on this project to the Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Judith Woodward, Environmental Coordinator for the Office of Engineering, at 503–230–4995, or call the Public Involvement office at 503–230–3478 in Portland; toll-free 800–452–8429 for Oregon outside Portland; 800–547–6048 for other Western States. Information may also be obtained from:

Mr. Terence Esvelt, Puget Sound Area Manager, 201 Queen Anne Avenue, North, Suite 400, Seattle, Washington 98109–1030, 206–442–4130.

Mr. Wayne Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–353–2518.

Mr. Ron Rodewald, Wenatchee District Manager, 301 Yakima Street, Wenatchee, Washington 98807–0741, 509–662–4377.

SUPPLEMENTARY INFORMATION: Most of the power used within the Puget Sound area (70%) is produced east of the Cascade Mountains. Power is delivered to the area over high-voltage transmission lines, most of which are owned and operated by BPA. System studies show that the maximum reliable capacity on lines crossing the Cascades into the Puget Sound area is 7700–7800 megawatts (MW). Projected peak power demand for severe cold weather this winter is 8100 MW and is expected to continue growing 200–300 MW each year.

This transmission system limitation poses potentially serious consequences. During periods of peak use, system disturbances such as loss of a major line or generator could cause system voltages to drop dangerously low and, in a domino-like fashion, cause automatic controls on the power supply system to disconnect lines and substations from the system. If this happens, electric service within the region could be lost for a period of hours. Loss of power can have effects ranging from inconvenience, to substantial economic loss, including lost productivity and damage to electrical equipment.

Several short- and long-term actions can strengthen the Puget Sound power supply system. Short-term actions (next 5 years) include: installing capacitors within existing BPA substations; making emergency curtailment plans with the region's electric utilities; and increasing existing conservation programs within the Puget Sound area. Such actions may be implemented separately while long-term corrective actions are decided. These options either 1) have independent utility from the potential solutions that will be evaluated in the Puget Sound Area Reinforcement Draft EIS, and thus will be evaluated independently pursuant to the National Environmental Policy Act (NEPA); or 2) are within a category of actions which are excluded from the procedureal requirements of NEPA (CEQ 102(2)c).

Pressure for considering and implementing long-term solutions becomes more acute if the Puget Sound area continues to develop at a very rapid rate. Potential long-term solutions are likely to fall within one of four categories: (1) Demand-side management, including conservation; (2) local-area generation; (3) transmission reinforcement; and (4) temporary load shedding.

A TRG composed of interested citizens, public and private interest group representatives, and governmental officials will be formed. This group will help BPA look at technical aspects of the problem and help BPA define the range of alternatives and environmental issues to be considered in the EIS.

BPA is preparing a publication (referred to as an Issue Alert) that defines the nature of teh problem and discusses alternatives that have been suggested as possible solutions. The Issue Alert will be published this fall and distributed widely throughout the region in an effort to build public understanding of the problem and to solicit public views on the range of alternatives. The Issue Alert will help BPA build a mailing list of people who desire to be kept informed of BPA's activities on this issue.

Issued in Portland, Oregon, on October 11, 1989.

Steven G. Hickok,

Executive Assistance Administrator.

[FR Doc. 89–25264 Filed 10–25–89; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER89–494–000, et al.]

Utah Power & Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 19, 1989.

Take notice that the following filings have been made with the Commission:

1. Utah Power & Light Company

[Docket No. ER89–494–000]

Take notice that on September 29, 1989, Utah Power & Light Company (Utah) tendered for filing supplemental information to Utah's section 205 Filing under FERC Docket No. ER89–494–000. Utah's filing hereunder revised the wholesale and transmission supplemental filing reflects the Multi-Jurisdictional Allocation Committee's consensus interdivisional allocations and the September 7, 1989 allocation of Remaining Existing Capacity pursuant to Opinion Nos. 318 and 318–A issued in Docket No. EC88–2–000.

Utah respectfully requests to renew its request for an effective date of June 12, 1989.

Copies of the filing were served on all of Utah's affected wholesale and transmission customers, and the state regulatory commissions of Utah, Idaho, Wyoming, Colorado, Nevada and Arizona.

Comment date: November 2, 1989, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Atlantic Limited Partnership

[Docket No. ER90–24–000]

Take notice that Commonwealth Atlantic Limited Partnership (Commonwealth), on October 17, 1989, tendered for filing its initial FERC electric service tariff, which is a Power Purchase and Operating Agreement between itself and Virginia Electric and Power Company.

The Agreement provides for sales of energy and capacity from Commonwealth to Virginia Power.

Comment date: November 3, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Power & Light Company

[Docket No. ER89–493–000]

Take notice that on September 29, 1989, Pacific Power & Light Company (Pacific) tendered for filing supplemental information to Pacific's section 205 Filing under FERC Docket No. ER89–493–000. Pacific's filing hereunder revises the wholesale and transmission rates previously filed with the Commission on June 12, 1989. The supplemental filing reflects the Multi-Jurisdictional Allocation Committee's consensus interdivisional allocations and the September 7, 1989 allocation of Remaining Existing Capacity pursuant to Opinion Nos. 318 and 318–A issued in Docket No. EC88–2–000.

Pacific respectfully requests to renew its request for an effective date of June 12, 1989.

Copies of the filing were served on all of Pacific's affected wholesale and transmission customers, and the Wyoming Public Service Commission.

Comment date: November 2, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25163 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-161-003]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

October 20, 1989.

Take notice that ANR Pipeline Company ("ANR"), on October 16, 1989, tendered for filing, proposed changes to its FERC Gas Tariff, Original Volume No. 1, to become effective November 1, 1989.

ANR hereby requests authorization from the Federal Energy Regulatory Commission ("Commission"), under § 154.66 of the Commission's Regulations, to withdraw its proposal to change its measurement methodology of BTU content from a "saturated" basis to a "dry" basis as proposed in Docket No. RP89-161, filed on May 1, 1989. ANR now proposes to retain its existing BTU measurement methodology on a "saturated" basis. Correspondingly, ANR recognizes that its Application To Adjust Contractual Quantities To Reflect BTU Measurement Change, filed on September 29, 1989 at Docket No. RP89-161, will be treated as an Application under section 7 of the Natural Gas Act and redocketed as Docket No. CP89-2210-000. ANR states that it plans to reinstitute its proposal to institute a "dry" measurement methodology prospectively upon satisfactory conclusion of the proceedings in Docket No. CP89-2210-000.

ANR states that copies of the filing were served upon all of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25158 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-12-000]

Colorado Interstate Gas Co.; Tariff Filing

October 20, 1989.

Take note that on October 17, 1989, Colorado Interstate Gas Company ("CIG") tendered for filing the following tariff sheets in its First Second Revised Volume No. 1-A, to be effective October 17, 1989.

Title Page
First Revised Sheet No. 1
First Revised Sheet No. 2
First Revised Sheet No. 5
Second Revised Sheet No. 6
Second Revised Sheet No. 8
First Revised Sheet No. 11
First Revised Sheet No. 12
First Revised Sheet No. 13
First Revised Sheet No. 16
First Revised Sheet No. 17
First Revised Sheet No. 18
Original Sheet No. 18A
Second Revised Sheet No. 19
Second Revised Sheet No. 21
Second Revised Sheet No. 22
Second Revised Sheet No. 23
First Revised Sheet No. 23A
First Revised Sheet No. 25B
First Revised Sheet No. 26
First Revised Sheet No. 27
First Revised Sheet No. 28
First Revised Sheet No. 29
First Revised Sheet No. 30
First Revised Sheet No. 31
Original Sheet No. 31A
First Revised Sheet No. 32
First Revised Sheet No. 33
First Revised Sheet No. 34
First Revised Sheet No. 35
First Revised Sheet No. 37
First Revised Sheet No. 38
First Revised Sheet No. 40
First Revised Sheet No. 41
Second Revised Sheet No. 44
Third Revised Sheet No. 45
First Revised Sheet No. 47
First Revised Sheet No. 48
First Revised Sheet No. 49
First Revised Sheet No. 50
First Revised Sheet No. 51
Second Revised Sheet No. 54
Second Revised Sheet No. 55
First Revised Sheet No. 57
First Revised Sheet No. 58
First Revised Sheet No. 59
First Revised Sheet No. 60
First Revised Sheet No. 61
First Revised Sheet No. 62
First Revised Sheet No. 64
First Revised Sheet No. 65

CIG states that the purpose of this filing is to eliminate the presently effective "challenge" procedure under which certain interruptible transportation service is curtailed and to replace that procedure with a procedure that will allow those interruptible shippers who do receive service during times of curtailment to continue to receive service subject to certain conditions. In addition, CIG states that it has made certain minor "housekeeping" tariff changes, in order to define certain terms used throughout the tariff and to reflect actual operating conditions.

CIG states that copies of its filing were served on all current transportation customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 25159 Filed 10–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TC90–3–000]

Florida Gas Transmission Co.; Tariff Sheet Filing

October 20, 1989.

Take notice that on October 16, 1989, Florida Gas Transmission Company (FGT) tendered for filing in the above-referenced docket the following tariff sheets:

4th Revised Sheet No. 30
4th Revised Sheet No. 31
4th Revised Sheet No. 32
4th Revised Sheet No. 33
4th Revised Sheet No. 34
4th Revised Sheet No. 35
4th Revised Sheet No. 36
4th Revised Sheet No. 37

FGT proposes that the instant sheets become effective on November 15, 1989, pursuant to § 281.204(b)(2) of the Commission's Regulations, which requires interstate pipelines to update their respective index of entitlements annually to reflect changes in priority 2 entitlements (Essential Agriculture Users), and that the Commission waive its regulations to the extent necessary to allow said sheets to become effective as proposed.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before October 30, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 89–25160 Filed 10–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–60–002]

Southwest Gas Storage Co.; Proposed Changes in FERC Gas Tariff

October 19, 1989.

Take notice that Southwest Gas Storage Company (Southwest) on October 12, 1989, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 4
Third Revised Sheet No. 16
Third Revised Sheet No. 17

The proposed effective date of these revised tariff sheets is October 1, 1989.

Southwest states that the above-referenced tariff sheets are being filed in accordance with the Commission's Letter Order issued September 29, 1989 which accepted and approved Southwest's Stipulation and Agreement in Docket No. RP89–60–000.

Southwest states that copies of this filing have been served on Southwest's jurisdictional customer.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before October 26, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Persons who are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–25161 Filed 10–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–209–022]

Natural Gas Pipeline Co. of America; Changes in FERC Gas Tariff

October 20, 1989.

Take notice that on October 16, 1989, Natural Pipeline Company of America (Natural) tendered for filing tariff sheets to be a part of its FERC Gas Tariff, to be effective October 1, 1989.

Natural states that the tariff sheets were submitted in compliance with the Commission's order issued September 15, 1989, at Docket No. RP88–209–000. The tariff sheets set out the settlement base rates and other tariff provisions approved in Natural's Stipulation and Agreements at Docket No. RP88–209–000.

Natural respectfully requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets to become effective October 1, 1989.

A copy of the filing is being mailed to Natural's jurisdictional customers, interested state regulatory agencies, and all parties set out on the official service list at Docket No. RP88–209–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before October 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 89–25167 Filed 10–25–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP90–70–000]

Southern Natural Gas Co.; Request Under Blanket Authorization

October 20, 1989.

Take notice that on October 17, 1989, Southern Natural Gas Company (Southern) filed in Docket No. CP90–70–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas, on an interruptible basis, for OXY USA, Inc. (OXY), a gas producer, under Southern's blanket certificate issued in Docket No. CP88–316–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a service agreement dated August 25, 1989, Southern requests authorization to perform the proposed transportation service for OXY under Southern's Rate Schedule IT. Southern states that the service agreement is for a primary term of one month with successive terms of one month thereafter unless cancelled by either party. Southern further states that the

service agreement provides for a maximum transportation quantity of 40,000 MMBtu of gas per day and that OXY anticipates that this quantity would be transported on an average day; accordingly, Southern expects that 14,600,000 MMBtu would be transported on an annual basis. Southern proposes to receive the gas at various existing receipt points in Texas, Louisiana, Mississippi, Alabama, offshore Texas, and offshore Louisiana and deliver the gas to existing points of delivery in Refugio County, Texas. Southern advises that the service commenced on September 1, 1989, as reported in Docket No. ST89-4741, pursuant to § 284.223(a)(1) of the Commission's Regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25165 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-70-005]

Stingray Pipeline Co.; Compliance Filing

October 19, 1989.

Take notice that Stingray Pipeline Company (Stingray) on October 13, 1989 tendered for filing certain revised tariff sheets in compliance with the Commission's September 29, 1989 letter order.

Stingray states that copies of its filing have been served on all parties and customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Regulations. All such protests should be filed on or before October 26, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25162 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-130-008, RP88-198-012, RP89-59-005]

Transwestern Pipeline Co.; Compliance Filing

October 20, 1989.

Take notice that Transwestern Pipeline Company ("Transwestern") on October 13, 1989, filed in compliance with the Commission's September 13, 1989, "Order Denying Rehearing and Requests For Clarification" (Order) of Commission orders dated April 28 and July 14, 1989 in the above referenced dockets. Pursuant to Ordering Paragraph B of the Order, Transwestern is directed to "comply with the provisions of the Commission's April 28, 1989 order on the proper separation of Order No. 500 and administrative costs within 30 days of the issuance of this order." Ordering Paragraph F of the April 28, 1989 order stated that "Transwestern must remove those costs that are eligible to be recovered in this Docket from any of its pending PGA dockets or other administrative proceedings involving gas costs. . . ." Pursuant to, and in compliance with, the Order, Transwestern states that no costs included in the three Order No. 500 filings made by Transwestern in Docket Nos. RP88-198, RP89-59 and RP89-130, are included in any PGA dockets or other administrative proceedings involving gas costs. Therefore, it states, no changes to the tariff sheets concerning this issue are required by Transwestern.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before October 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25166 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10787-000]

Pacific Hydro, Inc.; Granting Late Intervention

October 20, 1989.

An untimely motion to intervene has been filed by the following movant: Northwest Rivers Council

This motion has been filed with respect to the application set forth below:

McLeod Ridge Project No. 10787

Applicant: Pacific Hydro, Inc.

The movant has legitimate interests under the law that are not adequately represented by other parties. No answer to the motion has been filed. Granting the intervention will not cause a delay nor prejudice any other party. It appears to be in the public interest to allow the movant to appear in this proceeding.

Pursuant to § 375.302 of the Commission's regulations, 18 CFR 375.302 (1988), the movant is permitted to intervene in this proceeding subject to the Commission's rules and regulations under the Federal Power Act, 16 U.S.C. 791(a)-825(r). Participation of the intervenor shall be limited to matters set forth in its motion to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25164 Filed 10-25-89; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Maritz Inc. and Maritz Travel Co.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358)

and Federal Maritime Commission General Order 20, as amended (46 CFR part 540): Maritz Inc. and Maritz Travel Company, 1375 North Highway Drive, Fenton, MO 63099–0800, Vessel: Royal Viking Star.

Dated: October 23, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–25231 Filed 10–25–89; 8:45 am]

BILLING CODE 6730–01–M

Fact Finding Investigation No. 18 Rebates and Other Malpractices in the Trans-Pacific Trades; Supplemental Order

October 23, 1989.

By Order issued April 26, 1986, the Commission instituted this nonadjudicatory investigation into the practices of carriers and other persons with respect to possible rebating and other unlawful practices in the Trans-Pacific Trades. The purpose of this investigation is to determine whether sufficient evidence exists to warrant informal compromise procedures or formal investigation and assessment proceedings for violations of the Shipping Act of 1984 ("Act"). Peter J. King of the Commission was named in that Order as the Investigative Officer, and was given full authority to conduct the investigation in accordance with the laws of the United States and the regulations of the Commission.

Fact Finding Investigation No. 18 and other ongoing efforts are producing an increasing body of evidence of rate malpractices. The Commission is determined that the process of achieving the goals of its Trans-Pacific Trades Malpractice Program shall not be delayed because evidence is too voluminous to be evaluated and utilized promptly, with proper effect. To ensure that the process remains flexible and is carried on efficiently, the Commission is appointing a second Investigative Officer to share the authority and important responsibilities of this proceeding.

Therefore, it is ordered, that pursuant to part 502, subpart R of title 46 of the Code of Federal Regulations, 46 CFR 502.281, Charles L. Haslup III of the Commission is designated as a co-equal Investigative Officer in this proceeding. He shall have full authority, severally and jointly with Peter J. King, to hold public or non-public sessions, to resort to all compulsory process authorized by law (including the issuance of subpenas), to administer oaths and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That the Investigative Officers shall issue a joint report of findings and recommendations no later than April 30, 1990, such report to remain confidential until and unless the Commission rules otherwise;

It is further ordered, That notice of this Supplemental Order be published in the **Federal Register.**

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 89–25232 Filed 10–25–89; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Application Solicitation

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Request for public comment on draft FY 1990 Program Guidelines/Application Solicitation for Labor-Management Committees.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is publishing the draft Fiscal Year 1990 Program Guidelines/Application Solicitation for the Labor-Management Cooperation Program to inform the public and obtain public comments. The program is supported by Federal funds authorized by the Labor Management Cooperation Act of 1978, subject to annual appropriations.

DATE: Comments are due on or before November 24, 1989.

ADDRESS: Send comments to: Peter L. Regner Director, Staff Operations and Programs FMCS, 2100 K Street, NW., Washington, DC 20427.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, 202/653–5320.

A. Introduction

The following is the draft solicitation for the Fiscal Year 1990 cycle of the Labor-Management Cooperation Program as it pertains to the support of labor-management committees. These guidelines represent the continuing efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was initially implemented in Fiscal Year 1981. The Act generally authorizes FMCS to provide assistance in the establishment and operation of plant, area, public sector, and industry-wide labor-management committees which:

(A) Have been organized jointly by employers and labor organizations representing employees in that plant, area, government agency, or industry; and

(B) Are established for the purpose of improving labor-management relationships, job security, and organizational effectiveness; enhancing economic development; or involving workers in decisions affecting their jobs, including improving communication with respect to subjects of mutual interest and concern.

The Program Description and other sections that follow, as well as a separately published FMCS Financial and Administrative Grants Manual, make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, area-wide, industry, or public sector labor-management committee. Directions for obtaining an application kit may be found in section I. A copy of the Labor-Management Cooperation Act of 1978 follows this solicitation and should be reviewed in conjunction with this solicitation.

B. Program Description

Objectives

The Labor-Management Cooperation Act of 1978 identifies the following seven general areas for which financial assistance would be appropriate:

(1) To improve communication between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance in the formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria. The term "labor" refers to employees represented by a labor organization and covered by a formal collective bargaining agreement. These committees may be found at either the plant (worksite), area, industry, or public sector levels. A plant or worksite committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, continguous multicounty, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in the private sector on a local, state, regional, or nationwide level. A public sector committee consists of government employees and managers in one or more units of a local or state government. Those employees must be covered by a formal collective bargaining agreement or other enforceable labor-management agreement. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY90, competition will be open to plant, area, private industry, and public sector committees. In-plant committee applications should offer an innovative or unique effort. All application budget requests should focus directly on supporting the committee. Applicants should avoid seeking funds for activities that are clearly available under other Federal programs (e.g., job training, mediation of contract disputes, etc.).

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the plant, area, government, or industry and its workforce that will be addressed by the committee. Applicats must document the problem(s) using as much relevant data as possible and discuss the full range of impacts these problem(s) could have or are having on the plant, government, area, or industry. An industrial or economic profile of the area and workforce might prove useful in explaining the problem(s). This section basically discusses *WHY* the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail *WHAT* the labor-management committee as a demonstration effort will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one over-all goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifies *HOW* the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) A discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) A listing, by name and title, of all existing or proposed members of the labor-management committee. The application should also offer a rationale for the selection of the committee members (e.g., members represent 70% of the area or plant workforce).

(c) A discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) In addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) A statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) For applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of past efforts and accomplishments and how they would integrate with the proposed expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for *WHEN* they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant using October 1990 as the start date. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants must provide for either an external evaluation or an internal assessment of the project's success in meeting its goals and objectives.

An evaluation plan must be developed which will briefly discuss what basic questions or issues the assessment will examine and what baseline data the committee staff already has or will gather for the assessment. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include current letters of commitment from *all* proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and will attend scheduled committee meetings. A blanket letter signed by a committee chairperson or other official on behalf of all members is not acceptable.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating approximately how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels, a copy of the by-laws, a breakout of annual operating costs and identification of all sources and levels of current financial support;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) An assurance that committee meetings will be held at least every other month and that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address.

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will focus on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results. For in-plant applicants, this section will address the degree of innovativeness or uniqueness of the proposed effort.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application.

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates.

(6) The cost effectiveness and fiscal soundness of the application's budget request, as well as the application's feasibility vs. its goals and approach.

(7) The overall feasibility of the proposed project in light of all of the information presented for consideration; and,

(8) The value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978. This includes such factors as innovativeness, site location, cost, and other qualities that impact upon an applicant's value in encouraging the labor-management committee concept.

C. Eligibility

Eligible grantees include State and local units of government, labor-management committees (or a labor union, management association, or company on behalf of a committee that will be created through the grant), and certain third party private non-profit entities on behalf of one or more committees to be created through the grant. Federal government agencies and their employees are not eligible.

Third party private, non-profit entities which can document that a major purpose or function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under part B must be followed. Applications from third-party entities must document particularly strong support and participation from all labor and management parties with whom the applicant will be working. Applicants from third-parties which do not directly support the operation of a new or expanded committee will not be deemed eligible.

Applicants who received funding under this program in the past for committee operations are generally not eligible to apply. The only exceptions apply to third-party grantees who seek funds on behalf of an entirely different committee and FY88 grantees seeking continuation funding.

D. Allocations

FMCS has been given a tentative allocation of $1.4 million for this program. However, this amount may be reduced by federally mandated budget reductions. Specific funding levels will not be established for each type of committee. Instead, the review process will be conducted in such a manner that at least two awards will be made in each category (plant, industry, public sector, and area), providing that FMCS determines that at least two outstanding applications exist in each category. After these applications are selected for award, the remaining applications will be awarded according to merit without regard to category.

FMCS reserves the right to retain up to 5 percent of the FY90 appropriation to contract for program support purposes other than administration. In FY90, approximately $400,000 will be reserved to continue successful grants funded in FY88.

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence 12 months prior to the submission deadline) will be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 12 months at double the initial cash match ratio.

The total project period can thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), will be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ration. The total project period can thus normally be no more than 36 months.

The dollar range of awards is as follows:

—Up to $35,000 in FMCS funds per annum for existing in-plant applicants;
—Up to $50,000 over 18 months for new in-plant committee applicants;
—Up to $75,000 in FMCS funds per annum for existing area, industry and public sector committees applicants;
—Up to $100,000 per 18-month period for new area, industry, and public sector committee applicants.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and its required grantee match, applicants may supplement these funds through voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

Applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants for existing committees must provide at least 25 percent of the total allowable project costs. All matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by grant-supported efforts are considered "project income," and may not be used for matching purposes.

It will be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds currently spent for these purposes. Funding requests from existing committees should focus entirely on the costs associated with the expansion efforts. Also, under no circumstances may business or labor officials participating on a labor-management committee be compensated out of grant funds for *time* spent at committee meetings or *time* spent in training sessions. Applicants generally will not be allowed to claim all or a portion of *existing* staff time as an expense or match contribution.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FY90 FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Application Submission and Review Process

Applications should be signed by *both* a labor and management representative and be postmarked no later than May 5, 1990. No applications or supplementary materials can be accepted after the

deadline. It is the responsiblility of the applicant to ensure that the application is correctly postmarked by the U.S. Postal Service or other carrier. An original application, containing numbered pages, *plus three copies* should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street NW., Washington, DC 20427. FMCS will not accept videotaped submissions.

After the deadline has passed, all eligible applications, except for those for the National Conference, will be reviewed and scored initially by one or more FMCS Grant Review Boards. The Board(s) will decide which applications will be recommended for funding consideration. The Director, Labor-Management Grant Programs, will finalize the scoring and selection process for those applications recommended by the Board(s). The individual listed as contact person in Item 6 on the application form will be the only person with whom FMCS will communicate during the application review process.

All FY90 grant applicants will be notified of results and all grant awards will be made before September 28, 1990. Applications submitted after the deadline date or that fail to adhere to eligibility or other major requirements will be administratively rejected by the Director, Labor-Management Grant Programs.

H. Application Development Training

In FY90, FMCS will offer a half-day training program to assist potential applicants with the development and writing of an FMCS grant application. This training session will be conducted in Washington, DC, on December 11, 1990. Individuals interested in attending the session should contact FMCS to reserve a space. See Section I for contact information.

I. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained free of charge by contacting Lee A. Buddendeck or Peter L. Regner, Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street NW., Washington, DC 20427; or by calling 202/653–5320.

Robert P. Baker,

Acting Director, Federal Mediation and Conciliation Service.

[FR Doc. 89–25245 Filed 10–25–89; 8:45 am]

BILLING CODE 6732–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 17, 1989.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. Donald L. Gaddy, Skiatook, Oklahoma; to acquire an additional 2.2 percent, totalling 17.5 percent, of the voting shares of Skiatook Bancshares, Inc., Skiatook, Oklahoma, parent of Exchange Bank, Skiatook, Oklahoma.

2. George F. Bashaw, Skiatook, Oklahoma; to acquire an additional 2.2 percent, totalling 17.5 percent, of the voting shares of Skiatook Bancshares, Inc., Skiatook, Oklahoma, parent of Exchange Bank, Skiatook, Oklahoma.

Board of Governors of the Federal Reserve System, October 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–25212 Filed 10–25–89; 8:45 am]

BILLING CODE 6210–01–M

Kislak Financial Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 17, 1989.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Kislak Financial Corporation, Miami Lakes, Florida; to become a bank holding company by acquiring 99.7 percent of the voting shares of Kislak National Bank, North Miami, Florida.

Board of Governors of the Federal Reserve System, October 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–25213 Filed 10–25–89; 8:45am]

BILLING CODE 6210–01–M

North Fork Bancorporation, Inc.; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 10, 1989.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. North Fork Bancorporation, Inc., Mattituck, New York; to engage *de novo* through Compass Investment Services Corporation, Garden City, New York, in providing securities brokerage services, related securities credit activities pursuant to the Board's Regulation T, and incidental activities such as offering custodial services, individual retirement accounts and cash management services, pursuant to § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-25214 Filed 10-25-89; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

[Dkt. C-3256]

Brooks Drug, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Pawtucket, R.I. based corporation from entering into any agreement with other pharmacy firms to withdraw from or refuse to enter into any participation agreement. It further prohibits respondent, for a period of ten years, from communicating to another pharmacy firm their decision or intention to enter or refuse to enter into such a participation agreement. In addition, for eight years, it prohibits respondent from advising another pharmacy firm on whether to enter into any participation agreement.

DATE: Complaint and Order issued July 13, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Karen Bokat, FTC/S-3308, Washington, DC 20580. (202) 326-2912.

SUPPLEMENTARY INFORMATION: On Monday, May 1, 1989, there was published in the **Federal Register**, 54 FR 18539, a proposed consent agreement with analysis In the Matter of Brooks Drug, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[Dkt. C-3257]

Carl's Drug Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Rome, N.Y. based corporation from entering into any agreement with other pharmacy firms to withdraw from or refuse to enter into any participation agreement. It further prohibits respondent, for a period of ten years, from communicating to another pharmacy firm their decision or intention to enter or refuse to enter into such a participation agreement. In addition, for eight years, it prohibits respondent from advising another pharmacy firm on whether to enter into any participation agreement.

DATE: Complaint and Order issued July 12, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Karen Bokat, FTC/S-3308, Washington, DC 20580. (202) 326-2912.

SUPPLEMENTARY INFORMATION: On Monday, May 1, 1989, there was published in the **Federal Register**, 54 FR 18541, a proposed consent agreement with analysis In the Matter of Carl's Drug Co., Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 89-25234 Filed 10-25-89; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3258]

Genovese Drug Stores, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Melville, NY, based corporation from entering into any agreement with other pharmacy firms to withdraw from or refuse to enter into any participation agreement. It further prohibits respondent, for a period of ten years, from communicating to another pharmacy firm their decision or intention to enter or refuse to enter into such a participation agreement. In

[1] Copies of the Complaint, and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

addition, for eight years, it prohibits respondent from advising another pharmacy firm on whether to enter into any participation agreement.

DATE: Complaint and Order issued July 12, 1989.[1]

FOR FURTHER INFORMATION CONTACT: Karen Bokat, FTC/S–3308, Washington, DC 20580. (202) 326–2912.

SUPPLEMENTARY INFORMATION: On Monday, May 1, 1989, there was published in the **Federal Register**, 54 FR 18544, a proposed consent agreement with analysis In the Matter of Genovese Drug Stores, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 89–25235 Filed 10–25–89; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

ENVIRONMENTAL PROTECTION AGENCY

[ATSDR–13]

The Third List of Hazardous Substances That Will Be the Subject of Toxicological Profiles

AGENCIES: Department of Health and Human Services (HHS), Public Health Service (PHS), Agency for Toxic Substances and Disease Registry (ATSDR); and Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act (SARA), establishes certain requirements for ATSDR (of HHS) and EPA with regard to hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List (NPL). CERCLA (42 U.S.C. 9604(i)(2)) required that the two agencies prepare a list of at least 100 hazardous substances most commonly found at NPL facilities that pose the most significant potential threat to human health (see 52 FR 12866, April 17, 1987). CERCLA also required the agencies to revise the priority list to include 100 or more additional hazardous substances (see 53 FR 41280, October 20, 1988), and to include at least 25 additional hazardous substances in each of the three successive years following the 1988 revision. This notice contains the required list of 25 additional substances and provides a summary of the procedure used to assemble the list. The agencies expect to receive more current information relating to the substances on this and all previous lists in the near future. When this information becomes available, these lists will be reevaluated and the substances re-ranked. A new list of 225 will be published in the **Federal Register**.

ADDRESS: Comments on this notice should bear the docket control number ATSDR–13, and should be submitted to: Edward Skowronski, ATSDR, Division of Toxicology, Mail Stop E–29, 1600 Clifton Rd., NE., Atlanta, GA 30333. All comments will be placed in a publicly accessible docket; therefore please do not send confidential business information (CBI).

FOR FURTHER INFORMATION CONTACT: Edward Skowronski, ATSDR, Atlanta, GA 404–639–0730 or FTS 236–0730.

LIST OF SUBSTANCES: The following newly listed 25 hazardous substances are shown in order of their Chemical Abstract Service (CAS) numbers.

CAS No.	Name of compound (synonym)
60–29–7	Ethyl Ether (Diethyl Ether).
64–17–5	Ethanol.
67–63–0	Isopropanol.
74–93–1	Methyl Mercaptan.
75–43–4	Dichlorofluoromethane (Freon 21).
79–09–4	Propanoic Acid (Propionic Acid).
79–20–9	Methyl Acetate.
92–52–4	Biphenyl (Diphenyl).
98–01–1	2-Furancarboxaldehyde (Furfural).
100–01–6	p-Nitroaniline (4-Nitroaniline).
106–99–0	Butadiene (1,3-Butadiene).
108–39–4	3-Methyl Phenol (m-Cresol).
110–86–1	Pyridine.
123–42–2	Diacetone-Alcohol (4-Hydroxyl-4-methyl-2-pentanone).
271–89–6	2,3-Benzofuran.
298–00–0	Methyl Parathion.
298–02–2	Phorate.
1319–77–3	Cresols.
7429–90–5	Aluminum.
7550–45–0	Titanium.
7697–37–2	Nitric Acid.
7726–95–6	Bromine.
25321–22–6	Dichlorobenzene.
25323–89–1	Trichloroethane.
37871–00–4	Heptachlorobenzo-p-Dioxin.

SUPPLEMENTARY INFORMATION:

I. Background

On October 17, 1986, the President signed the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99–499), which extends and amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Section 104(i) of CERCLA, as amended, requires the preparation of: (1) A list of hazardous substances found at NPL sites (in order of priority), (2) toxicological profiles of those substances, and (3) the initiation of a research program to fill data gaps associated with the substances.

A priority list of the first 100 substances was published (52 FR 12866, April 17, 1987), with a short summary of the procedure used by ATSDR and EPA to compile the list. In that notice, the agencies solicited public comment on the approach adopted for evaluating and ranking hazardous substances found at NPL sites, and announced the intention to refine the listing process in response to these comments and ongoing efforts by the agencies to improve the listing process.

A second priority list of 100 additional substances was published (53 FR 41280, October 20, 1988). At that time, the procedure used to prepare the second priority list was summarized. For the most part, the same procedure was used to prepare the third list of 25 substances that appears in this notice.

The approach used to prepare this third list is summarized below. The agencies solicit public comment on this approach; such comments should be submitted in accordance with the instructions given in this notice. The agencies will continue to seek improvements in the listing process as future revisions of the list are prepared. All non-confidential comments previously received are in the public file for this notice. A more detailed description of the revised listing methodology is contained in support documents which have been placed in the public file and are available for public review (see unit V of this notice).

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

II. Review of Methodology for Selecting Substances on the First List

A. General Approach for the First List

To obtain the first list of 100 hazardous substances, ATSDR and EPA defined a subset of the 717 hazardous substances which formed the CERCLA list (under section 102 of CERCLA). The subset was defined as those hazardous substances which EPA has identified at National Priorities List (NPL) sites. To rank the substances within this subset, three criteria were considered: (1) Toxicity, (2) frequency of occurrence at NPL sites or facilities, and (3) potential for human exposure. These criteria reflect the requirements of section 104(i)(2) of CERCLA. To develop a detailed ranking system employing these criteria, ATSDR and EPA first reviewed a number of hazard scoring systems for their applicability to the ranking criterion of toxicity. From all the approaches considered, the Reportable Quantity (RQ) scoring scheme was selected for ranking toxicity of the 100 priority substances. The RQ scoring scheme is described in several **Federal Register** documents (50 FR 13456, April 4, 1985; 51 FR 34534, September 29, 1986; and 52 FR 8140, March 16, 1987).

The second criterion used by ATSDR and EPA to prepare the first priority list of hazardous substances was the frequency of occurrence at NPL sites. Data from the Contract Laboratory Program (CLP) statistical data base was used for determining frequency of occurrence. The CLP is an EPA program which provides a range of chemical analysis services at hazardous waste sites. The CLP statistical data base represents a random, stratified sample of sites and waste samples from those sites that were analyzed under CLP Routine Analytical Services (R&S) contracts from 1980 to 1984. The data base provided information on the percentage of sites at which substance was detected at least once in any medium (i.e., frequency of occurrence) and the average and range of concentrations for each medium or matrix (e.g., soil, ground water, drums).

The third criterion used to prepare the first priority list of hazardous substances was the potential for human exposure. ATSDR and EPA evaluated various sources of data associated with this criterion, and selected the CLP survey data to derive a rough estimate of potential for human exposure to hazardous substances at NPL sites. Three types of exposure-related data from the CLP curve were used: the average concentration of the candidate substances detected in ground water and surface water across the 358 NPL sites included in the CLP survey; the frequency of detection of those substances in ground water and surface water across the 358 sites; and whether the substances had been selected for detailed exposure and risk assessment at Superfund Remedial sites.

B. Generation of the First List

Using the ranking factors described above, as well as some minor criteria, ATSDR and EPA developed an alogrithm incorporating these criteria to calculate a hazard index value for each candidate substances. This alogrithm served as the basis for generating the rank of the first 100 substances. The starting point for the hazard index calculation was the subset of hazardous substances which EPA had identified at NPL sites based on the site percent data from the CLP survey. The agencies divided the site percent data value for each substance (representing frequency of occurrence) by the lowest RQ value for the substance (based on acute toxiciy, chronic toxicity, or potential carcinogenicity) to generate a site index for each substance. ATSDR and EPA ranked the candidate substances based on their site indices. The agencies then calculated an exposure index for each substance by ranking them based on the three exposure-related factors (with each factor receiving equal weight). The final step in the algorithm was to combine the site index rank and the exposure index value to obtain a hazard index for each substance. The substances were prioritized based on their hazard indices.

For purposes of assessing hazardous substances in toxicity profiles, ATSDR and EPA combined some of the candidate substances into groups. If substances are stereoisomers of one another, are readily metabolized to other substances on the list, or generally are characterized as mixtures with respect to toxicity and/or frequency of occurrence, they were grouped together and occupy only one position on the priority list. Examples of these types of substances include: heptachlor and heptachlor epoxide; endrin and endrin aldehyde; PCBs.

III. Methodology for Selecting on the Second and Third Lists

A. Bases for Improvements in Methodology for Selecting Substances

After publication of the first priority list of hazardous substances, ATSDR and EPA solicited public comment and conducted critical reviews of the above-described prioritizing method in order to identify potential improvements. The procedure used to generate the second 100 substances was a modified version of that used to rank the first 100. The modifications reflect an effort to: (1) Improve data acquisition for data-poor substances of the second list, and (2) adapt the method to data sources that provide a more complete description of exposure to substances found at NPL sites. The ranking alogrithm used to generate the third list is the same version as that used for the second list. However, several new sources of exposure and frequency of occurrence data were used as inputs for the alogrithm.

B. Determination of the Frequency of Occurrence Criterion of the Ranking Methodology

In the procedure for selection of the first 100 priority substances, the number of NPL sites at which a substance is found was estimated from the CLP statistical data base. For selection of the second 100 priority substances, two additional estimates of frequency of occurrence were employed, the NPL technical (NPLt) data base, and the CLP Special Analytical Services (SAS) data base. For the development of the third list, the View data base (described below) was substituted for NPLt, and the CLP Analytical Results data base (CARD) was added to supplement the CLP statistical data base (described above). The View, CARD, and SAS data bases are described below.

The View data base has been developed by ATSDR's Exposure and Disease Registry Branch (EPRB) for use in selecting sites for Exposure Registry development. View is built upon EPA's NPLt data base supplemented with information from ATSDR Health Assessment and Health Consultation documents. View currently contains updated verified frequency of occurrence data for all of the 1,177 NPL sites. The View data based was used as a replacement for the NPLt data base as a source of frequency of occurrence data for the algorithm.

CARD contains information generated by recent CLP Routine Analytical Services (RAS) contracts. The CARD system currently contains about 1.5 years of monitoring data. Only CARD data from NPL sites was used as a source of frequency of occurrence data for the algorithm.

The final source of additional information used to estimate frequency of occurrence was the SAS data base. This data base contains information on the occurrence of substances which do not appear in the CLP statistical database for methodological reasons. Most of the information in the COP

statistical data base is obtained under the RAS program, in which samples submitted for analysis are screened for certain target chemicals; additional substances are then determined by matching their mass spectra to known standards. A request for determination of a substance under SAS may occur when there is a reason to believe that a specific hazardous compound is present in a sample at a concentration below the detection limit of the RAS, or when there is reason to believe that a specific hazardous substance which is not a target substance may be present in a sample.

The SAS data files were examined to identify substances with five or more requests for SAS which are not present in the CLP statistical database. Those substances were then examined further to determine the number of NPL sites at which the substance had actually been detected. This number was then divided by the total number of NPL sites to obtain a site percent frequency.

The overall site percent value used for a particular substance was the highest of the CLP statistical data base site percent (as determined by either RAS or SAS data), the View data base site percent, and the CARD site percent.

C. Determination of the Exposure Component of the Ranking Methodology

For the preparation of the second list, ATSDR and EPA expanded the bases for evaluating the potential for human exposure to the priority substances in two ways: (1) By considering the air and soil as additional routes of potential exposure, and (2) by considering additional databases reflecting the potential for human exposure to the substances.

The potential for exposure to candidate substances through soil was considered by incorporating data on soil concentrations from the CLP statistical data base in the calculation of an exposure index for each substance. To estimate the potential for air exposure, ATSDR and EPA used an indirect method, since no data are readily available on actual air concentrations of the candidate substances at NPL sites. Retention time on a gas chromatography column was used to estimate the potential for air migration since these values correlate positively with boiling point, which in turn correlates negatively with volatility. For the development of the third list, the agencies used boiling points as a correlate of potential for air migration because they were more readily available for the substances to be ranked. The potential for air exposure was included in the calculation of an overall exposure index.

Exposure potential also was represented in the second 100 ranking procedure through the incorporation of eight separate data sources. The data sources used were:

CLP statistical data base (CLPs)
NPL Technical data base (NPLt)
National Human Adipose Tissue Survey (NHATS)
Department of Transportation Hazardous Materials Information System (DOT/HMIS)
Acute Hazardous Events data base (AHE)
National Response Center data base (NRC)
Removal Tracking system data base (RTS)
NEXIS

This source list was modified for the development of the third list to exclude NPLt and include the following additional sources:

CLP Analytical Results data base (CARD)
View data base
Toxic Release Inventory (TRI)

Information from these sources was incorporated in one of two ways: (1) As part of the water, soil and air exposure potential rank (boiling point, and CARD and CLP concentration data) or (2) as a weighting factor applied to the overall exposure rank (NHATS, DOT/HMIS, AHE, NRC, NEXIS, RTS, TRI). When no NPL site soil or water concentration data were available to determine the exposure potential rank, information on frequency of occurrence at sites was used as an alternative. The ten data bases used to estimate exposure potential for the development of the third list are described below.

CLP Statistical Data Base

The CLPs contain data on the frequency of occurrence and media concentration of chemicals found at NPL and other hazardous waste sites. The data base was derived from CLP Routine Analytical Service (RAS) analyses and contains concentrations of specific chemicals found in soil, ground water, and surface water from a subset of the total NPL sites. Only the information from NPL sites was used to estimate exposure potential for development of the third list.

National Human Adipose Tissue Survey

The NHATS data base contains chemical analysis data of human adipose tissue collected from individuals in hospitals across the United States. Information is available for 372 substances, derived from 800 individual adipose tissue samples that were pooled into 46 composite samples (approximately 17 individual samples per composite). This data base gives some indication of the degree to which the population of the United States has been exposed to the substances detected. The ATSDR and EPA considered occurrence of a substance in human tissue to be an indication of potential for significant human exposure, and therefore assigned greater weight to the exposure index for such substances.

Department of Transportation Hazardous Materials Information System (DOT/HMIS)

The DOT/HMIS data base contains information concerning accidental release of hazardous substances during transportation. A written report must be submitted to HMIS within 15 days of the accidental release. The reports contain an identification of the substance released and an accounting of any injuries or fatalities resulting from the release. The ATSDR and EPA considered occurrence of a substance in the HMIS data base to be an indication of potential for significant human exposure at facilities on the NPL, and therefore ATSDR and EPA assigned greater weight to the exposure index for such candidate substances.

Acute Hazardous Events Data Base

The AHE data base was developed by the EPA, following the tragic release of a toxic substance in Bhopal, India, to provide information concerning sudden, accidental releases of toxic chemicals in the United States. The main purpose of the data base is to characterize the kinds of events releasing acutely toxic substances, the substances involved, and the causative factors leading to their release. The ATSDR and EPA considered occurrence of a substance in the AHE data base to be an indication of potential for significant human exposure at facilities on the NPL; therefore, ATSDR and EPA assigned greater weight to the exposure index for such candidate substances.

National Response Center Data Base

The NRC data base contains information concerning hazardous substance releases exceeding the RQ, pipeline failures and certain transportation incidents involving hazardous substances, and certain releases of toxic or flammable gases. ATSDR and EPA considered the occurrence of a candidate substance in data base for any releases that resulted in death, injury, or evacuation, to be an

indication of potential for significant human exposure at facilities on the NPL. Consequently the agencies increased the weight of the exposure index for any candidate substances listed in the NRC.

Removal Tracking System Data Base

The RTS data base describes activities undertaken to clean up a site under the Superfund removal program. It lists the materials of concern that triggered a removal action and frequently lists other major contaminants being addressed at a site. ATSDR and EPA considered that the occurrence of a candidate substance in this data base indicates potential for significant human exposure. Consequently the agencies increased the weight of the exposure index for any candidate substances listed in the RTS.

NEXIS

The NEXIS information system contains full-text articles reporting the release of toxic substances in over 125 newspapers, newsletters, and wire services. ATSDR and EPA considered the reporting in this data base of release of a candidate substance which led to human death, injury, or evacuation, to be a significant indicator of potential for significant human exposure at facilities on the NPL. Consequently, the agencies increased the weight of the exposure index for any such substance.

CLP Analytical Results Data Base

The CARD contains soil and water monitoring information generated by all CLP RAS contracts starting on or after January 1, 1988. Substance geometric mean soil and water concentration data from NPL sites in CARD was used thoroughly estimate exposure potential for development of the third list.

View Data Base

The View data base is built upon EPA's NPLt data base supplemented with information from ATSDR Health Assessment and Health Consultation documents. View currently contains updated verified frequency of occurrence data for all of the 1,177 NPL sites.

Toxic Release Inventory

Section 313 of the Emergency Planning and Community Right-To-Know Act (also known as SARA Title III), requires EPA to establish a computerized national data base of toxic chemical emissions from manufacturing facilities throughout the United States. This TRI is a composite of over 70,000 submissions of toxic release inventory reports filed on Section 313 chemicals. Industry is required to submit these forms annually to EPA and the states. The data currently available represent releases in 1987. Information in the data base includes quantitative estimates of releases to air, water, and soil, facility information including storage data, and waste treatment data. Reported releases in the TRI data base were used to weight the exposure index for candidate substances.

D. Determination of the Toxicity Component of the Ranking Methodology

ATSDR and EPA decided to continue to use the Reportable Quantity (RQ) approach as a hazard scoring system, for the same reasons that guided its choice for the first and second priority list of hazardous substances. This approach provides the most complete characterization of toxicity of all hazard scoring systems reviewed by the agencies.

The reportable quantity ranking scheme was developed by EPA to set RQs for hazardous substances as required by CERCLA. Each RQ category corresponds to a weight, in pounds, for which releases must be reported to the Coast Guard's NRC. Section 103 of CERCLA requires immediate notification from any person in charge of a vessel or an offshore or onshore facility that releases an amount of a hazardous substance equal to or greater than its RQ. RQs are developed for individual chemicals and waste streams that have already been designated under CERCLA as hazardous substances.

Each CERCLA hazardous substance is assigned to one of five RQ categories based on chronic toxicity, acute toxicity, carcinogenicity, aquatic toxicity, and ignitability and reactivity. RQs are determined for each criterion separately, and the lowest of these is selected as the RQ for the substance. Only values for acute and chronic mammalian toxicity or carcinogenicity were considered for developing the third list of 25 hazardous substances.

Some of the candidate hazardous substances have not yet been assigned RQ values. In these cases, the ATSDR and EPA used the expertise of EPA's Office of Toxic Substances (OTS) to evaluate the potential health hazards associated with new chemicals submitted to the Premanufacture Notice Program. OTS employs a panel of toxicologists to assign a level of concern for the potential for toxicity, based upon the available experimental data, physical-chemical properties, toxicities of analogous substances, and toxicities of possible metabolites of the substance, or of substances analogous to possible metabolites. Based on this expert opinion, the level of concern for potential toxicity was adjusted to a five-point scale to coincide with the five-point RQ scale. This value was then used to represent the RQ value in the ranking algorithm.

IV. Generation of the List

ATSDR and EPA generated an algorithm to rank the hazard potential of each candidate substance. The starting point for the hazard index calculation was the subset of hazardous substances which EPA had identified at NPL sites by means of the View data base, CARD, the CLP Statistical data base or the SAS data base. The agencies divided the site percent value for each substance (representing frequency-of-occurrence) by the lowest RQ value for the substance (based on acute toxicity, chronic toxicity, or potential carcinogenicity) to generate a site index for each substance. ATSDR and EPA ranked the candidate substances based on their site indices, then calculated an exposure potential index for each substance. This index was based upon water concentration, soil concentration, and the boiling point of each substance, or frequency of occurrence (if no other information was available). The final step in the algorithm was to combine the site index rank and the exposure index value to obtain a hazard index for each candidate substance. The third list of substances is composed of the 25 previously unlisted substances which have the highest hazard potential based on their hazard indices.

The algorithm for calculating the hazard index is described in greater detail in the support document for this notice, which is contained in the public file.

V. Administrative Record

ATSDR and EPA are establishing a single administrative record entitled ATSDR–13 for materials pertaining to this notice. All materials received as a result of this notice will be included in the public file which is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the Agency for Toxic Substances and Disease Registry, Building 37, Executive Park Drive, Atlanta, GA 30329.

For the Agency for Toxic Substances and Disease Registry:

Dated: October 16, 1989.

Walter R. Dowdle,

Acting Administrator, Agency for Toxic Substances and Disease Registry.

For the Environmental Protection Agency:

Dated: October 17, 1989.

Linda J. Fisher,

Assistant Administrator, Office of Pesticides and Toxic Substances.

[FR Doc. 89–25196 Filed 10–25–89; 8:45 am]

BILLING CODE 4160–70–M

Centers for Disease Control

CDC Advisory Committee on the Prevention of HIV Infection Subcommittee on Prevention: Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC), announces the following subcommittee meeting and working session.

Name: CDC Advisory Committee on the Prevention of HIV Infection Subcommittee on Prevention.

Time and Date: 9:30 a.m.–5 p.m.—November 27, 1989 (Working Session for staff and Subcommittee members. No public testimony will be taken.)

Place: Holiday Inn Decatur Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The purpose of this meeting is for the Subcommittee to evaluate intervention activities that prevent HIV transmission and that reduce associated morbidity among HIV-infected persons.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Linda Gimmestad, Committee Assistant, Office of the Deputy Director (HIV), CDC, 1600 Clifton Road, NE., Mailstop E–24, Atlanta, Georgia 30333, telephones: FTS: 236–0915; Commercial: 404/639–0915.

Dated: October 19, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination Centers for Disease Control.

[FR Doc. 89–25197 Filed 10–25–89; 8:45 am]

BILLING CODE 4160–18–M

CDC Advisory Committee on the Prevention of HIV Infection Subcommittee on Risk Assessment: Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following subcommittee meeting and working session.

Name: CDC Advisory Committee on the Prevention of HIV Infection Subcommittee on Risk Assessment.

Time and Date: 9:30 a.m.–5 p.m.—November 27, 1989 (Working Session for staff and Subcommittee members. No public testimony will be taken.)

Place: Holiday Inn Decatur Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: The purpose of this meeting is for the Subcommittee to evaluate the various strategies employed by CDC in determining the status and characteristics of the HIV/AIDS epidemic and in assessing the risk of HIV infection associated with a variety of settings, occupations, behaviors, practices, and populations.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Linda Gimmestad, Committee Assistant, Office of the Deputy Director (HIV), CDC, 1600 Clifton Road, NE., Mailstop E–24, Atlanta, Georgia 30333, telephones: FTS: 236–0915; Commercial: 404/639–0915.

Dated: October 19, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89–25202 Filed 10–25–89; 8:45 am]

BILLING CODE 4160–18–M

CDC Advisory Committee on the Prevention of HIV Infection: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following Committee meeting:

Name: CDC Advisory Committee on the Prevention of HIV Infection.

Time and Date: 9 a.m.–5 p.m.—November 28, 1989; 9 a.m.–3 p.m.—November 29, 1989.

Place: Holiday Inn Decatur Conference Plaza, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: This Committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV prevention efforts including maintaining surveillance of AIDS and HIV, infection, the epidemiologic and laboratory study of AIDS and HIV, information/education and risk reduction activities designed to prevent the spread of HIV infection, and other preventive measures that become available.

Matters to be Discussed: The Committee will discuss issues, questions, and concerns raised during the Committee's June 26–27, 1989, meeting. In-depth discussion will lead to development of a preliminary list of recommendations regarding CDC methods and approaches.

These discussions will be followed by review and discussion of reports from the committee's two subcommittees, preliminary recommendations, and any need for revision of current CDC approaches in the areas of risk assessment, technology development and transfer, prevention, and capacity building.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Linda Gimmestad, Committee Assistant, Office of the Deputy Director (HIV), CDC, 1600 Clifton Road, N.E., Mailstop E–24, Atlanta, Georgia 30333, telephones: FTS: 236–0915; Commercial: 404/639–0915.

Dated: October 19, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination Centers for Disease Control.

[FR Doc. 89–25198 Filed 10–25–89; 8:45 am]

BILLING CODE 4160–18–M

Health Care Financing Administration

[OACT–026–N]

RIN 0938–AE22

Medicare Program; SNF Coinsurance Amount for 1990

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces that the skilled nursing facility (SNF) coinsurance amount for calendar year 1990 for the 1st through 8th days of extended care services in a SNF under Medicare's hospital insurance program (Part A) is $26.50. The Medicare statute specifies the method to be used to determine this amount.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Barbara S. Klees, (301) 966–6388.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1813(a)(3) of the Social Security Act (the Act) required, until January 1, 1989, that the amount payable for extended care services in a skilled nursing facility (SNF) during a spell of illness was to be reduced by an amount equal to one-eighth of the hospital deductible, per day, for the 21st through 100th day of covered extended care services.

Section 102 of the Medicare Catastrophic Coverage Act of 1988 (Pub. L. 100–360), enacted on July 1, 1988, amended section 1813(a)(3) and repealed section 1813(b)(3) of the Act to change the method of determining coinsurance for SNF care and to change the days subject to coinsurance. Beginning January 1, 1989, beneficiaries are liable for coinsurance for days one through eight of covered days spent in a SNF in a calendar year (rather than days 21 through 100 in a spell of illness), and the coinsurance amount per day is determined as discussed in Section II of this notice (rather than equalling one-eighth of the hospital deductible). The SNF coinsurance amount for 1989, the year the change in the statutory coinsurance formula went into effect, was $25.50 (53 FR 41242). Notice of the coinsurance amount applicable to extended care services in the succeeding year must be published in September.

As required by section 1813(a)(3) of the Act, we have determined this amount based on the law in effect at the time we were required to make the determination. We recognize that Congress is considering amendments to the Medicare provisions and that some of these amendments may affect the method of computation, estimated costs, or other amounts on which the determination was made. Unless Congress specifically mandates a change in the method of computation for this coinsurance amount, the coinsurance amount itself will not change. However, the estimated costs related to the SNF benefit could change.

II. Skilled Nursing Facility Coinsurance Amount for 1990

Before September 1 of each year, HCFA will estimate the national average per diem cost for extended care services furnished in the succeeding year. The SNF coinsurance for those extended care services is 20 percent of that estimated national average per diem cost. The amount is rounded to the nearest multiple of $.50. (If it is a multiple of $.25 but not of $.50, the amount is rounded to the next highest multiple of $.50.) The SNF coinsurance amount for calendar year 1990 is $26.50.

III. Statement of Actuarial Assumptions and Bases Employed in Determining the SNF Coinsurance Rate

As discussed in section II of this notice, the SNF coinsurance rate for 1990 is equal to 20 percent of the estimated national average per diem cost for Medicare extended care services for 1990. The national average per diem cost is determined on a reasonable cost basis and includes any cost sharing costs paid by the beneficiary.

The principal steps involved in projecting the future cost per day of skilled nursing care are (a) determining the present cost per day to serve as a projection base, using a 100 percent sample of SNF bills, actual beneficiary billing experience (to identify coinsurance), and a review of SNF cost reports; and (b) projecting increases in cost per day amounts.

We have completed the above steps, basing our projections for 1990 on (a) current historical data from 1988 and (b) projection assumptions from the Midsession Review of the President's Fiscal Year 1990 Budget. It is estimated that in calendar year 1990 the national average per diem cost for Medicare extended care services is $132.70. Thus, 20 percent of this cost is $26.54, and the coinsurance rate is $26.50.

IV. Costs to Beneficiaries

The coinsurance amount for 1990 represents a $1 increase from the coinsurance for 1989. We estimate that in 1990 there will be about 3.35 million days subject to coinsurance at $26.50 per day versus about 3.27 million days subject to coinsurance at $25.50 per day in 1989. The increased cost to beneficiaries is about $5.39 million.

V. Regulatory Impact Statement

This notice merely announces an amount required by legislation. This notice is not a proposed rule or a final rule issued after a proposal, and does not alter any regulation or policy. Therefore, we have determined, and the Secretary certifies, that no analyses are required under Executive Order 12291, the Regulatory Flexibility Act (5 U.S.C. 601 through 612) or section 1102(b) of the Act.

Authority: Section 1813(a)(3)(C) of the Social Security Act (42 U.S.C. 1395e(a)(3)(C).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 28, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

Approved: October 23, 1989.

Louis W. Sullivan,

Secretary.

[FR Doc. 89–25424 Filed 10–24–89; 4:08 pm]

BILLING CODE 4120-01-M

Health Resources and Services Administration

Final Special Consideration and Funding Priorities for Nursing Special Project Grants

The Health Resources and Services Administration announces the final Special Consideration and Funding Priorities for Fiscal Year 1990 for Nursing Special Project Grants.

Special Project Grants and Contracts are authorized under Title VIII, section 820 of the Public Health Service Act to improve nursing practice through projects that increase the knowledge and skills of nursing personnel, enhance their effectiveness in care delivery, and reduce vacancies and turnover in professional nursing positions.

The Administration's budget request for Fiscal Year 1990 does not include funding for this program. Applicants should be advised that this program announcement is a contingency action being taken to ensure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the programs as well as provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Eligible applicants are public or nonprofit private schools of nursing and other public or nonprofit private entities.

Section 820(a) authorizes grants and contracts to public or nonprofit private schools of nursing or other public or nonprofit private entities to improve the quality and availability of nurse training through projects that carry out one of the following purposes:

1. Provide continuing education for nurses;

2. Demonstrate, through geriatric health education centers and other entities, improved geriatric training in preventive care, acute care, and long-term care (including home health care and institutional care);

3. Increase the supply of adequately trained nursing personnel (including bilingual nursing personnel) to meet the health needs of rural areas; and provide nursing education courses to rural areas through telecommunications via satellite;

4. Provide training and education to (a) upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel with priority given to rapid transition programs toward achievement of professional nursing degrees and (b) develop curricula for the

achievement of baccalaureate degrees in nursing by registered nurses and by individuals with baccalaureate degrees in other fields;

5. Demonstrate methods to improve access to nursing services in noninstitutional settings through support of nursing practice arrangenents in communities; and

6. Collect data to facilitate communications between health facilities and nursing students and nursing personnel in respect to agreements under which the individuals would serve as nurses in the health facilities in exchange for repayment of their educational loans by the facilities. (It is anticipated that the competitive contract mechanism will be used to implement this purpose.)

Section 820(b) authorizes grants and contracts to accredited schools of nursing to assist in meeting the costs of providing projects:

1. To improve the education of nurses in geriatrics;

2. To develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

3. To expand and strengthen instruction in methods of such treatment;

4. To support the training and retraining of faculty to provide such instruction;

5. To support continuing education of nurses who provide such treatment; and

6. To establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric health care.

Section 820(c) authorizes grants to public and nonprofit private entities for projects to demonstrate innovative hospital nursing practice models designed to reduce vacancies in professional nursing positions and to make such positions a more attractive career choice. Projects must include initiatives:

1. To restructure the role of the professional nurse to ensure that the expertise of such nurses is efficiently utilized and that they are engaged in direct patient care during a larger proportion of their work time;

2. To test innovative wage structures for professional nurses in order to (a) reduce vacancies in work shifts during unpopular work hours; and (b) provide financial recognition based upon experience and education; and

3. To evaluate effectiveness of providing benefits for professional nurses as a means of increasing their loyalty to health care institutions and reducing turnover in nursing positions.

Section 820(d) authorizes grants to public and nonprofit private entities accredited for the education of nurses for the purpose of:

1. Demonstrating innovative nursing practice models for (a) the provision of case-managed health care services (including adult day care) and health care services in the home or (b) the provision of health care services in long-term care facilities or;

2. Developing projects to increase the exposure of nursing students to clinical practice in nursing homes, home health care, and gerontologic settings through collaboration between such accredited entities and entities that provide health care in such settings.

Demonstration models must be designed (a) to increase the recruitment and retention of nurses to provide nursing care for individuals needing long-term care; and (b) to improve nursing care in home health care settings and nursing homes.

To receive support, applicants must meet the requirements of 42 CFR part 57, Subpart T.

A proposed special consideration and proposed funding priorities were published in the **Federal Register** of May 24, 1989, (54 FR 22493), for public comment. No comments were received during the 30–day comment period. Therefore, the special consideration and funding priorities as proposed will be retained as follows:

Special Consideration for Fiscal Year 1990

Section 820(a)(1)

Special consideration will be given to projects which provide expansion of current or development and implementation of new curriculum concerning the prevention of HIV infection and the care of HIV infected-related diseases.

Final Funding Priorities for Fiscal Year 1990

Section 820(a)(1)

A funding priority will be given to the following: Projects for continuing education programs in the area of Quality Assurance/Risk Management for nurses.

Section 820(a)(4)(A)&(B)

Projects for rapid transition programs toward achievement of professional nursing degrees.

Section 820(a)(5)

1. Projects which include a target population of minority or disadvantaged persons.

2. Projects which demonstrate efforts to recruit and retain minority nurses.

A proposed funding priority for section 820(c) and 820(d) was inadvertently omitted from the previous published notice which stated that a funding priority would be given to projects which demonstrate efforts to recruit and retain minority nurses. Applications which do not address this priority for these two sections will be considered for funding. This priority for these two sections will be proposed in Fiscal Year 1991.

This program is listed at 13.359 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: October 20, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89–25151 Filed 10–25–89; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Meeting; Advisory Committee to the Director; Physical Medicine and Rehabilitation Research Panel

Notice is hereby given that the Physical Medicine and Rehabilitation Research Panel, an ad hoc group of consultants to the Advisory Committee to the Director, NIH, will meet in public session on November 20–21, 1989, to review and consider the concerns of the physical medicine and rehabilitation research community, to assess the current administration of rehabilitation research at the NIH, and to develop individual suggestions for approaches to assure continued progress in this area of research. During the two-day meeting the Panel on Physical Medicine and Rehabilitation Research will accept public testimony from concerned organizations and information provided by experts in the field of physical medicine and rehabilitation research and other related fields. A report reflecting the views of the individual panel members will be drafted and submitted for review by the Advisory Committee to the Director, NIH, at its meeting on January 26, 1990.

Panel membership will reflect a broad interest in physical medicine and rehabilitation research and related fields, such as medical and biomedical engineers, basic biomedical and clinical scientists, experts in the development and evaluation of prosthetic devices, representatives from physical therapy and other allied health professions, psychologists, and psychiatrists. Disabled consumers and/or parents with disabled children, as well as individuals familiar with disability rights, will also be represented on the Panel.

The meeting on November 20–21 will begin at 9:00 a.m. each day and end at 5:00 p.m. and 4:00 p.m. respectively. All sessions of the Panel are open to the public and will be held on the NIH campus in Bethesda, Maryland, in Building 31, Conference Room 10. The meeting will convene with an overview of the evolution and growth of physical medicine and rehabilitation research at the NIH; also included will be an overview of the purpose and focus of the National Institute for Disability and Rehabilitation Research (NIDRR), Department of Education. Presentations on the type of physical medicine and rehabilitation research presently supported by the NIH will then follow, as will a discussion of selected collaborative rehabilitation research initiatives. In the late morning, the scientific relevance of physical medicine and rehabilitation research will be discussed from several perspectives. During the afternoon session representatives from the physical medicine and rehabilitation research community are invited to highlight their principal concerns and interested organizations will also be presenting testimony. While the second day of the meeting is open to the public, the Panel will not entertain any further testimony but will begin its deliberations and drafting its report.

Concerned organizations with an interest in physicial medicine and rehabilitation research are invited to present public testimony before the Panel the afternoon of November 20. Individuals testifying for their organizations are further invited to present suggestions for courses of action to be taken in dealing with the issues raised by the presentations during the morning sessions. Due to time constraints only one representative from each organization may present testimony with oral presentations limited to five minutes. Testimony will be scheduled based upon when notification of intent to present testimony is received. Organizations wishing to present oral testimony should notify Dr. Suzanne S. Medgyesi-Mitschang or Ms. Mary Demory at 301–496–1454 no later than November 13. Written testimony can be any length and should include a brief description of the organization presenting testimony. This written information should be forwarded to Dr. Suzanne S. Medgyesi-Mitschang by FAX 301–402–0280 or by mail to the National Institutes of Health, Office of Science Policy and Legislation, Shannon Building, Room 218, 9000 Rockville Pike, Bethesda, Maryland 20892, to be received no later than November 13. If the number of organizations wishing to present oral testimony exceeds the time available on the agenda, the individual written statements will serve as testimony presented and will be entered into the record. All written statements will be distributed to the Panel prior to the beginning of the meeting.

Dated: October 17, 1989.

William F. Raub,

Acting Director, NIH.

[FR Doc. 89–25195 Filed 10–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Meeting of NIDR Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on December 6–7, 1989, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9 a.m. to recess on December 6, and from 9 a.m. to 12 noon on December 7. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public from 1 p.m. to adjournment on December 7 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Abner Notkins, Director of Intramural Research, NIDR, NIH, Building 30, Room 132, Bethesda, Maryland 20892 (telephone 301–496–1483) will provide a summary of the meeting, roster of committee members and substantive program information.

Dated: October 16, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–25189 Filed 10–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting, National Kidney and Urologic Diseases Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Kidney and Urologic Diseases Advisory Board to be held primarily at Marriott's Mountain Shadows Resort, 5641 East Lincoln Drive, Scottsdale, Arizona 85253, on November 19–21, 1989. The meeting will begin at 7:30 p.m. on November 19 and recess at 8:30 p.m., on November 20 at 7:30 a.m. to recess at 5 p.m., and on November 21 at 7:30 a.m. to adjournment at 12:30 p.m. Other portions of the meeting will be held at research and health-care facilities located in the area. The meeting, which will be open to the public, is being held to discuss the Board's activities and the development of the long-range plan to

combat kidney and urologic diseases. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Dr. Ralph Bain, Executive Director, National Kidney and Urologic Diseases Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496–6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: October 18, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–25190 Filed 10–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Meeting of Environmental Health Sciences Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on November 28–29, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina. This meeting will be open to the public on November 28 from 9 a.m. to approximately 2 p.m. for general discussion. Attendance by the public is limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on November 28, from 2 p.m. to adjournment on November 29, for the review, discussion and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun, Carol Shreffler or Donald McRee, Executive Secretaries, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919–541–7826), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: October 16, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–25191 Filed 10–25–89; 8:45am]

BILLING CODE 4140–01–M

National Eye Institute; Meeting of the Vision Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Vision Research Review Committee, National Eye Institute, November 16–17, 1989, Conference Room 10, Building 31C, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 16 from 8:30 to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public from 9:30 a.m. on November 16 until recess and on November 17 from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, Building 31, Room 6A/08, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9110, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases; 13.868, Anterior Segment Diseases Research; and 13.871 Strabismus, Amblyopia and Visual Processing; National Institutes of Health.)

Dated: October 16, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–25192 Filed 10–25–89; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Meeting of the Board of Scientific Counselors, NEI

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, November 27–28, 1989, Building 31, NEI Conference Room 6A35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 27 from 8:30 a.m. until approximately 4 p.m. for general remarks by the Institute's Director, Intramural Research Programs, on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on November 27 from approximately 4 p.m. until recess and on November 28 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual projects conducted by the Laboratory of Sensorimotor Research. These evaluations and discussions could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, Building 31, Room 6A08, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9110 will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: October 16, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–25193 Filed 10–25–89; 8:45am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Chemicals (7) Nominated for Toxicological Studies; Request for Comments

SUMMARY: On August 2, 1989, the Chemical Evaluation Committee (CEC) of the National Toxicology Program (NTP) met to review seven chemicals nominated for toxicology studies and to

recommend the types of studies to be performed, if any. With this notice, the NTP solicits public comments on the seven chemicals.

FOR FURTHER INFORMATION CONTACT: Dr. Victor A. Fung, Chemical Selection Coordinator, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20892 (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program, nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Register**. This is done to encourage active participation in the NTP chemical evaluation process, thereby helping the NTP to make more informed decisions as to whether to select, defer or reject chemicals for toxicology study. Comments and data submitted in response to this request are reviewed and summarized by NTP technical staff, are forwarded to the NTP Board of Scientific Counselors for use in their evaluation of the nominated chemicals, and then to the NTP Executive Committee for decision-making. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828), and also in the NTP FY 1988 Annual Plan, pages 16–19.

On August 2, 1989, the CEC met to evaluate seven chemicals nominated to the NTP for toxicological studies. The following table lists the chemicals, their Chemical Abstract Service (CAS) registry numbers, and the types of toxicological studies recommended by the CEC at the meeting.

Chemical	CAS registry No.	Committee recommendations
4-Acetylamino-fluorene.	28322-02-3	No additional testing.
p-Aminobenzoic acid.	150-13-0	No additional testing.
Elmiron	37319-17-8	Carcinogenicity.
Ethanol	64-17-5	No additional testing.
Methanol	67-56-1	Carcinogenicity, acute and subchronic studies, Pharmacokinetics, Neurotoxicity, Immunotoxicity, Reproductive and developmental effects.
Monochloroacetone.	78-95-5	No testing.
Propylene glycol methyl ether.	107-98-2	Carcinogenicity.

Five of the seven chemicals have been previously selected for toxicology studies by the NTP. 4-Acetylaminofluorene was mutagenic in *Salmonella*, and was mutagenic in the mouse lymphoma assay in three independent studies. It was negative for chromosomal aberrations and positive for sister chromatid exchanges in Chinese hamster ovary cells *in vitro*. p-Aminobenzoic acid was non-mutagenic in *Salmonella*. No significant effects on mating or fertility were observed in a continuous breeding study of ethanol in mice; however, there was a significant reduction in litter size. No teratogenic effects were observed in an inhalation teratology study of ethanol in rats. Teratogenic effects were observed in rats after inhalation exposure to methanol. No effects on fertility and reproduction were observed in a continuous breeding study of propylene glycol methyl ether in mice.

Interested parties are requested to submit pertinent information. The following types of data are of particular relevance:

(1) Modes of production, present production levels, and occupational exposure potential.

(2) Uses and resulting exposure levels, where known.

(3) Completed, ongoing and/or planned toxicologic testing in the private sector including detailed experimental protocols and results, in the case of completed studies.

(4) Results of toxicological studies of structurally related compounds.

Please submit all information in writing by November 27, 1989. Any submissions received after the above date will be accepted and utilized where possible.

Dated: October 18, 1989.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 89–25194 Filed 10–25–89; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–89–2073]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 19, 1989.

John T. Murphy,

Information Policy and Management Division.

Proposal: Notice of Terminiation, Suspension, or Reinstatement of Assistance Payments Contract.

Office: Housing.

Description of the Need for the Information and its Proposed Use: The Department will use the form HUD–93114 to document, for review and audit, each Section 235 mortgage serviced by or for lending institutions where HUD's financial assistance to qualified low- and moderate-income families is terminated, suspended, and/or reinstated.

Form Number: HUD–93114.

Respondents: Individuals or Households and Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–93114	962		40		.5		19,240

Total Estimated Burden Hours: 19,240.

Status: Extension.

Contact: Florence Brooks, HUD, (202) 755–7330; John Allison, OMB, (202) 395–6880.

Date: October 19, 1989.

[FR Doc. 89–25154 Filed 10–25–89; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

September 1, 1989.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Demonstrated Expansion (Letter), 25 CFR Part 27.

OMB Approval Number: 1076–0063.

Abstract: To determine if an OJT contractor is eligible for extension of contract beyond two years this letter requests information on enterprise's expansion for the past two years, number of additional trainees the enterprise will train, and how many trainees, who have completed training, has the enterprise employed or assisted in finding employment elsewhere.

Bureau Form Number: None.

Frequency: Annually.

Description of Respondents: Small businesses or organizations.

Estimated Completion Time: 30 minutes.

Annual Responses: 5.

Annual Burden Hours: 2.5.

Bureau clearance officer: Cathie Martin, 202–343–3577.

Patrick A. Hayes,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 89–25155 Filed 10–25–89; 8:45am]

BILLING CODE 4310–02–M

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

September 1, 1989.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Application for Training or Employment Assistance, 25 CFR Parts 26 and 27.

OMB Approval Number: 1076–0062.

Abstract: This form requests information on the age, marital status, employment, education and income of applicants for training or employment assistance. This information is used to determine applicant's eligibility and how much financial assistance is needed.

Bureau Form Number: BIA 8205.

Frequency: On occasion.

Description of Respondents: Individuals or households.

Estimated Completion Time: 30 minutes.

Annual Responses: 5,100.

Annual Burden Hours: 2,550.

Bureau clearance officer: Cathie Martin, 202–343–3577.

Patrick A. Hayes,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 89–25156 Filed 10–25–89; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[NM—920–00–4120–02]

San Juan River Regional Coal Team (RCT); Availability of Final Data Adequacy Standards (DAS) for New Mexico and Colorado

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice of availability.

SUMMARY: Final Data Adequacy Standards (DAS) for coal leasing in the San Juan River Coal Region are available upon request beginning Thursday, October 26, 1989.

ADDRESS: Copies of the final DAS may be obtained from either Russell Jentgen or Ed Heffern, Bureau of Land Management, New Mexico State Office, Branch of Solid Minerals, NM (921), P.O. Box 1449, Santa Fe, New Mexico 87504–1449, telephone (505) 988–6109.

FOR FURTHER INFORMATION CONTACT: Russell Jentgen or Ed Heffern at the above address or telephone number.

SUPPLEMENTARY INFORMATION: The final DAS spell out levels of data to be acquired prior to the competitive leasing of Federal coal tracts, whether in the lease by application or regional leasing mode. Standards are provided for geology, soils, water, vegetation, wildlife, air, socioeconomics, cultural resources, paleontology, and land use

disciplines within the San Juan River Region.

The DAS were prepared by a multidisciplinary task force composed of Federal and State resource specialists from New Mexico and Colorado. The task force was appointed and guided by the San Juan River RCT. The DAS were prepared, with public input, at the direction of the Department of the Interior as an outcome of the 1985 supplemental Environmental Impact Statement (EIS) to the Federal Coal Management Program.

The first draft of the DAS was released on March 3, 1989, for a 45-day public comment period. We received eleven written comments. The RCT discussed these comments at its meeting on April 28, 1989, and decided that the task group would redraft the standards and send them out for another 30-day comment period.

The revised draft of the DAS was released on June 16, 1989. The BLM received five public comments. The RCT had reserved the date of August 24, 1989, to hold a meeting if needed to discuss the DAS. However, a telephone poll of the voting RCT members indicated no desire for such a meeting. Instead, the BLM mailed copies of the comments on the revised draft, along with an analysis of DAS versus mine plan requirements, to the voting and ex officio RCT members and science advisors. This mailing, which was made on August 16, 1989, asked for any responses by September 5, 1989. The BLM received no written responses, so it conducted an informal follow-up by telephone. There were no substantial concerns from the voting RCT members or science advisors.

The authors of the DAS then prepared an analysis of the comments on the revised draft (Appendix D of the final DAS) and changed the revised draft in several places. Appendix E of the final DAS lists the changes made to the revised draft and the reasons for doing so. A final draft, incorporating the changes, was mailed to the voting RCT members and the BLM Washington Office on September 26, 1989, for their review. The RCT chairman polled the voting RCT members by telephone on October 4, 1989, and all members agreed to adopt the final draft, as written, to serve as the final DAS document for the San Juan River Region.

Dated: October 16, 1989.

Larry L. Woodward,

Chairman, San Juan River Regional Coal Team.

[FR Doc. 89-24904 Filed 10-25-89; 8:45am]

BILLING CODE 4310-FB-M

[UT-040-00-4830-12]

Cedar City District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held Thursday, December 7, 1989. The meeting will begin at 9:00 a.m. in the Dixie Resource Area Office at 225 North Bluff Street, St. George, Utah. The Advisory Council will review the draft Dixie RMP & EIS.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 9:15 a.m., or submit written comments for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 176 East DL Sargent Drive, Cedar City, Utah 84720 by Friday, December 1, 1989. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or the Council Chairman.

Dated: October 17, 1989.

Gordon R. Staker,

District Manager.

[FR Doc. 89-25248 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-DQ-M

[OR 45076; OR-080-00-4212-13: GPO-018]

Proposed Exchange; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

This exchange will be between the United States (Bureau of Land Management) and Niedermeyer-Martin Co. (NMC), an Oregon corporation.

The following described public land (Revested Oregon and California Railroad Grant land status) has been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.):

Willamette Meridian, Oregon,

T. 3 S., R. 3 E.,
Sec. 15, Lot 1.

The parcel described above contains 7.74 acres in Clackamas County.

In exchange for this land, the United States will acquire the following described private land from NMC, including a 50-foot wide road easment:

Willamette Meridian, Oregon,

T. 2 S., R. 5 W.,
Sec. 21, SE¼NW¼, and a portion of the SE¼SW¼ and the SW¼SE¼ described by metes and bounds;
Sec. 28, a portion of the NE¼ described by metes and bounds.

The area described above contains 229.10 acres in Yamhill County.

The purpose of the exchange is to facilitate resource management opportunities as identified in the Salem District's Eastside and Westside Management Framework Plans. The public land selected is difficult to manage because of its relative small size, lack of access, and proximity to rural residences. The private land offered is adjacent to other public lands which are being managed for multiple use and the sustained yield of timber. The public interest will be highly served by making this exchange.

The value of the lands to be exchanged is approximately equal or the acreage will be adjusted to equalize the values upon completion of the final appraisal of the lands. Full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25 percent of the value of the public land to be transferred. All mineral rights will be transferred with the surface estate.

The patent to the selected land will be subject to:

1. The reservation to the United States of a right-of-way for ditches or canals. Act of August 30, 1890 (43 U.S.C. 945)

2. Valid existing rights.

Publication of this notice in the **Federal Register** will segregate the public land described above to the extent that it will not be subject to appropriation under the public land laws, including the mining laws, except for exchange under Sec. 206 of the Federal Land Policy and Management Act. Any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed, and shall be returned to the applicant (43 CFR 2201.1(b)). The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning this exchange, including the environmental assessment/land report, is available for review at the Salem District Office, 1717 Fabry Road SE, Salem, OR 97306.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Salem District Manager at the above address. Any objections will be reviewed by the Oregon State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final

determination of the Department of the Interior.

Van W. Manning,

District Manager.

[FR Doc. 89-25249 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-DQ-M

[CO-030-09-4332-10]

Amendment to the Colorado State Director's Final Wilderness Inventory Decision; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to the Colorado State Director's Final Wilderness Inventory Decision for Redcloud Peak WSA (CO-030-208).

SUMMARY: This notice serves as an amendment to the previous Final Wilderness Inventory Decision for the Redcloud Peak Wilderness Study Area (CO-030-208) as announced by publication in the **Federal Register** Vol. 45, No. 222, Friday, November 14, 1980, and Vol. 46, No. 2, Monday, January 5, 1981. The decision is to adjust the boundary to exclude a road and two houses which are located within the existing boundary. These were built in the 1960s and were inadvertently included within the WSA boundary during the inventory in the late 1970s. The adjustment will remove approximately five acres from the WSA. This notice also serves to announce a protest period on this decision which begins on the date of this announcement and continues until November 27, 1989.

EFFECTIVE DATE: This decision will become effective 30 days from the date of this announcement in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Barry Tollefson, Area Manager, Gunnison Resource Area, 216 N. Colorado, Gunnison, Colorado 81230. The telephone number is (303) 641-0471. Protests should be submitted to Colorado State Director, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

SUPPLEMENTARY INFORMATION: The proposed change in boundary will reduce the WSA acreage by approximately five acres to 37,714. In order to exclude the two houses and access road, the decision is to redraw the WSA boundary to follow the north side of the access road right-of-way in Sec. 5 from its intersection with the county road on the east to the point that it enters private land further west. This line will exclude the road as well as the houses. (The Redcloud Peak WSA was initially identified as being 32,800 acres in the State Director's Final Wilderness Inventory Decision in November 1980. Due to more accurate measurements, acreage is 37,719 without changing the boundary lines identified in 1980.) The legal description for changing the boundary will be within the following: T. 42 N., R. 4 W., NMPM, Sec. 5, SW¼ NE¼SE¼, SE¼NW¼SE¼. Persons wishing to protest this decision must file a written protest with the Colorado State Director on or before 4:00 p.m., November 27, 1989. Only those protests received by this time and date will be accepted. The State Director will issue a written decision on any protest which is filed according to the above requirements. Any person adversely affected by the State Director's decision on a written protest may appeal such decision under the provisions of 43 CFR part 4.

Dated: October 17, 1989.

Tom Walker,

Acting State Director.

[FR Doc. 89-25250 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-JB-M

[OR-943-00-4214-11; GPO-023; ORE-03102, OR-4372, OR-21726]

Proposed Continuation of Withdrawals, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of three separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon state Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands and projects are involved:

Mt. Hood National Forest

1. ORE-03102, Public Land Order No. 990 dated August 11, 1954. Bagby Springs Recreation Area, 80 acres.

Located in Clackamas County, 20 miles northeast of Mill City.

T. 7 S., R. 5 E., W.M., Secs. 26 and 27.

2. OR-4372, Public Land Order No. 4998 dated January 26, 1971. Lazy Bend Campground Addition, 45 acres.

Located in Clackamas County, 9 miles southeast of Estacada.

T. 4 S., R. 5 E., W.M., Sec. 28.

Memaloose Campground, 2.50 acres.

Located in Clackamas County, 9 miles southeast of Estacada.

T. 4 S., R. 5 E., W.M., Sec. 29.

Carter Bridge Campground Addition, 2.50 acres.

Located in Clackamas County, 14 miles east of Colton.

T. 5 S., R. 5 E., W.M., Sec. 2.

Armstrong Campground Addition, 25 acres.

Located in Clackamas County, 14 miles east of Colton.

T. 5 S., R. 5 E., W.M., Sec. 2.

Ward Campground, 30 acres.

Located in Clackamas County, 14 miles southeast of Colton.

T. 5 S., R. 5 E., W.M., Sec. 26.

Skookum Lake Campground, 5.34 acres.

Located in Clackamas County, 18 miles southeast of Colton.

T. 6 S., R. 5 E., W.M., Sec. 35.

Shining Lake Campground, 2.50 acres.

Located in Clackamas County, 18 miles southeast of Estacada.

T. 4 S., R. 6 E., W.M., Sec. 36.

Frazier Forks Campground, 5 acres.

Located in Clackamas County, 24 miles east of Colton.

T. 5 S., R. 7 E., W.M., Sec. 9.

Frazier Turnaround Campground, 5 acres.

Located in Clackamas County, 24 miles east of Colton.

T. 5 S., R. 7 E., W.M., Sec. 9.

3. OR-21726, Secretarial Order dated March 30, 1907. Zigzag Administrative Site, 41.24 acres.

Located in Multnomah County, 1 mile east of Zigzag.

T. 3 S., R. 7 E., W.M., Sec. 3.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be

prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

Dated: October 17, 1989.

Catherine H. Crawford,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89-25251 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4214-11; GPO-025; WASH-01483, WASH-01484, OR-22069(WASH), ORE-017510(WASH)]

Proposed Continuation of Withdrawals, Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of four separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands and projects are involved:

Wenatchee National Forest

1. WASH-01483, Public Land Order No. 2434 dated July 13, 1961. Silver Falls Recreation Area, 110 acres.
Located in Chelan County, 27 miles northwest of Chelan.
T. 28 N., R. 18 E., W.M., Sec. 2.
2. ORE-017510, Public Land Order No. 4193 dated April 10, 1967. Bonanza Campground Site, 15 acres.
Located in Chelan County, 13 miles west of Wenatchee.
T. 22 N., R. 16 E., W.M., Sec. 20.
Eight Mile Campground Site, 11.44 acres.
Located in Chelan County, 6 miles southwest of Leavenworth.
T. 24 N., R. 17 E., W.M., Sec. 30.
Johnny Creek Campground Site, 20 acres.
Located in Chelan County, 6 miles west of Leavenworth.
T. 24 N., R. 16 E., W.M., Sec. 2.
Lake Creek Campground, 50 acres.
Located in Chelan County, 26 miles northwest of Chelan.
T. 28 N., R. 18 E., W.M., Secs. 12 and 13.

Snoqualmie National Forest

Naches Ranger Station Site, 60 acres.
Located in Yakima County, 23 miles southwest of Ellensburg.
T. 16 N., R. 14 E., W.M., Sec 1.
3. OR-22069(WASH) Secretarial Order dated December 13, 1906. Currant Flat Administrative Site, 120.48 acres.
Located in Yakima County, 23 miles southwest of Ellensburg.
T. 16 N., R. 14 E., W.M., Sec. 1.
4. WASH-01484, Public Land Order No. 2434 dated July 13, 1961. Mather Memorial Parkway, 2,440 acres.
Located in Pierce County, 22 miles southwest of Enumclaw.
T. 17 N., R. 10 E., W.M., Sec. 3.
T. 18 N., R. 10 E., W.M., Secs. 5, 6, 8, 17, 20, 21, 27, 28, and 34.
T. 19 N., R. 10 E., W.M., Secs. 30 and 31.

Gifford Pinchot and Snoqualmie National Forests

Randle-Yakima Highway Roadside Zone, 2,000 acres.
Located in Yakima County, 35 miles west of Yakima.
T. 13 N., R. 10 E., W.M., Sec. 6.
T. 14 N., R. 10 E., W.M., Secs. 8, 17, 20, 21, 22, 25, 26, 27, 29, 30, and 31.

Gifford Pinchot and Snoqualmie National Forests (cont'd)

T. 13 N., R. 11 E., W.M., Secs. 1, 2, 5, 6, 8, 9, 10, and 11.
T. 14 N., R. 11 E., W.M., Secs. 30, 31, and 36.
T. 13 N., R. 12 E., W.M., Secs. 1 and 2.
T. 14 N., R. 12 E., W.M., Secs 32 to 36, inclusive.
T. 13 N., R. 13 E., W.M., Sec. 6.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

Date: October 18, 1989.

Catherine H. Crawford,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89-25252 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-00-4214-11; GPO-024; ORE-03468, ORE-03587-G, ORE-011885, ORE-013403, ORE-013792, OR-5051, OR-13252, OR-19308, OR-19310-A, OR-21311, OR-21975]

Proposed Continuation of Withdrawals; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of eleven separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The following described lands and projects are involved:

Ochoco National Forest

1. ORE-03468, Public Land Order No. 1144 dated May 4, 1955. Delintment Lake Recreation Area, 360 acres.
Located in Harney County, 33 miles northwest of Burns.
T. 19 S., R. 26 E., W.M., Sec. 29.
2. OR-21311, Secretarial Order dated November 13, 1908. Rager Addition, 100 acres.
Located in Crook County, 12 miles northeast of Paulina.
T. 15 S., R. 25 E., W.M., Secs. 32 and 33.
3. OR-21975, Secretarial Order dated June 12, 1908. Rager Administration Site, 60 acres.
Located in Crook County, 12 miles northeast of Paulina.
T. 15 S., R. 25 E., W.M., Sec. 33.

Willamette National Forest

4. OR–19252, Secretarial Order dated September 4, 1908. Mineral Springs Administrative Site, now known as McCredie Hot Springs, 40 acres.

Located in Lane County, 10 miles southeast of Oakridge.

T. 21 S., R. 4 E., W.M., Sec. 36.

5. OR–19308, Secretarial Order dated July 10, 1908. Flat Creek Administrative Site, 80 acres.

Located in Lane County, 3 miles west of Oakridge.

T. 21 S., R. 3 E., W.M., Sec. 14.

6. ORE–03587–G, Public Land Order No. 1144 dated May 4, 1955. Shady Dell Recreation Area, 43.50 acres.

Located in Lane County, 4 miles northwest of Oakridge.

T. 20 S., R. 2 E., W.M., Sec. 35.

Malheur National Forest

7. OR–5051, Public Land Order No. 4822 dated May 15, 1970. Yellowjacket Campground Site, 20 acres.

Located in Harney County, 23 miles northwest of Burns.

T. 19 S., R. 29 E., W.M., Sec. 32.

Deschutes National Forest

8. ORE–011885, Public Land Order No. 2775 dated September 27, 1962. Bachelor Butte Recreation Area, 15,065 acres.

Located in Deschutes County, 19 miles west of Bend.

T. 18 S., R. 9 E., W.M., Secs. 19, 20, 21, and 28 to 32, inclusive.

9. ORE–013403, Public Land Order No. 3502 dated December 2, 1964. Sisters Administrative Site, 50 acres.

Located in Jefferson County, 24 miles west of Sisters.

T. 15 S., R. 7 E., W.M., Sec. 5.

Lavacicle Cave Area, 80 acres.

Located in Jefferson County, 35 miles east of LaPine.

T. 21 S., R. 16 E., W.M., Sec. 33.

T. 22 S., R. 16 E., W.M., Secs. 4 and 5.

10. ORE–013792, Public Land Order No. 3333 dated February 17, 1964. Riverside Guard Station and Campground Area, 40 acres.

Located in Jefferson County, 11 miles northwest of Sisters.

T. 13 S., R. 9 E., W.M., Sec. 15.

11. OR–19310–A, Public Land Order No. 725 dated June 4, 1951. Todd Lake Forest Camp, 170 acres.

Located in Deschutes County, 19 miles west of Bend.

T. 18 S., R. 9 E., W.M., Secs. 7 and 8.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: October 18, 1989.

Catherine H. Crawford,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89–25253 Filed 10–25–89; 8:45am]

BILLING CODE 4310–33–M

National Park Service

[Order No. I, Amendment 3]

Mid-Atlantic Region; Superintendents, et al. Delegation of Authority

Order No. 1, approved January 6, 1974, and published in the **Federal Register** of January 29, 1974, (39 FR 3694), as amended, set forth in Section 2 certain authority to officers and employees. This amendment changes paragraphs (e), (f) and (g) to read as follows:

Section 2. Delegation. * * *

(e) The Chief, Land Rescurces Division is authorized to execute the land acquisition program, within the Mid-Atlantic Region, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchanges with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds conveying to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Public Law 91–646, as amended.

(f) The Land Resources Officer of the New River Gorge National River is authorized to execute the land acquisition program at New River Gorge National River and the Gauley River National Recreation Area, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchanges with the United States, lands or interests in lands when the amount involved does not exceed $1,000,000; accept deeds conveying to the United States lands or interests in land; approve claims for reimbursement under Public Law 91–646, as amended, when the amount does not exceed $20,000. (g) The Land Resources Officer of the Delaware Water Gap National Recreation Area is authorized to execute the land acquisition program, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchanges with the United States, lands or interests in land when the amount involved does not exceed $250,000; accept deeds conveying to the United States lands or interests in lands; approve claims for reimbursement under Public Law 91–646, as amended when the amount involved does not exceed $5,000.

Dated: September 22,1989.

James W. Coleman, Jr.,

Regional Director. Mid-Atlantic Region.

[FR Doc. 89–25218 Filed 10–25–89; 8:45am]

BILLING CODE 4310–70–M

[Order No. 5, Amdt. 1]

National Capital Region; Superintendents, et al.; Delegation of Authority

Order No. 5, approved September 14, 1977, and published in the **Federal Register** of September 30, 1977, (42 FR 52499), set forth certain authority to officers and employees. This amendment changes Section 6 to read as follows:

Section 6. Chief, Land Resources Division, Mid-Atlantic Region, is authorized to execute the land acquisition program within the National Capital region, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchanges with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds conveying to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Public Law 91–646, as amended.

Dated: September 22, 1989.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 89–25219 Filed 10–25–89; 8:45 am]

BILLING CODE 4310–70–M

[Order No. 2, Amdt. 2]

North Atlantic Region; Superintendents, et al.; Delegation of Authority

Order No. 2, approved January 31, 1977, and published in the **Federal**

Register on May 31, 1977, (42 FR 27687), set forth in section 2 certain authority and limitations on authorities. This amendment changes paragraph (g) to read as follows:

Section 2. Delegation. * * *

(g) Regional Chief, Land Resources Division.

The Chief, Land Resources Division, Mid-Atlantic Region is authorized to execute the land acquisition program, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchanges with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto; to accept deeds conveying to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Public Law 91-646, as amended.

Dated: September 8, 1989.

Gerald D. Patton,

Regional Director, North Atlantic Region.

[FR Doc. 89-25220 Filed 10-25-89; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Burr-Brown Corp.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, and pursuant to section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed Consent Decree in *United States* v. *Burr-Brown Corporation,* was lodged on October 16 with the United States District Court for the District of Arizona. This action was brought pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

Under this Consent Decree, Burr-Brown Corp. agrees to implement the remedial action selected by the Environmental Protection Agency ("EPA") pertaining to cleanup of contaminated groundwater beneath Burr-Brown's manufacturing facility in Tucson, Arizona. The plume of contamination to be addressed by the cleanup is part of a larger area of contamination known as the Tucson International Airport Area Superfund Site. The-larger areas of contamination will be addressed in future actions. Under the Consent Decree, Burr-Brown will install and operate a groundwater extraction and treatment system to treat groundwater that is contaminated by volatile organic compounds. The treatment water will be used in Burr-Brown's industrial processes and eventually discharged to the local sewer system. Treatment will continue until monitoring indicates that the target levels, known as Maximum Contaminant Levels, have been met in the groundwater.

In addition, Burr-Brown will reimburse the United States for the costs it incurred related to the Burr-Brown site, in the amount of $175,000, and will reimburse the United States for its costs of overseeing Burr-Brown's work under the Consent Decree.

The Department of justice will receive comments relating to the proposed Consent Decree for a period of 45 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Burr-Brown Corporation,* D.J. Ref. 90-11-3-369.

The proposed Consent Decree may be examined at the office of the United States Attorney Acapulco Building, Suite 310, 110 S. Church Street, Tucson, Arizona 85701 and at the Region IV office of the U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105. A copy of the proposed Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1527, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the proposed Consent Decree should be accompanied by a check in the amount of $5.80 for copying costs ($0.10 per page) payable to "United States Treasurer."

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-25254 Filed 10-25-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of A Consent Decree Pursuant to CERCLA; Gulf Resources & Chemical Corp. et al.

In accordance with Departmental policy, notice is hereby given that on October 12, 1989, a proposed Partial Consent Decree in *United States* v. *Gulf Resources and Chemical Corporation; and Pintlar Corporation,* was lodged with the United States District Court for the District of Idaho in Civil Action No. 89-3067. The decree resolves certain claims of the United States against Gulf Resources and Chemical Corporation and Pintlar Corporation under section 107 of CERCLA, 42 U.S.C. 9607, for removal costs incurred in 1986 by the Environmental Protection Agency in responding to a release or threat of release of hazardous substances at the Bunker Hill Superfund Site, located in the Silver Valley along the South Fork of the Coeur d'Alene River in Northern Idaho.

The proposed decree may be examined at the office of the United States Attorney for the District of Idaho, Room 693, Federal Building, Box 037, 550 W. Fort Street, Boise, Idaho 82724 (contact: Andrea Pogue (208) 334-1211), and at the Region 10, Office of Regional Counsel, Environmental Protection Agency, 1200 Sixth Avenue SO-125, Seattle, Washington 98101 (Contact: Allan Bakalian (206) 442-1073). In requesting copies, please enclose a check in the amount of $1.50 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed Decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Gulf Resources and Chemical Corporation; and Pintlar Corporation,* DOJ Reference No. 90-11-3-128.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-25255 Filed 10-25-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decrees; Resource Conservation and Recovery of America et al.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, and pursuant to section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that two proposed Consent Decrees in *United States* v. *Resource Conservation and Recovery of America, et al.,* were lodged with the United States District Court for the Northern District of Georgia. This action was brought pursuant to section 107 of CERCLA, 42 U.S.C. 9607.

Under one Consent Decree, forty-three defendants agree to reimburse the

United States for costs it incurred at the Davis Farm Site in Gordon County, Georgia, in the aggregate amount $618,379.48. The costs were incurred as the result of a response action undertaken by the United States Environmental Protection Agency ("EPA") in November 1984. Under the other Consent Decree, one defendant has agreed to reimburse the United States for similar costs in the amount of $40,000.

The Department of Justice will receive comments relating to the proposed Consent Decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *Resource Conservation and Recovery of America, et al.* D.J. Ref. 90-11-2-283.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, Richard Russell Building, Room 1800, 75 Spring Street, S.W., Atlanta, Georgia 30335 and at the Region IV office of the U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. Copies of the proposed Consent Decrees may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1647(D), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. Copies of the proposed Consent Decrees may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for copies of the proposed Consent Decrees should be accompanied by a check in the amount of $7.10 for copying costs ($0.10 per page) (one decree is 58 pages, the other is 13 pages) payable to "United States Treasurer."

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-25256 Filed 10-25-89; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Pursuant to the National Cooperative Research Act of 1984—Microelectronics and Computer Technology Corp.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Microelectronics and Computer Technology Corporation ("MCC") on September 19, 1989, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of MCC. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On December 21, 1984, MCC and its shareholders filed their original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the Federal Register pursuant to section 6(b) of the Act on January 17, 1985, 50 FR 2633. MCC and its shareholders filed additional notifications on March 29, 1985, October 21, 1985, July 30, 1986, November 7, 1986, December 23, 1986, February 25, 1987, December 23, 1987, March 4, 1988, and August 16, 1988. The Department published notices in the Federal Register in response to these additional notifications on April 23, 1985 (50 FR 15989), September 10, 1986 (51 FR 32263), December 8, 1986 (51 FR 44132), February 3, 1987 (52 FR 3356), March 19, 1987 (52 FR 8661), January 22, 1988 (53 FR 1859), March 29, 1988 (53 FR 10159), and September 22, 1988 (53 FR 26922), respectively.

Effective on or about September 19, 1987, E-Systems, Inc. and General Dynamics Corporation are not parties to MCC.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-25257 Filed 10-25-89; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research Act of 1984—Osi/Network Management Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the OSI/Network Management Forum (the "Forum") on September 28, 1989 filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on December 8, 1988, 53 FR 49615. On December 23, 1988, March 23, 1989, and July 3, 1989, the Forum filed additional written notifications pursuant to section 6(a) of the Act. The Department of Justice published notices in the Federal Register pursuant to section 6(b) on January 26, 1989, 54 FR 3870, April 25, 1989, 54 FR 17834, and August 4, 1989, 54 FR 32141.

The identities of the additional parties to the venture are given below:

Tellabs, Inc., 3030 Warrenville Road, Suite 450, Lisle, IL 60532

NYNEX, 4 West Red Oak Line, White Plains, NY 10604

Industrial Technology Institute, 2901 Hubbard Road, P.O. Box 1485, Ann Arbor, MI 48106

ADC Kentrox, 14375 NW. Science Park Drive, Portland, OR 97229

Defense Communications Agency, 1860 Wiehle Avenue, Reston, VA 22090-5500

Nokia Corporation, Nokia Research Center, P.O. Box 156, Espoo SF-02101, Finland

Sun Microsystems, Inc., 2550 Garcia Avenue, Mountain View, CA 94043.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-25258 Filed 10-25-89; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cancellation of Meeting of Humanities Panel

The meeting of the Humanities Panel scheduled for November 21, 1989, and published in the Federal Register on October 17, 1989, at pages 42606-07, has been cancelled. The meeting was to review proposals for Higher Education in Humanities Program, submitted to the Division of Education Programs.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 89-25174 Filed 10-25-89; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On July 17, 1989, the National Science Foundation published a notice in the **Federal Register** of permit applications received. A permit was issued to the following individual on October 17, 1989: J. Ward Testa.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 89-25175 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

Reestablishment; Advisory Committee for Science Resources Studies

The Assistant Director for Scientific, Technological, and International Affairs (STIA), has determined that the reestablishment of the Advisory Committee for Science Resources Studies is necessary and in the public interest.

Name of Committee: Advisory Committee for Science Resources Studies.

Purpose: To provide advice concerning current and emerging science and technology issues, problems and opportunities and the kinds of data that would help illuminate them.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-25273 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

Committee Management; Notice of Establishment

The Assistant Director for Scientific, Technological, and International Affairs (STIA) has determined that the establishment of the Advisory Committee for Scientific, Technological, and International Affairs is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Scientific, Technological, and International Affairs.

Purpose: The Advisory Committee for Scientific, Technological, and International Affairs (ACSTIA) is being established to provide advice, recommendations, and oversight for the diverse activities falling under the jurisdiction of the National Science Foundation (NSF) STIA Directorate. These activities include: International cooperative research; promotion of the participation of women and underrepresented minorities in science and engineering (S/E); strengthening the S/E infrastructure of minority institutions and geographic regions; operation of the NSF Small Business and Innovation Research (SBIR) Program; as well as U.S. and international data collection and analysis.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-25274 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

Notice of Meeting; Decision, Risk, and Management Science Advisory Panel

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Decision, Risk, and Management Science.

Date Time: November 16 and 17, 1989—8:30 a.m. to 5:00 p.m. each day.

Place: Lombardy Hotel, 2019 I Street, N.W. Washington, DC 20006.

Type of Meeting: Part Open—November 16, 4:00—5:00 p.m. Closed remainder.

Contact Persons: Dr. James Shanteau, Program Director, (202) 357-7417, or Dr. L. Robin Keller, Associate Program Director, (202) 357-7569, Decision, Risk, and Management Science, National Science Foundation, Washington, DC 20550, Room 336.

Minutes: May be obtained from the contact persons at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in decision, risk, and management science.

Agenda: Open—general discussion of trends and opportunities in decision, risk, and management science.

Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 25275 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

Notice of Meeting; Developmental Neuroscience Advisory Panel

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Neuroscience.

Date & Time: November 15, 16, 17, 1989—9:00 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G. St. N.W., Room 643, Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Mark H. Whitnall, Program Director for Developmental Neuroscience, Room 320, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-7042.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in developmental neuroscience.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-25276 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

Science and Engineering Education Advisory Committee Meeting

The National Science Foundation announce the following meeting:

Name: Advisory Committee to the Directorate for Science and Engineering Education.

Date and Time: Monday, November 20, 1989, 9:00 am–5:00 pm; Tuesday, November 21, 1989, 9:00 AM–5:00 PM.

Place: National Science Foundation, Room 540, Washington, D.C.

Type of Meeting: Open.

Contact Person: Mr. Charles W. Hudnall, Executive Secretary, Directorate for Science and Engineering

Education, National Science Foundation, Washington, D.C. 20550, (202) 357–7926.

Minutes: May be obtained from contact person listed above.

Purpose of Committee: To provide advice and recommendations concerning NSF support for science and engineering education.

Agenda: Review of FY 1990 Programs and Initiatives; Review of FY 1991 Programs and Initiatives; Strategic Planning for FY 1992 and Beyond.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–25277 Filed 10–25–89; 8:45 am]

BILLING CODE 7555-01-M

Physical Anthropology Advisory Panel; Closed Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Physical Anthropology.

Date and Time: November 13 & 14, 1989, 9:00 am–5:00 pm each day.

Place: National Science Foundation, 1800 G Street, N.W., Room 1242, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Warren G. Kinzey, Program Director, Physical Anthropology Program, Room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7804.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in physical anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 25278 Filed 10–25–89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Law and Social Science Advisory Panel

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Socil Science.

Date/Time: November 17, 1989: 9:00 a.m. to 5:00 p.m. November 18, 1989: 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, (room number to be announced).

Type of Meeting: Part Open—November 17, 1989, 4:00–5:00 pm; Remainder of meeting is closed.

Contact Person: Dr. Felice J. Levine, Program Director, Law and Social Science, National Science Foundation, Washington, DC 20550, Room 336, (202 357–9567.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning research in law and social science.

Agenda: Open—general discussion of trends and opportunities in law and social science research. Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason For Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–25176 Filed 10–25–89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Political Science Advisory Panel

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.

Date/Time: November 9, 1989, 8:30–5:00 p.m. November 10, 1989, 8:30–5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 1242.

Type of Meeting: Part Open—November 9, 4:00–5:00 p.m. Remainder of meeting is closed.

Contact Person: Dr. Frank P. Scioli, Program Director, Political Science, Division of Social and Economic Science, National Science Foundation, Washington, DC 20550 (202) 357–9406.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in political science.

Agenda: Open—general discussion of trends and opportunities in political science research. Closed—to review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–25177 Filed 10–25–89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Sociology Advisory Panel

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date/Time: November 6, 1989, 8:30 to 5:00 p.m.; November 7, 1989, 8:30 to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 1243

Type of Meeting: Part Open—November 7, 1989, 1:00–2:00 p.m. Remainder of meeting is closed.

Contact Persons: Dr. Phyllis Moen or Dr. Murray Webster, Program Directors, Sociology, National Science Foundation, Washington, DC 20550, Room 336, (202) 357–7802.

Minutes: May be obtained from the contact persons at the above address.

Purpose of Meeting: To provide advice and recommendations concerning research in sociology.

Agenda: Open—general discussion of trends and opportunities in sociology research. Closed—to review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature,

including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-25178 Filed 10-25-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-18655-EA, ASLBP No. 89-597-01-EA; (Byproduct Material License No. 21-24472-01)]

Atomic Safety and Licensing Board; Prehearing Conference on Nuclear and Radiological Imaging Physicians

Before Administrative Judges: B. Paul Cotter, Jr., Chairman; Dr. Harry Foreman, Member; Dr. Jerry R. Kline.

October 19, 1989.

Please take notice that a prehearing conference will be held on Tuesday, November 7, at the 52nd District Court, 4th Division, Council of Chambers, 500 West Big Beaver, Troy, Michigan 48084 from 11:00 a.m. to 4:00 p.m.

October 9, 1989, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.,

Chairman, Administrative Judge.

[FR Doc. 89-25148 Filed 10-25-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-443]

Public Service Company of New Hampshire, Seabrook Station; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-67 issued to New Hampshire Yankee (the licensee) for operation of Seabrook Station located in Seabrook, Rockingham County, New Hampshire.

The proposed amendment would preclude the potential of a forced plant shutdown as a result of loss of the Containment Building Compressed Air System. New Hampshire Yankee (NHY) proposes that a back-up air supply be connected to the Containment Building Compressed Air System. The back-up air supply would be a cross-connection between the Plant Instrument Air System and the Containment Air System. The cross-connect would enter the containment building thru an existing containment penetration, X-68. The penetration will be added to Technical Specification Table 3.6-1 "Secondary Containment Bypass Leakage Paths".

The proposed change would be implemented in two phases. The first phase is scheduled for completion prior to commercial operation and would include the installation of the cross-connect piping from the Plant Instrument Air System to the Containment Compressed Air System. The piping isolation design will meet 10 CFR part 50, Appendix A, General Design Criteria 56, "Primary Containment Isolation" by utilizing a fail-closed air operated valve outside Containment and a check valve inside Containment. The air operated valve's automatic open/close function will be disarmed and the valve will be administratively controlled in the locked closed position for Modes 1-4. The second phase of this change will provide the instrumentation and electrical changes required to make the cross-connect operate automatically with Containment Air System low pressure and assure post-accident isolation. This phase is scheduled to be implemented prior to completion of the first refueling outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

New Hampshire Yankee has reviewed the proposed change utilizing the criteria specified in 10 CFR 50.92 and has determined that the proposed change would not

1. Involve a significant increase in the probability of consequences of any accident previously evaluated. The activation of a previously spare piping penetration to the Containment will allow utilization of the Plant Instrument Air System to backup the Containment Building Compressed Air System during Modes 5 and 6. The Containment Building Compressed Air System is non-safety related and is not relied upon for safe shutdown. The new penetration piping is designed to Quality Group B standards and is subject to testing per 10 CFR part 50, Appendix J. The activation of this penetration will not affect the existing offsite dosage analysis since the analysis already assumes the maximum possible bypass leakage. The total containment integrated leakage, as well as local leakage rates, will remain within 10 CFR part 50, Appendix J, limits. This cross-connect will not be used during Modes 1-4, therefore, incoming instrument air will not affect containment peak pressure.

2. Create the possibility of a new or different kind of accident from any previously evaluated. The additional Type "C" penetrations maximum leakage in conjunction with the combined leakage of the existing Type "B" and "C" penetrations will not exceed the total leakage allowed by 10 CFR part 50 Appendix J for bounding radiation doses to within the dose guidelines of 10 CFR part 100 during accident conditions.

3. Involve a significant reduction in a margin of safety. The bases for the Technical Specifications indicate that allowable leakages will be consistent with assumptions made in the offsite dose analyses.

Therefore, based on the above facts, the Commission has made a proposed determination that the Amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 27, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be

affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Exeter Public Library, Founders Park, Exeter, New Hampshire 03833. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is to establish those facts or aware and on which the petitioner intends to rely expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards considerations. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D C 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N W, Washington, D C, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard H. Wessman, Project Director: (petitioner's name and telephone number), date petition was mailed), (plant name, and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D C 20555, and to Thomas Dignan, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 21, 1988, which is available for public inspection at the Commission's Public Document Room, the Gelman Buildino, 2120 L Street, N W, Washington, D.C. 20555 and at the Local Public Document Room located at the Exeter Public Library, Founders Park, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 19th day of October, 1989.

For the Nuclear Regulatory Commission

Victor Nerses,

Project Manager, Project Directorate I–3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–25226 Filed 10–25–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–346]

Toledo Edison Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–3, issued to Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 located in Ottawa County, Ohio.

The amendment would increase the response time requirement for the High Flux/Number of Reactor Coolant Pumps On (power/pumps) trip function of the Reactor Protection System provided in Table 3.3.2 of the Technical Specifications from 451 milliseconds to 631 milliseconds. This amendment application was dated February 21, 1989 and was supplemented by letters dated July 19, 1989 and September 1, 1989.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 27, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC 20555 and at the Local Public Document Room located at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW , Washington, DC , by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 21, 1989 as supplemented by letters dated July 19,

1989 and September 1, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW, Washington, DC 20555, and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 18th day of October, 1989.

For The Nuclear Regulatory Commission

Robert W. DeFayette,

Acting Director Project Directorate III–3 Division of Reactor Projects—III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 89–25227 Filed 10–25–89; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–17184; 812–7379]

Capstone International Series Trust; Application

October 19, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Capstone International Series Trust ("Applicant").

Relevant 1940 Act Sections: Exemption requested under Section 6(c) from the provisions of sections 12(d)(1)(A) and 12(d)(3) of the 1940 Act.

Summary of Application: Applicant seeks a conditional order permitting each of its existing series and all future series of Applicant to acquire securities of foreign banks, foreign insurance companies and foreign securities firms in accordance with the conditions of proposed Rule 12d1–1 and proposed amendments to Rule 12d3–1 under the 1940 Act.

Filing Date: The application was filed on August 25, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 13, 1989, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Olivia P. Adler, Esq., 1500 K Street, NW., Suite 500, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Sheryl Siman Maliken, Staff Attorney, at (202) 272–2190 or Stephanie M. Monaco, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, which can be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is a diversified open-end management investment company organized as a Massachusetts business trust of the series type. Applicant currently has two series, European Plus Fund and Nikko Japan Tilt Fund, and seeks relief pursuant to the application for each current and future series.

2. Applicant's two current series invest, respectively, in securities of foreign issuers in Western Europe and Japan, and each uses a computer model to construct its portfolio which is reflective of issuers represented in the respective markets, including issuers that are banks, insurance companies, and firms that may derive more than 15% of gross revenues from securities related activities.

3. Under the 1940 Act, foreign banks and foreign insurance companies may be deemed to be investment companies since they are not excluded from the definition of investment company by section 3(c)(3) of the 1940 Act, which excludes United States banks and insurance companies from the definition. Applicant's investments in such issuers may therefore be subject to the limits of section 12(d)(1)(A), which are applicable to an investment company's investments in other investment companies.

4. Section 12(d)(3) of the 1940 Act prohibits a registered investment company from purchasing a security issued by a broker, dealer, underwriter or investment adviser. Rule 12d3–1 under the 1940 Act provides relief from this restriction for, among other things, the purchase of an equity security of such an issuer which is a "margin security," as that term is defined in Regulation T of the Board of Governors of the Federal Reserve System. Since a "margin security" generally must be one which is traded in the United States markets, securities issued by many foreign securities firms would not meet this test.

5. Applicant therefore seeks relief from section 12(d)(1)(A) under the 1940 Act to the extent permitted by proposed Rule 12d1–1 under the 1940 Act. *See* Investment Company Act Release No. 17084 (July 26, 1989). Proposed Rule 12d1–1 eases restrictions on a registered investment company's acquisition of the securities of foreign banks and foreign insurance companies.

6. Applicant also seeks relief from section 12(d)(3) and Rule 12d3–1 under the 1940 Act to the extent permitted by proposed amendments to Rule 12d3–1. *See* Investment Company Act Release No. 17096 (Aug. 3, 1989). The proposed amendments to Rule 12d3–1 would, among other things, facilitate the acquisition by registered investment companies of equity securities issued by foreign securities firms.

Applicant's Conditions

Applicant agrees to the following conditions in connection with the relief requested:

1. Applicant will comply with the conditions of Alternative I of proposed Rule 12d1–1 and agrees, in addition, to comply with the terms of proposed Rule 12d1–1 as they may be further revised or adopted.

2. Applicant will comply with proposed Rule 12d3–1 and agrees, in addition, to comply with the terms of Rule 12d3–1 as they may further revised or adopted.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–25260 Filed 10–25–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17185; 811–4606]

First Utility Fund, Inc.; Application for Deregistration

October 19, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: First Utility Fund, Inc. ("Applicant").

Relevant 1940 Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

Filing Dates: The application on Form N–8F was filed on June 6, 1989 and a supplemental letter submitted on June 29, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 13, 1989, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, Five Piedmont Center, Atlanta, Georgia 30305.

FOR FURTHER INFORMATION CONTACT: Patricia Copeland, Legal Technician, (202) 272–3009, or Max Berueffy, Branch Chief, (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant is a Maryland corporation and an open-end diversified management investment company under the 1940 Act. On March 5, 1986, Applicant filed a Notification of Registration pursuant to section 8(b) of the 1940 Act. On the same date, Applicant filed a registration statement under the Securities Act of 1933 on Form N–1A which was declared effective on July 31, 1986, and the initial public offering commenced on September 23, 1986.

2. On September 29, 1988, Applicant's Board of Directors (the "Board") unanimously approved the Plan of Liquidation and Dissolution (the "Plan") of Applicant.

3. Prior to the shareholders meeting, a proxy statement dated November 15, 1988, concerning the Plan was distributed on or about November 15, 1988 to all of Applicant's shareholders of record as of October 3, 1988. Preliminary copies of the proxy materials were filed with the SEC on October 26, 1988 and definitive copies were filed on November 16, 1988.

4. As of November 29, 1988, there were outstanding 357,931.356 shares of common stock, $.10 per value, of the Applicant. The net asset value per share of the Applicant at that date was $10.12, aggregating $3,622,209.

5. On December 8, 1988, the shareholders of Applicant approved a proposal to close Applicant pursuant to the Plan. According to the Plan, Applicant was required to: (1) Cease investing its assets in accordance with its investment objectives and sell the portfolio securities held in order to convert the securities to cash; (2) forego engaging in any business activity except for the purpose of winding up its business and affairs, preserving the value of its assets and distributing assets to shareholders after the payment (or reservation of assets for payment) of all creditors of Applicant; and (3) dissolve following performance of all other actions required by the Plan.

6. Applicant paid brokerage commissions of approximately $14,249 in connection with the liquidation of its portfolio securities and other assets to satisfy redemption requests.

7. As of the filing of the application, Applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs. Applicant intends to file the appropriate Certificate of Dissolution or similar document in accordance with state law after the relief requested has been granted.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–25261 Filed 10–25–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17183; (811–1452)]

Leverage Fund of Boston, Inc.; Application

October 19, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Leverage Fund of Boston, Inc.

Relevant 1940 Act Section: Section 8(f) and Rule 8f–1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Dates: The application was filed on September 21, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on November 13, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Brion R. Thompson, Special Counsel (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant, a Massachusetts corporation, registered as a closed-end investment company under the 1940 Act on December 16, 1966. Subsequently, on January 4, 1982, Applicant was restructured as an open-end investment company. Applicant will be dissolved as a Massachusetts corporation under the laws of the Commonwealth of Massachusetts, having met all of the prerequisites for such dissolution (including obtaining a tax good standing certificate from the Massachusetts Department of Revenue).

2. As of June 12, 1989, Applicant had outstanding 2,708,700.605 shares of capital stock, $0.33⅓ par value, representing an aggregate net asset value of $18,682,104.39, or $6.89707 per share. On that date, Applicant transferred all of its assets to Eaton Vance Special Equities Fund ("Equities Fund") (File No. 811–1545), under an

Agreement and Plan of Reorganization dated March 30, 1989 ("Reorganization"). In exchange, Applicant received shares of Equities Fund with an aggregate net asset value equal to the net asset value of Applicant's assets determined as of the close of business on June 9, 1989 (the last business day prior to the date of the Reorganization).

3. Immediately thereafter, Applicant distributed the shares of Equities Fund received to Applicant's shareholders in complete liquidation. Upon completion of the Reorganization, each shareholder of Applicant owned shares of Equities Fund with the same aggregate net asset value as the shares of the Applicant owned by the shareholder immediately prior to the Reorganization.

4. On February 21, 1989, Applicant's Board of Director's unanimously approved the Reorganization. A proxy statement dated March 30, 1989, was distributed to Applicant's shareholders and was filed with the SEC (File No. 2–27962) in connection with the Reorganization. Thereafter, on June 9, 1989, a majority of Applicant's shareholders approved the Reorganization and related transactions.

5. Applicant and Equities Fund each bore its own expenses relating to the Reorganization. Legal, accounting and other expenses relating to the Reorganization in the approximate amount of $53,500 were borne by Applicant. No brokerage commissions were incurred in connection with the Reorganization.

6. Applicant has no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Johathan G. Katz,

Secretary.

[FR Doc. 89–25262 Filed 10–25–89; 8:45 am]

BILLING CODE 8010-01-M

(Release No. 35–24969)

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

October 19, 1989.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by November 13, 1989 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Eastern Utilities Associates (70–7677)

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 41, 43, 45(a), 51 and 50(a)(5) thereunder.

EUA proposes to acquire all the outstanding shares of Newport Electric Corporation ("Newport"),[1] a wholly owned electric public utility subsidiary company of NECO Enterprises, Inc. ("NECO"),[2] an exempt holding company, in exchange for 540,000 shares of EUA common stock, par value $5.00 per share ("Acquisition"), which EUA proposes to issue to NECO from EUA's authorized but unissued common stock. The Acquisition is subject to a Stock Purchase Agreement dated September 1, 1989 ("Purchase Agreement"), which shall have been approved and adopted by a majority of the holders of shares of NECO common stock outstanding and eligible to vote on such proposal. After completion of the Acquisition, Newport will be a separate wholly owned electric public-utility subsidiary company of EUA. EUA also proposes to make capital contributions to Newport, from time-to-time through December 31, 1991, in an amount not to exceed $10 million in the aggregate.

In connection with the Purchase Agreement, a Voting Agreement, dated September 1, 1989, was executed by EUA, David F. LaRoche, the majority shareholder of NECO, and Donald G. Pardus, President of EUA, under which Mr. LaRoche, subject to necessary third-party consents, irrevocably appointed Mr. Pardus as his proxy to vote the shares of NECO common stock over which Mr. LaRoche has voting power in favor of the transactions contemplated by the Purchase Agreement. As of August 16, 1989, Mr. LaRoche has voting power with respect to 559,662, or approximately 56%, of the 996,371 shares of NECO common stock outstanding, as of June 1, 1989.

It is stated that, after review of the tax consequences of the Acquisition to NECO, the Acquisition may be accomplished through a reverse-subsidiary merger under which: (1) EUA would form a special purpose, wholly owned subsidiary company which would be merged with and into Newport with Newport as the surviving corporation; (2) EUA would acquire all the outstanding common stock of Newport; and (3) NECO would acquire 540,000 shares of EUA's authorized but unissued common stock.

The Columbia Gas System, Inc. (70–7680)

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rules 50 and 50(a)(5) thereunder.

Columbia proposes to issue and sell in one or more transactions through December 31, 1991 an aggregate principal amount not exceeding $200 million of (1) debentures ("Debentures") maturing in up to thirty years and/or (2) medium-term notes ("MTNs") maturing in up to thirty years. The Debentures will be offered at competitive bidding pursuant to Rule 50 or in accordance with the alternative procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623). The MTNs will be offered pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection 50(a)(5) thereunder. The proceeds from the sale of the Debentures or MTNs will be used to finance, in part, the capital

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[1] EUA's acquisition of Newport will also result in the acquisition of Newport's wholly owned subsidiary company, Newport Electric Power Corporation, which has issued and outstanding one share of common stock, par value $1 per share, which is held by Newport.

[2] As of June 30, 1989, of the one million authorized shares of common stock, Newport had one share issued and outstanding, which share is held by NECO.

expenditures of Columbia's subsidiary companies.

Columbia also requests an exception from the standards required under the Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935 (HCAR No. 13105, February 16, 1956) ("SOP") for deviations thereof regarding sinking funds and redemption provisions. MTNs generally do not contain sinking fund provisions, whereas the SOP requires the creation of a sinking fund. In addition, the MTNs may not be callable prior to their maturity, whereas the SOP requires that bonds must be callable for redemption at any time upon reasonable notice and with reasonable redemption premiums, if any.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc.80-25263 Filed 10-25-89; 8:45 am]

BILING CODE 8010-01-M

[Rel. No. 34-27367; [File No. SR-MBS-89-41]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by MBS Clearing Corporation Relating to a Revised Penalty Fee Schedule

October 19, 1989.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 5, 1989, the MBS Clearing Corporation ("MBSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is MBS Clearing Corporation's proposed revision to its Penalty Fee Schedule:

Settlement Balance Order ("SBO") Balancing Fee: $100.00/correction to erring party

Late Payment of Market Margin Requirement: $500.00/half day

Late SBO Market Differential ("SBOMD")/Cash Adjustment Wire: $50.00/day plus interest on wire amount

Late Audit Confirmation: (First Offense) $250.00/month, (Second Offense Within Six Months) $500.00/month, (Third Offense Within Six Months) $1,000/month

Notification of Settlement Delinquent Unchallenged SBO Advisory Condition: $25.00/day

Deletion of a Delinquent Challenged SBO Uncompared Condition: $25.00/day

Matching of a Delinquent Challenged SBO Advisory Condition: $50.00/day

Any violation of Rules/Procedures not covered by the above schedule is subject to penalty in accordance with the Clearing Division Rules, Article V, rules 3 and 7.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The proposed fee change establishes a penalty for late-confirmation of a Participant's monthly audit reports. MBSCC will assess a fine of $250.00 per month for the first offense; $500.00 for the second offense within six months; and $1,000.00 for the third offense within six months. The penalty is designed to encourage Participants to promptly confirm their monthly audit reports. The Penalty Fee Schedule also contains MBSCC's remaining penalty charges, including SBO Balancing Fee (penalizes firms who fail to net or correct SBOs during required firms who fail to net or correct SBOs during required time frames), late SBOMD/Cash Adjustment wire (penalizing firms for late adjustments to SBOMD/Cash Market Differential wire payments) and late payment of Market Margin Requirement Deposits ("MMD") (penalizing firms for late payments of MMDs).

The penalty fees are designed to penalize those firms which fail to correct erroneous information or pay required amounts in specified time frames. The penalty fees are also designed to encourage prompt compliance of MBSCC's rules and procedures.

The Penalty Fee Schedule is consistent with Section 17A of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among MBSCC's Participants.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

MBSCC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization.

All submissions should refer to file number SR-MBS-89-4 and should be submitted by November 16, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-25170 Filed 10-25-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27368; File No. SR-NYSE-89-34]

Self-Regulatory Organization; Notice and Order Granting Accelerated Approval to a Proposed Rule Change by the New York Stock Exchange, Inc.; Relating to Emergency Arrangements to Trade PSE Options on Other Options Exchanges

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1989, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change concerns arrangements made for the continued trading of options listed on the Pacific Stock Exchange, Inc. ("PSE") due to mechanical disruptions to the PSE options floor caused by the October 17, 1989 earthquake in San Francisco. Starting October 19, 1989, under arrangements worked out by the PSE, American Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Philadelphia Stock Exchange, Inc. and NYSE, options listed on the PSE will trade temporarily on the floors of different options exchanges around the United States. The options still will be considered to be traded on the PSE, although the physical execution of the trades will occur on the other options exchanges.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

PSE Facility at the Exchange

Rule 17(T).

1. The Exchange shall permit the PSE and its members to use a portion of the Exchange Floor [hereinafter, the "PSE Facility at the Exchange") to conduct the trading of such stock options as shall have been designated by the PSE by prior notice to the Exchange. The Exchange will provide appropriate support facilities to enable the PSE members to conduct such trading at the PSE Facility at the Exchange. Such trading shall be conducted in accordance with the rules of the PSE, to the same extent as if conducted on the facilities of the PSE in California.

2. By accepting this arrangement, the PSE, its members and their employees who are authorized to enter onto the Exchange Floor to carry out trading as above described, shall accept the same limitations on the liability of the Exchange for use of its facilities for the conduct of business as they apply to any Exchange member, member organization or employee thereof in the conduct of his or its business on the Exchange.

3. PSE members authorized to trade at the PSE Facility at the Exchange shall not be authorized to trade in any Exchange listed securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Exchange notes that as a result of the October 17, 1989 earthquake in San Francisco, the San Francisco trading facilities of the PSE have sustained a temporary loss of electrical power. As a consequence, the PSE is currently unable to open its San Francisco options facilities for trading. The proposed rule change will provide for the PSE's temporary use of NYSE facilities. The Exchange states that the proposed rule change will act to facilitate and maintain transactions in PSE option issues, thereby maintaining the mechanism of a free and open market for PSE options and protecting the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder. Specifically, the Commission believes that the arrangements worked out between the PSE and the other options exchanges to provide facilities for PSE market makers to trade PSE options on those other exchanges will ensure that these options continue to be freely traded despite the disruption to the options trading floor in San Francisco.[1] Floor brokers on the host exchanges will be deputized as PSE members for purposes of handling orders in PSE options, thereby providing adequate personnel for order handling purposes. The trade entry and match functions for PSE options will be performed by the host exchanges. The Commission is satisfied that these arrangements will enable continuous, liquid markets to be maintained for these options in an exchange environment while maintaining the usual investor protection safeguards for exchange-traded options.[2] This is especially important in light of the upcoming options expiration on October 20, 1989. Accordingly, the rule proposal, by facilitating these arrangements, is consistent with sections 6(b)(1), (2), (5), and (6) of the Act.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in order to ensure a continuous market for PSE options.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing.

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[1] Market Maker firms who are member organizations of the PSE and a host exchange will be able to use the individual market makers they select to make markets in PSE options, even though those persons are not members of the PSE.

[2] In this regard, both the PSE and the temporary host exchanges will have the authority to surveil trading in PSE options on other exchanges and to take any disciplinary action necessary against their members for violations of their rules.

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Section, 450 Fifth Street, NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number in the caption above and should be submitted by November 16, 1989.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[3] that the proposed rule change (SR–NYSE–89–34) be, and hereby is, approved through October 20 or when the PSE options market is operational whichever is later.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Dated: October 19, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–25172 Filed 10–25–89; 8:45am]

BILLING CODE 8010–01–M

[Rel. No. IC–17180; (811–76)]

Eaton Vance High Yield Fund; Notice of Application

October 19, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Eaton Vance High Yield Fund.

Relevant 1940 Act Section: Section 8(f) and Rule 8f–1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Dates: The application was filed on September 21, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on November 13, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Brion R. Thompson, Special Counsel (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations:

1. Applicant commenced the initial public offering of its shares following its organization as a Massachusetts business trust on February 18, 1932. Applicant registered under the Securities Act of 1933 on October 10, 1933, and under the 1940 Act on October 31, 1940. Applicant was dissolved as a business trust under the laws of the Commonwealth of Massachusetts on July 24, 1989.

2. As of May 22, 1989, Applicant had outstanding 7,755,252.647 shares of beneficial interest, $1.00 par value, representing an aggregate net asset value of $38,192,809.79, or $4.9247 per share. On that date, Applicant transferred all of its assets to Eaton Vance Income Fund of Boston ("Income Fund") (File No. 811–02258), under an Agreement and Plan of Reorganization dated March 27, 1989 ("Reorganization"). In exchange, Applicant received shares of Income Fund with an aggregate net asset value equal to the net asset value of Applicant's assets determined as of the close of business on May 19, 1989 (the last business day prior to the date of the Reorganization).

3. Immediately thereafter, Applicant distributed the shares of Income Fund received to Applicant's shareholders in complete liquidation. Upon completion of the Reorganization, each shareholder of Applicant owned shares of Income Fund with the same aggregate net asset value as the shares of the Applicant owned by the shareholder immediately prior to the Reorganization.

4. On February 21, 1989, Applicant's Board of Trustees unanimously approved the Reorganization. Thereafter, on April 21, 1989, a majority of Applicant's shareholders approved the Reorganization, Applicant's subsequent dissolution as a business trust under Massachusetts law and its deregistration as an investment company under the 1940 Act.

5. Applicant and Income Fund each bore its own expenses relating to the Reorganization. Legal, accounting and other expenses relating to the Reorganization in the approximate amount of $22,500 were borne by Applicant. No brokerage commissions were incurred in connection with the Reorganization.

6. Applicant has no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged, nor does it propose to engage in any business activities other than those necessary to wind up its affairs.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–25171 Filed 10–25–89; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2386; Amdt. #1]

North Carolina; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated September 28, 1989, to include the Counties of Alexander, Brunswick, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Iredell, and Wilkes, in the State of North Carolina, as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 21–22, 1989. In addition, applications for economic injury from small businesses located in the contiguous counties of Alleghany, Ashe, Avery, Davie, McDowell, New Hanover, Pender, Rowan, Rutherford, Surry, Watauga, and Yadkin, in the State of North Carolina, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as

[3] 15 U.S.C. 78s(b)(2) (1982).

[4] 17 CFR 200.30–3(a)(12) (1988).

contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on November 24, 1989, and for economic injury until the close of business on June 25, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 4, 1989.

Michael E. Deegan,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25265 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2386; Amdt. #2]

North Carolina; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notices of Amendment to the President's declaration, dated October 3, 4, and 5, 1989, to include the Counties of Alleghany, Anson, Ashe, Avery, Davidson, Davie, Forsyth, Guilford, Montgomery, Richmond, Rowan, Stanly, Stokes, Surry, Watauga, and Yadkin as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 21-22, 1989.

In addition, applications for economic injury from small businesses located in the contiguous counties of Alamance, Caswell, Hoke, Mitchell, Moore, Randolph, Rockingham, and Scotland, in the State of North Carolina; Carroll, Grayson, Henry, Patrick, and Washington Counties, in the State of Virginia; and Carter and Johnson Counties, in the State of Tennessee, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

The number assigned for economic injury for the State of Virginia is 686200, and for the State of Tennessee the number of 686300.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on November 24, 1989, and for economic injury until the close of business on June 25, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 16, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25266 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2383; Amdt. #1]

Puerto Rico; Declaration of Disaster Loan Area

The above-number Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated September 29, 1989, to include the municipalities of Adjuntas, Aibonito, Aguas Buenas, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Caguas, Camuy, Catano, Cayey, Ciales, Cidra, Coamo, Comerio, Corozal, Dorado, Florida, Guayama, Guaynabo, Gurabo, Hatillo, Jayuya, Lares, Manati, Morovis, Naranjito, Orocovis, Patillas, Ponce, Salinas, San Lorenzo, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, and Villalba, in the Commonwealth of Puerto Rico, as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 17-18, 1989.

In addition, applications for economic injury from small businesses located in the contiguous municipalities of Guayanilla, Juana Diaz, Las Marias, Maricao, Penuelas, Quebradillas, San Sabastian, Santa Isabel, and Yauco, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on November 21, 1989, and for economic injury until the close of business on June 21, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 5, 1989.

Michael E. Deegan,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25267 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2383; Amdt. #2]

Puerto Rico; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated October 6, 1989, to include the municipality of Penuelas, in the Commonwealth of Puerto Rico, as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 17-18, 1989.

Any counties contiguous to the above-named primary county and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on November 21, 1989, and for economic injury until the close of business on June 21, 1990.

(Catalog of Federal Domestic Assistance Program No. 59002 and 59008).

Dated: October 16, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25268 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2384; Amdt. #1]

South Carolina; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notices of Amendment to the President's declaration, dated September 26 and 27, 1989, to include the counties of Calhoun, Chester, Clarendon, Fairfield, Florence, Kershaw, Lancaster, Lee, Williamsburg, and York, in the State of South Carolina, as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 21-22, 1989.

In addition, applications for economic injury from small businesses located in the contiguous counties of Cherokee, Darlington, Newberry, and Union, in the State of South Carolina, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the

close of business on November 20, 1989, and for economic injury until the close of business on June 22, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 2, 1989.

Michael E. Deegan,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25269 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2384; Amdt. #2]

South Carolina; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with the Notices of Amendment to the President's declaration, dated September 29 and 30, 1989, to include the counties of Chesterfield, Colleton, Darlington, Dillon, Marion, Marlboro, and Richland, in the State of South Carolina, as a disaster area as a result of damages caused by Hurricane Hugo which occurred on September 21-22, 1989.

In addition, applications for economic injury from small businesses located in the contiguous counties of Allendale, Beaufort, and Hampton, in the State of South Carolina, may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on November 20, 1989, and for economic injury until the close of business on June 22, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 16, 1989.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-25270 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-5531]

EDC Investments, Inc.; Application for License to Operate as a Small Business Investment Company

An application for a license to operate a small business investment company (SBIC) under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 *et seq.*) has been filed by EDC Investments, Inc. (Applicant), El Caribe Bldg., Ground Floor, San Juan, PR 00901 with the Small Business Adminstration (SBA) pursuant to 13 CFR 107.102 (1989).

The proposed officers, directors, and owner of EDC are as follows:

Name and address	*Position*	*Percentage of ownership*
Nellie Betancourt, Park Side Cond. PH-1, Caparra Heights, PR 00922.	Chairperson	0
Manuel Lopez Del Valle, 661 Concordia Street, Miramar, PR 00907.	President	0
Hector Edgardo Velez Garcia, E-1 DD-71 St. Urb O'Neil, Manati, PR 00701.	Secretary, Treasurer.	0
Carmen Lydia Zayas, 1645 Asomante St. Summit Hills, Rio Piedras, PR 00920.	Director	0
Herman Sulsona, Elche St. #5-2, Rio Piedras, PR 00926.	Director	0
Economic Development Corp., El Caribe Bldg., 1st Floor, San Juan, PR 00901.		100

Economic Development Corp. is a non-stock, non-profit community development corporation holding tax exempt status, organized in 1973.

The Applicant will begin operations with a capitalization of $1,025,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns.

The Applicant intends to conduct its business in the commonwealth of Puerto Rico.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, no later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in San Juan, Puerto Rico.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 19, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 25271 Filed 10-25-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 21-BP, Investigating Reports of Counterfeit (Bogus) Parts.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of proposed Advisory Circular (AC) 21-BP. Investigating Reports of Counterfeit (Bogus) parts. The proposed AC provides information and guidance for use in investigating reports of counterfeit aircraft parts and includes procedures concerning referral of such reports to the appropriate FAA offices and other government agencies. This AC also introduces FAA Form 8130-4, Counterfeit Parts Alert; which provides a standardized method of reporting suspected counterfeit parts to the FAA.

DATE: Comments submitted must identify the AC File Number P8-220-0026, and be received by January 24, 1990.

ADDRESSES: Copies of the proposed AC can be obtained from and comments may be directed to the following: Federal Aviation Administration, Production Certification Branch. AIR-220, Aircraft Manufacturing Division. Aircraft Certification Service. 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Joseph Chin, Production Certification Branch, AIR–220. Aircraft Manufacturing Division. Room 333, Aircraft Certification Service, Federal Aviation Administration. 800 Independence Avenue, SW., Washington. DC 20591 (202) 267–8361.

SUPPLEMENTARY INFORMATION:

Background

This proposed AC provides information and guidance for use in investigating reports of counterfeit aircraft parts and includes procedures concerning referral of such reports to the appropriate FAA offices and other government agencies. These reports may originate from various sources, audits. ongoing surveillance at any facility. letters or telephone calls from the general public, Congressional inquiry or from the Government Industry Data Exchange Program.

Comments Invited

Interested persons are invited to comment on the proposed AC listed in this notice by submitting such written data, views, or arguments as they desire to the aforementioned address. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final AC.

Comments received on the proposed AC may be examined, before and after the comment closing date in Room 333. FAA Headquarters Building (FOB–10A) 800 Independence Avenue. SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m. Issued in Washington, DC, on October 2, 1989.

Dana D. Lakeman,

Acting Assistant Manager, Aircraft Manufacturing Division.

[FR Doc. 89–25211 Filed 10–25–89; 8:45 a.m]

BILLING CODE 4910–13–M

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Minneapolis-St. Paul International Airport, Minneapolis, MN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Metropolitan Airports Commission for Minneapolis-St. Paul International Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Minneapolis-St. Paul International Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before April 2, 1990.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is October 4, 1989. The public comment period ends December 4, 1989.

FOR FURTHER INFORMATION CONTACT: Prescott C. Snyder, Federal Aviation Administration, Great Lakes Region, Airports Division, AGL–611, 2300 East Devon Avenue, Des Plaines, Illinois 60018, (312) 694–7538.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Minneapolis-St.Paul International Airport are in compliance with applicable requirements of part 150, effective October 4, 1989. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before April 2, 1990. This notice also announces the availability of this program for public review and comment.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Metropolitan Airports Commission submitted to the FAA on October 6, 1987, noise exposure maps, descriptions and other documentation which were subsequently revised February 24, 1988 (minor corrections), May 19, 1989 (revised NEM format), June 16, 1989 (revised NCP format) and September 25, 1989 (complete NEM/NCP certifications). This documentation was produced during the Airport Noise Compatibility Planning (part 150) Study at Minneapolis-St. Paul International Airport from November 1984 through June 1989. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Metropolitan Airports Commission. The specific maps under consideration are Noise Exposure Maps: Noise Exposure Map 1987 and Noise Exposure Map 1992 (Abated Conditions). They are included along with supporting documentation found in the part I Noise Exposure Map Documentation of the part 150 Study in the submission. The FAA has determined that these maps for Minneapolis-St. Paul International Airport are in compliance with applicable requirements. This determination is effective on October 4, 1989. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local

government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Minneapolis-St. Paul International Airport, also effective on October 4, 1989. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before April 2, 1990.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation. Administration, 800 Independence Avenue, SW., Room 617, Washington, DC. 20591;

Federal Aviation. Administration, Great Lakes Region, 2300 East Devon Avenue, Room 269, Des Plaines, Illinois 60018;

Federal Aviation. Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Minneapolis, Minnesota 55450;

Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Des Plaines, Illinois, October 4, 1989.

Larry H. Ladendorf,

Acting Manager, Airports Division, Great Lakes Region.

[FR Doc. 89-25210 Filed 10-25-89; 8:45 am]

BILLING CODE 4910-13-M

Receipt of Noise Compatibility Program and Request for Review; Phoenix Sky Harbor International Airport (PHX), Phoenix, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: NOTICE.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed Noise Compatibility Program that was submitted by the City of Phoenix for Phoenix Sky Harbor International Airport (PHX), Phoenix, Arizona, under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under 14 CFR part 150 for Phoenix Sky Harbor International Airport were in compliance with applicable requirements effective November 3, 1988. The proposed Noise Compatibility Program will be approved or disapproved on or before April 2, 1990.

EFFECTIVE DATE: The effective date of the start of the FAA's review of the Noise Compatibility Program is October 4, 1989. The public comment period ends December 3, 1989.

FOR FURTHER INFORMATION CONTACT: Howard S. Yoshioka, Supervisor, Planning Section, AWP-611, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, Telephone: (213) 297-1250. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for Phoenix Sky Harbor International Airport which will be approved or disapproved on or before April 2, 1990. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted Noise Exposure Maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a Noise Compatibility Program for the FAA approval which sets forth the measures the operator has taken or prposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for Phoenix Sky Harbor International Airport, effective on October 4, 1989. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period limited by law to a maximum of 180 days, will be completed on or before April 2, 1990.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Fxposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591;

Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, Room 6E25, Hawthorne, California, Mail: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009;

Mr. Neilson A. Bertholf, Aviation Director, City of Phoenix, 3400 Sky

Harbor Boulevard, Phoenix. Arizona 85034–4420.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on October 4, 1989.

James J. Wiggins,

Acting Manager, Airports Division.

[FR Doc. 89–25209 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Orange County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

SUMMARY: The FHWA is issuing this Notice to advise the public that an environmental impact statement containing Tier II-level information will be prepared for a proposed highway project in Orange County, California. A previous Notice of Intent was published in the **Federal Register** on July 23, 1984. The previous Notice indicated that only Tier I-level of information was to be prepared.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Cook, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812–1915, Telephone: (916) 551–1310.

SUPPLEMENTARY INFORMATION: 1. *Proposed Project.* The FHWA, in cooperation with the California Department of Transportation (Caltrans) and the San Joaquin Hills Transportation Corridor Agency (TCA), will prepare an Environmental Impact Statement (EIS) on a proposal to locate and construct a new high-speed, high-capacity, limited-access transportation facility. Transportation improvements are needed to serve existing and planned development. This facility (identified as State Route 73) will begin as an extension of the existing Corona del Mar Freeway near Birch Street (on the boundary between the Cities of Newport Beach and Irvine) and extend southeasterly to join the San Diego Freeway (I–5) between Avery Parkway and Ortega Highway near the northerly limit of the City of San Juan Capistrano. The highway is proposed as a toll facility, and will include toll collection facilities on the mainline and on some entry/exit ramps. It is contemplated that the toll facilities will be removed when revenue bonds issued for the project have been repaid.

2. *Alternatives.* Alternatives being considered for the project include the following:

A. New Highway Alternative. This involves locating and constructing between six and ten general traffic lanes. An estimated twelve proposed interchanges may be included in this Alternative. Also included are passing lanes at various locations where the grade approaches 6%, and auxiliary lanes to improve interchange functions.

B. Demand Management Alternative. This alternative includes the location and construction of six general traffic lanes and two reversible traffic lanes located in the median. Also included are passing lanes at various locations where the grade approaches 6%, and auxiliary lanes to improve interchange functions.

C. Transit/HOV Improvements. In addition to the above alternatives, Transit/High Occupancy Vehicle (HOV) lanes, located in the median, will be evaluated, along with park-and-ride facilities at five locations.

D. No Project Alternative. This Alternative is essentially the "no build" option.

3. *Consultation.* Consultation by Orange County with various State and local agencies began in August 1977. These consultations identify areas of special concern along the proposed route which were the focus of locally initiated environmental studies. FHWA believes that this early consultation has been extensive and consistent with 40 CFR § 1501.7. However, in order to inform potentially affected agencies and the public of FHWA involvement, Federal scoping meetings were held in July 1984, and local public hearings on the project were held in July 1988. To insure that the full range of issues related to this proposed route are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Issued on: October 16, 1989.

Michael A. Cook,

District Engineer, Sacramento, California.

[FR Doc. 89–25259 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. EX89–4; Notice 2]

Isis Imports Ltd.; Grant of Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

This notice grants the petition by Isis Imports, Ltd., of San Francisco, Calif., for a temporary exemption from the passive restraint requirements of Motor Vehicle Safety Standard No. 208 *Occupant Restraint Systems.* The basis of the grant is that compliance would cause the petitioner substantial economic hardship, and that the petitioner has, in good faith, attempted to meet the requirements of the standard.

Notice of receipt of the petition was published on September 1, 1989, and an opportunity afforded for comment (54 FR 36406).

The make and type of passenger car for which exemption was requested is the Morgan open car, or convertible. The British manufacturer of the Morgan has not offered its vehicle for sale in the United States since the early days of the Federal motor vehicle safety standards. In recent years, however, Isis Imports has bought a small number of incomplete Morgan cars from the British manufacturer, and imported and sold them in the United States. They differ from their British counterparts, not only in equipment items and modifications necessary for compliance with the Federal motor vehicle safety standards, but also in their engines, which are propane fueled. Isis imports as motor vehicle equipment the individual components of the Morgan other than the engine, assembles them in the United States, adds the propane engine, and as the assembler of the vehicle, certifies its conformance to all applicable Federal safety and bumper standards. This has been a long-standing practice, and acceptable to NHTSA. In contrast to this is the practice of concern to NHTSA (see 54 FR 17775) in which all parts necessary to the vehicle, including its engine, are imported separately as motor vehicle equipment for subsequent assembly, in an attempt to avoid importation bond and NHTSA compliance procedures applicable to fully assembled nonconforming motor vehicles. The vehicle assembled by Isis in the U.S. is deemed sufficiently different from the one produced by Morgan in Britain that Isis may be regarded as its manufacturer, not its converter, even though the brand names are the same.

Isis assembled 11 Morgans for sale in the U S. in the 12-month period preceding the filing of its petition. It argued that compliance with the passive restraint requirements of Standard No. 208 would cause it substantial economic hardship, and that it had in good faith attempted to comply with the standard. It asked for a 3-year exemption from the requirements, during which time it would continue to provide protection through its current three-point lap-shoulder belt system

The passive restraint requirements became effective September 1, 1989, for 100% of passenger car production, through a 3-year phase-in period during which convertibles such as petitioner's car, were exempted from compliance. On March 30, 1987, the agency published a notice announcing that it had reexamined the question of automatic restraint requirements for convertibles, and that it had concluded that it was reasonable and practicable for convertibles to meet these requirements as of September 1, 1989 (52 FR 10122). Two comments for reconsideration of the requirement were filed, one by Isis. It commented that the necessary automatic restraint components would not be available through its normal commercial channels until a considerable period of time after the major manufacturers' vehicles were equipped with automatic restraints. The agency denied these petitions on April 27, 1988 (53 FR 15067), on the basis that insufficient evidence had been submitted to show that automatic restraint systems could not be installed in vehicles that were not originally equipped with such systems. The denial was published approximately 16 months before the effective date of September 1, 1989.

In the months following the denial and preceding its petition, Isis pursued several avenues of compliance, discussed in greater detail in its petition. Its initial interest was acquisition of an air bag system, but it found insufficient information available in the U.S. as to whether Chrysler Corporation's system would be suitable for its car. Because NHTSA's notice of denial had mentioned the automatic restraint system in Alfa Romeo convertibles as a viable and practicable method of compliance. Morgan on behalf of Isis contacted Autoliv. "U.K. agents for the Electrolux 2-point motorized belt system used in the Alfa." Although Autoliv submitted a proposal for installation of the Alfa system, it expressed reservations about the space available for its installation and the maintenance of rail form and reliability with vehicle movement over uneven surfaces. Morgan had also contacted the Motor Industry Research Association (MIRA), which submitted a proposal late in March 1989, for development of an airbag system. In July 1989 the development costs of such a system were judged too high to be feasible, and MIRA's efforts then turned towards an automatic belt restraint system. Isis believes it can financially meet the MIRA development costs spread over a 3-year period, whereas a more immediate compliance (18 months) through the Autoliv system could not be amortized through a retail price increase in a volume of 11 cars without creating substantial financial hardship. Petitioner had a net loss exceeding $63,000 in 1988, and a cumulative net loss exceeding $60,000 for its last four tax years.

New car sales generate 90% of the petitioner's income, so that a denial of the petition would force it "to cease doing business". Sales of spare parts and service would be inadequate to fund development of a passive restraint system without new car sales. Isis argued that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act, because its vehicles contribute to the alternative fuel industry. Continued availability of the Morgan would help to maintain the existing diversity of motor vehicles in the United States. The small number of vehicles likely to be covered by the exemption, and the limited use that is made of them as second or third vehicles, would have an immaterial effect upon motor vehicle safety in Isis's opinion.

No comments were received on the petition.

It is apparent from the Isis petition that the slender volume of vehicles it imports and sells afford it only a marginal existence under the best of circumstances, and have not, at least in recent years, provided it with a profit. Its petition indicates that installation of the Autoliv system is not immediately practicable for its design, and would involve some reengineering of the basic car. Its preference is for an airbag system, and it is proceeding in this direction over the next 3 years. Thus it is manifest that to require it to comply with the passive restraint requirements recently applicable to it would cause it substantial economic hardship, and that it has, in good faith, in the months since the denial of its petition for reconsideration, attempted to comply with the standard. NHTSA also is able to find that an exemption is in the public interest. The addition to the vehicles of a propane-fueled engine is consistent with efforts within the Administration to promote alternate fuels, even if the volume is not significant. An exemption is also consistent with the objectives of the Vehicle Safety Act; if the present rate of importation is maintained, less than three dozen vehicles will be manufactured under the exemption. Further, they will be equipped with a restraint system that complied with Standard No. 208 before September 1.

In consideration of the foregoing, it is hereby found that the petitioner has met its burden of persuasion that compliance would cause it substantial economic hardship, and that it has, in good faith, attempted to comply with Standard No. 208. It is further found that an exemption would be in the public interest and consistent with the objectives of the Vehicle Safety Act. Accordingly, Isis Imports is granted NHTSA Temporary Exemption 89–4, expiring October 1, 1992, from sections S4.1.2.1 and S4.1.2.2 of 49 CFR 571.208 Motor Vehicle Safety Standard No. 208 *Occupant Restraint Systems.*

(15 U.S C. 1410; delegation of authority at 49 CFR 1.50).

Issued on: October 20, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89–25169 Filed 10–25–89; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 206
Thursday, October 26, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, October 31, 1989, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matter pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Tilte 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, November 2, 1989, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Draft Advisory Opinion 1989-21:
Elaine Sandra Abramson on behalf of Create-A-Craft
Final Audit Report—
Lenora B. Fulani's Committee of Fair Election
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: (202) 376-3155

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 89-25421 Filed 10-24-89; 3:06 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, November 1, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Renovation proposals regarding the Federal Reserve Bank of New York.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried foward from a previously announced meeting.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-25426 Filed 10-24-89; 3:26 pm]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 42618 October 17, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:45 a.m., Monday, October 23, 1989.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Matters relating to the Plans administered under the Federal Reserve System's employee benefits program.

CONTACT PERSON FOR MORE INFORMATION : Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: October 23, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-25323 Filed 10-23-89; 5:02 pm]

BILLING CODE 6210-01-M

POSTAL SERVICE

Board of Governors; Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, November 6, 1989, and at 8:30 a.m. on Tuesday, November 7, 1989, in Washington, DC. The November 6 meeting, at which the Board will consider (1) A capital investment for a remote video encoding system—pilot testing and computerized image resolution, and (2) discuss possible strategies in collective bargaining negotiations, is closed to the public. (See 54 FR 41564, October 10, 1989, and 54 FR 42619, October 17, 1989). The November 7 meeting is open to the public and will be held in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

AGENDA

Monday Session

November 6-1:00 p.m. (Closed)

1. Capital Investment:
Remote Video Encoding System—Pilot Testing and Computerized Image Resolution. (Peter A. Jacobson)
2. Preparations for Collective Bargaining.

Tuesday Session

November 7-8:30 a.m. (Open)

1. Minutes of the Previous Meeting, October 2-3, 1989.
2. Remarks of the Postmaster General.
3. Contract for Outside Audit Services. (Crocker Nevin, Governor, and Comer S. Coppie, Senior Assistant Postmaster General, Finance Group)
4. Briefing on UPU Congress. (Edward E. Horgan, Jr., Associate Postmaster General-International)
5. Quarterly Report on Service Performance. (Ann Mck, Robinson, Consumer Advocate)
6. Strategic Plan 1990-1995. (Richard J. Strasser, Jr., Assistant Postmaster General, Planning Department)
7. Tentative Agenda for December 4-5, 1989, meeting in Phoenix, Arizona.

David F. Harris,

Secretary.

[FR Doc. 89-25345 Filed 10-24-89; 10:39]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 38322 September 15, 1989; 54 FR 42885 October 18, 1989.

STATUS: Closed meeting/open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Monday, September 11, 1989. Friday, October 13, 1989.

CHANGES IN THE MEETING: Addition/deletion/time change.

The following item was considered at a closed meeting on Saturday, October 14, 1989, at 3:00 p.m.

Regulatory matter regarding financial institutions.

The following item was considered at a closed meeting on Wednesday, October 18, 1989, at 9:30 a.m.

Regulatory matter regarding financial institution.

A closed meeting scheduled for Tuesday, October 24, 1989, at 2:30 p.m., has been rescheduled for Thursday, October 26, 1989, at 10:00 a.m. and the following item has been deleted.

Dismissal of injunctive action.

An open meeting scheduled for Wednesday, October 25, 1989, at 2:00 p.m., has been changed to Wednesday, October 25, 1989, at 4:00 p.m., in Room 1C30.

Commissioner Fleischman, as duty officer, determined that Commission business required the above changes.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Barbara Green at (202) 272–2000.

Dated: October 20, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–25319 Filed 10–23–89; 4:58 pm]

BILLING CODE 8010–01–M

federal register

Thursday
October 26, 1989

Part II

Postal Service

Privacy Act of 1974; Notices of Systems of Records

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Notice of Systems of Records Changes.

SUMMARY: Each system of records maintained by the Postal Service pursuant to the Privacy Act has been reviewed for accuracy. This notice publishes (1) the complete text of the Postal Service's systems of records; (2) minor amendments that update and clarify those systems; (3) advance notice of new routine uses for particular systems; (4) advance notice of three new systems of records and alterations to a number of existing systems; and (5) a "Prefatory Statement of Routine Uses" that groups routine uses common to most systems. Common routine uses have been revised to make them more detailed and specific and each has been applied to any system where the potential exists for such use of the information. These actions comply with subsection (e)(4) of the Privacy Act (5 U.S.C. 552a) that requires an agency to publish notice of the existence and character of its systems of records upon establishment or revision and with paragraph 3 a.(8) of Appendix I to OMB Circular No. A–130 requiring an agency to conduct an annual review of the accuracy of its systems of records.

DATE: Unless the Postal Service publishes notice to the contrary, the proposed and revised routine uses will become effective thirty days from the date of this notice, and the proposed systems of records and altered system changes will become effective sixty days from the date of this notice.

ADDRESS: Comments may be mailed to the Records Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–5010, or delivered to Room 10670 at the above address between 8:15 a.m. and 4:45 p.m. Comments received may also be inspected during the above hours in Room 10670.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, Records Office (202) 268–5158.

SUPPLEMENTARY INFORMATION: Pursuant to OMB Circular No. A–130 (paragraph 3 a.(8) of Appendix I), the Postal Service has just completed a review of its systems of records and is publishing the full text of its systems with changes proposed as a result of that review. Following are: A complete sequential inventory of the systems of records maintained by the Postal Service pursuant to the Privacy Act (PART 1); a "Prefatory Statement of Routine Uses" applicable to most of those systems (PART 2); advance notice of new routine uses for particular systems (PART 3); a statement concerning editorial corrections and revisions to the systems descriptions (PART 4); advance notice of new systems of records and alterations to a number of existing systems (PART 5); and the complete text of the Postal Service's systems of records (PART 6).

Part 1. Sequential Inventory of Records Systems

010 Collection and Delivery Records
- .010 Address Change and Mail Forwarding Records (last published on August 13, 1986, 51 FR 29029; amendments published in advance on May 30, 1986, 51 FR 19640 are made final by this notice);
- .020 Boxholder Records (last published on August 13, 1986, 51 FR 29030)
- .030 Carrier Drive-Out Agreements (last published on March 15, 1983, 48 FR 10967; amended on May 30, 1986, 51 FR 19641)
- .040 City Carrier Route Records (last published on March 15, 1983, 48 FR 10968)
- .050 Delivery of Mail Through Agents (last published on March 15, 1983, 48 FR 10969)
- .060 Free Matter for Blind and Visually Handicapped Persons (last published on March 2, 1987, 52 FR 6251)
- .070 Mailbox Irregularities (last published on March 15, 1983, 48 FR 10969)
- .080 Rural Carrier Route Records (last published on June 22, 1983, 48 FR 28585)

020 Communications (Public Relations)
- .010 Biographical Summaries of Management Personnel for Press Release (last published on March 15, 1983, 48 FR 10970)

030 Equal Employment Opportunity
- .010 EEO Discrimination Complaint Files (last published on January 11, 1982; 47 FR 1203; amended on May 30, 1986, 51 FR 19641)
- .020 EEO Staff Selection Records (last published on March 15, 1983; 48 FR 10970; amended on May 30, 1986, 51 FR 19641)
- .030 EEO Administrative Litigation Case Files (last published on January 11, 1982; 47 FR 1204; amended on May 30, 1986, 51 FR 19641)

040 Customer Programs
- .010 Memo to Mailers Address File (last published on March 15, 1983, 48 FR 10971)
- .020 Sexually Oriented Advertisements (last published on January 11, 1982, 47 FR 1204)
- .030 Auction Customer Address File (last published on March 13, 1989, 54 FR 10470)

050 Finance Records
- .005 Accounts Receivable File Maintenance (last published on November 15, 1985, 50 FR 47313; amended on January 20, 1988, 53 FR 1533)
- .010 Employee Travel Records (Accounts Payable) (last published on January 11, 1982, 47 FR 1206; amended on May 30, 1986, 51 FR 19641)
- .020 Payroll System (last published on March 2, 1987, 52 FR 6251)
- .040 Uniform Allowance Program (last published on January 11, 1982, 47 FR 1206; amended on May 30, 1986, 51 FR 19642)

060 Consumer Protection Records
- .010 Fraud, False Representation, Lottery and Non-Mailability Case Records (last published on March 15, 1983, 48 FR 10973)
- .020 Pandering Act Prohibitory Orders (last published on March 15, 1983, 48 FR 10973; amended on May 30, 1986, 51 FR 19642)
- .030 Appeals Involving Mail Withheld from Delivery (new system reported herein)
- .040 Appeals from Termination of Post Office Box or Caller Service (new system reported herein)

070 Inquiries and Complaints
- .010 Correspondence Files of the Postmaster General (last published on January 11, 1982, 47 FR 1207; amended on May 30, 1986, 51 FR 19642)
- .020 Government Officials' Inquiry System (last published on March 15, 1983, 48 FR 10974)
- .040 Customer Complaint Records (last published on March 15, 1983, 48 FR 10974; amended on May 30, 1986, 51 FR 19642)

080 Inspection Requirements
- .010 Investigative File System (last published on March 15, 1983, 48 FR 10975; amended on May 30, 1986, 51 FR 19642)
- .020 Mail Cover Program Records (last published on January 11, 1982, 47 FR 1209; amended on May 30, 1986, 51 FR 19642)
- .030 Vehicular Violations Record System (last published on January 11, 1982, 47 FR 1210)

090 Nonmail Services
- .020 Passport Application Records (last published on March 15, 1983, 48 FR 10978; amended on May 30, 1986, 51 FR 19642)

100 Office Administration

.010 Carpool Coordination/Parking Services Records System (last published on March 15, 1983, 48 FR 10977; amended on May 30, 1986, 51 FR 19642)
.020 Commercial Accounts Communicator Letter (last published on March 15, 1983, 48 FR 10977)
.050 Localized Employee Administration Records (last published on March 15, 1983, 48 FR 10978)
110 Property Management
.010 Accountable Property Records (last published on March 15, 1983, 48 FR 10978; amended on May 30, 1986, 51 FR 19642)
.020 Possible Infringement of USPS Intellectual Property Rights (last published on January 11, 1982, 47 FR 1212)
120 Personnel Records
.020 Blood Donor Records (last published on January 11, 1982, 47 FR 1212)
.035 Employee Accident Records (last published on August 13, 1986, 51 FR 29033)
.036 Discipline, Grievance, and Appeals Records for Non-Bargaining Unit Employees (last published on January 11, 1982, 47 FR 1213; amended on May 30, 1986, 51 FR 19642)
.040 Employee Job Bidding Records (last published on March 15, 1983, 48 FR 10980; amended on May 30, 1986, 51 FR 19642)
.050 Employee Suggestion Program Records (last published on January 11, 1982, 47 FR 1214; amended on May 30, 1986, 51 FR 19642)
.060 Confidential Statements of Employment and Financial Interest (last published on January 11, 1982, 47 FR 1214; amended on May 30, 1986, 51 FR 19642)
.061 Public Financial Disclosure Reports for Executive Branch Personnel (advance publication in this notice)
.070 General Personnel Folder (Official Personnel Folders and Records Related Thereto) (last published on August 13, 1986, 51 FR 29028; amended on February 12, 1987, 52 FR 4546)
.090 Medical Records (last published on March 15, 1983, 48 FR 10981; amended on May 30, 1986, 51 FR 19643)
.098 Office of Workers' Compensation Program (OWCP) Record Copies (last published on March 15, 1983, 48 FR 10982; amended on May 30, 1986, 51 FR 19643)
.099 Injury Compensation Payment Validation Records (last published on January 11, 1982, 47 FR 1218)
.100 Performance Awards System Records (last published on January 11, 1982, 47 FR 1219; amended on May 30, 1986, 51 FR 19643)
.110 Preemployment Investigation Records (last published on March 15, 1983, 48 FR 10983; amended on May 30, 1986, 51 FR 19643)
.120 Personnel Research and Test Validation Records (last published on March 15, 1983, 48 FR 10984; amended on May 30, 1986, 51 FR 19643)
.121 Applicant Race, Sex, National Origin, and Disability Status Records (last published on March 15, 1983, 48 FR 10985; amended on May 30, 1986, 51 FR 19643)
.130 Postmaster Selection Program Records (last published on March 15, 1983, 48 FR 10988)
.140 Employee Assistance Program (EAP) Records (last published on March 15, 1983, 48 FR 10986; amended on May 30, 1986, 51 FR 19643)
.151 Recruiting, Examining, and Appointment Records (last published on August 13, 1986, 51 FR 29035)
.152 Career Development and Training Records (last published on August 13, 1986, 51 FR 29036)
.153 Individual Performance Evaluation/Measurement (last published on March 15, 1983, 48 FR 10988; amended on May 30, 1986, 51 FR 19643)
.170 Safe Driver Award Records (last published on January 11, 1982, 47 FR 1220; amended on May 30, 1986, 51 FR 19643)
.180 Skills Bank (Human Resources Records) (last published on March 15, 1983, 48 FR 10988)
.190 Supervisors' Personnel Records (last published on March 15, 1983, 48 FR 10989; amended on May 30, 1986, 51 FR 19643)
.210 Vehicle Maintenance Personnel and Operators Records (last published on March 15, 1983, 48 FR 10990; amended on May 30, 1986, 51 FR 19643)
.220 Arbitration Case Files (last published on January 11, 1982, 47 FR 1221; amended on May 30, 1986, 51 FR 19643)
.230 Adverse Action Appeals (Administrative Litigation Case Files) (last published on March 15, 1983, 48 FR 10990; amended on May 30, 1986, 51 FR 19643)
.240 Garnishment Case Files (last published on March 15, 1983, 48 FR 10991; amended on May 30, 1986, 51 FR 19643)
130 Philately
.010 Ben Franklin Stamp Club Coordinators and Project Leaders List (last published on March 15, 1983, 48 FR 10992)
.020 Educators Stamp Fun Mailing Lists (last published on January 11, 1982, 47 FR 1221)
.040 Philatelic Product Sales and Distribution (last published on March 15, 1983, 48 FR 10992)
140 Postage
.020 Postage Meter Records (last published on August 13, 1986, 51 FR 29037)
150 Records and Information Management Records
.010 Information Disclosure Accounting Records (Freedom of Information Act) (last published on March 15, 1983, 48 FR 10993; amended on May 30, 1986, 51 FR 19644)
.015 Freedom of Information Act Appeals and Litigation Records (last published on March 15, 1983, 48 FR 10994; amended on May 30, 1986, 51 FR 19644)
.020 Information Disclosure Accounting Records (Privacy Act) (last published on March 15, 1983, 48 FR 10994)
.025 Privacy Act Appeals and Litigation Records (last published on January 11, 1982, 47 FR 1222; amended on May 30, 1986, 51 FR 19644)
160 Special Mail Services
.010 Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records (last published on March 15, 1983, 48 FR 10995)
.020 Insured and Registered Ordinary International Mail Inquiry and Application for Indemnity Records (last published on March 15, 1983, 48 FR 10995; amended on May 30, 1986, 51 FR 19644)
.030 Express Mail Service Insurance Claims for Loss, Delay, and Damage (last published on March 15, 1983, 48 FR 10996)
170 Statistical (Cost) Systems
.010 Workload Reporting Records (last published on January 11, 1982, 47 FR 1222)
190 Litigation Records
.010 Miscellaneous Civil Action and Administrative Proceeding Case Files (last published on January 11, 1982, 47 FR 1223)
.020 National Labor Relations Board Administrative Litigation Case Files (last published on January 11, 1982, 47 FR 1223)
.030 Employee & Labor Relations Court Litigation Case Files (last published on March 15, 1983, 48 FR 10996)

200 Nonmail Monetary Claims
.010 Relocation Assistance Claims (last published on March 15, 1983, 48 FR 10997)
.020 Monetary Claims for Personal Property Loss or Damage Involving Present or Former Employees (last published on March 15, 1983, 48 FR 10998; amended on May 30, 1986, 51 FR 19644)
.030 Tort Claim Records (last published on March 15, 1983, 48 FR 10998; amended on May 30, 1986, 51 FR 19644)
210 Contractor Records
.010 Architect-Engineers Selection Records (last published on January 11, 1982, 47 FR 1225; amended on May 30, 1986, 51 FR 19644)
.020 Driver Screening System Assignment Records (last published on March 15, 1983, 48 FR 10999)
.030 Contractor Employee Fingerprint Records (last published on December 23, 1986; 51 FR 45974)
220 Marketing Records
.010 Marketing Database Customer Records (last published on March 20, 1987, 52 FR 8995)
.020 Express Mail Customer Mailing List (last published on March 15, 1988, 53 FR 8530)

Part 2. Prefatory Statement of Routine Uses

Routine uses common to most of the Postal Service's systems of records have been modified for purposes of clarity and to comply with guidance issued by the Office of Management and Budget on disclosure in support of litigation. These routine uses have been grouped into the prefatory statement below and those that are applicable to a particular system have been identified in the introductory statement in the routine use segment of the system description (PART 6 of this Notice). Some of these routine uses are being newly adopted for certain systems and thus will become effective for those systems thirty days from the date of this notice. In those instances in which the routine use is being added to a system, the letter designating the routine use is set out in italics in the system description.

A. Disclosure for Law Enforcement Purposes

When the Postal Service becomes aware of an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, or in response to the appropriate agency's request upon a reasonable belief that a violation has occurred, the relevant records may be referred to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

B. Disclosure Incident to Litigation

Records from this system may be disclosed to the Department of Justice or to other counsel representing the Postal Service, or may be disclosed in a proceeding before a court or adjudicative body before which the Postal Service is authorized to appear, when (a) the Postal Service; or (b) any postal employee in his or her official capacity; or (c) any postal employee in his or her individual capacity whom the Department of Justice has agreed to represent; or (d) the United States when it is determined that the Postal Service is likely to be affected by the litigation, is a party to litigation or has an interest in such litigation, and such records are determined by the Postal Service or its counsel to be arguably relevant to the litigation, provided, however, that in each case, the Postal Service determines that disclosure of the records is a use of the information that is compatible with the purpose for which it was collected.

This routine use specifically contemplates that information may be released in response to relevant discovery and that any manner of response allowed by the rules of the forum may be employed.

C. Disclosure Incident to Requesting Information

Records may be disclosed to a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, when necessary to obtain information from such agency that is relevant to a Postal Service decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, permit, or other benefit.

D. Disclosure to Requesting Agency

Records may be disclosed to a Federal, State, local or foreign agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conduct of a security or suitability investigation of an individual, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

E. Congressional Inquiries

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the prompting of that individual.

F. Disclosure to Agents and Contractors

Records or information from this system may be disclosed to an expert, consultant, or other person who is under contract to the Postal Service to fulfill an agency function, but only to the extent necessary to fulfill that function. This may include disclosure to any person with whom the Postal Service contracts to reproduce, by typing, photocopy or other means, any record for use by Postal Service officials in connection with their official duties or to any person who performs clerical or stenographic functions relating to the official business of the Postal Service.

G. Storage

Inactive records may be transferred to a Federal Records Center for storage prior to destruction.

H. Disclosure to Office of Management and Budget

Records from this system may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

J. Disclosure to Outside Auditors

Records in this system may be subject to review by an independent certified public accountant during an official audit of Postal Service finances.

K. Disclosure to Equal Employment Opportunity Commission

Records from this system may be disclosed to an authorized investigator, administrative judge, or complaints examiner appointed by the Equal Employment Opportunity Commission, when requested in connection with the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613.

L. Disclosure to Merit Systems Protection Board or Office of the Special Counsel

Records from this system may be disclosed to the Merit Systems Protection Board or Office of the Special

Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies, investigations of alleged or possible prohibited personnel practices, and such other functions as may be authorized by law.

M. Disclosure to Labor Organizations

Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

Part 3. New Routine Uses

Advance notice is being given of the adoption for certain systems of some new routine uses that do not appear in the Prefatory Statement. These routine uses are all compatible with the purposes for which the information was collected and thus do not require submission of a revised system report. The routine uses will become effective thirty days from the date of this notice. They are set out in full, in italics, in the system descriptions to which they pertain. The systems to which new routine uses are being added are:

USPS 010.010 and 010.020—The routine uses added to these systems do not represent new uses of the information but parallel long-standing regulations at 39 CFR 265.6(d) for disclosing customer name and address information.

USPS 030.030, 060.010, 060.020, 110.020, 120.020, 120.060, 120.220, 120.230 and 200.030—The added routine uses represent long-standing uses that would be obvious and necessary to accomplish the purpose for which the system is maintained and, in some instances, indicate the public availability required by law.

USPS 150.010, 150.015, 150.020, and 150.025—These systems cover records related to requests for Postal Service information (some pursuant to the Freedom of Information Act and/or Privacy Act) and requests for amendment of records under the Privacy Act. Routine uses added to each of these systems cover disclosures that are sometimes necessary in the course of processing the request for information or amendments of records or a related appeal (e.g., to another agency that originated a requested record or has specialized knowledge concerning it).

Part 4. Editorial Corrections and Revisions

Changes to each system description (PART 6 below) appear in italics. Other than those discussed in PART 5 below, the changes are generally editorial in nature, and do not affect the character or use of information contained in the system but rather (a) reflect changes to systems locations and managers due to Postal Service reorganization; (b) improve (but do not expand) the description of categories of individuals covered and the types of records contained in the system, and the purpose for which the system is maintained, by adding additional examples or explanations (see USPS 030.010, 030.030, 070.010, 100.010, 120.020, 120.035, 120.040, 120.100, 120.151, 120.152, 120.153, 120.170, 120.220, 120.230, 140.020, 150.010, 150.020, 160.030, 190.030, 200.010, 200.020, 210.020, and 210.030); and (c) change retention and disposal schedules.

In addition, advance notice of changes to USPS 010.010, Collection and Delivery Records—Address Change and Mail Forwarding Records was published at 5 FR 19641, May 30, 1986. Final notice of the adoption of those changes was inadvertently not published and is given now.

Part 5. Advance Notice of New and Altered Systems

Reports of new and altered systems (except for those not required to be reported that are identified in paragraphs B.2.a. and B.2.b. below), as required by 5 U.S.C. 552a(o), have been submitted to OMB and Congress, pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985.

A. New Systems

USPS 060.030, Consumer Protection Records—Appeals Involving Mail Withheld from Delivery collects records relating to appeals of decisions by the Postal Service to withhold mail from delivery. Use of the mail in furtherance of a lottery or in furtherance of a scheme to defraud are unlawful mailing activities, prohibited by 18 U.S.C. 1302 and 1341, respectively. Upon evidence satisfactory to the Postal Service of a potential violation pursuant to these statutes, the Postal Service may issue an order to withhold mail from delivery (39 U.S.C. 3003).

The maintenance of records within this system and system USPS 060.040 discussed below is not new, but was considered to be covered under generally worded existing record systems. This notice amends these "umbrella" record system descriptions and adds new ones to cover records relating to the specific proceedings in which Postal Service legal counsel represents the Postal Service and to make clear to the public the nature of those records.

USPS 060.040, Consumer Protection Records—Appeals from Termination of Post Office Box or Caller Service collects records relating to appeals of decisions by the Postal Service to terminate post office box or caller service. A postmaster may deny or terminate such service when the caller has falsified the application for service or violated a regulation or condition relating to the use of that service. The applicant or caller may appeal the decision of the postmaster which will transfer the case to the Judicial Officer Department. Records within this system are maintained by the Law Department's Consumer Protection Division whose attorneys represent the Postal Service in administrative proceedings before the Judicial Officer Department.

USPS 120.061, Personnel Records—Public Financial Disclosure Reports for Executive Branch Personnel collects Financial Disclosure Reports for senior level employees as defined in the "categories of records" segment of that system description (see PART 5). The purpose of this system of records is to meet the public financial reporting requirements imposed by the Ethics in Government Act of 1978 (Pub. L. 95–521, amended) on high level executive personnel. The reports serve to deter conflicts of interest and to identify potential conflicts of interest by providing for a systematic disclosure and review of the financial interests of both current and prospective officers and employees.

We do not anticipate that this system will have an adverse effect on the privacy or other personal rights of individuals, since the Financial Disclosure Reports themselves are publicly available pursuant to section 205 of the Ethics in Government Act and implementing Postal Service regulations at 39 CFR 442.42(e)(2).

B. Altered Systems

1. Changes in system purpose, categories of records, and categories of individuals

a. *USPS 010.080* was established to cover records used by the Postal Service to evaluate and administer rural route delivery. Use of those records will be expanded to assist government planning authorities in converting rural addresses to locatable (city-style) street addresses. Assignment of locatable street addresses facilitates the 911 emergency

service program as well as postal delivery.

The government planning authority will give to the Postal Service a map showing a street name and number assigned to each developed lot within the territory involved. The Postal Service will then produce a list which cross-references existing rural route and box number with each new city-style address assigned by the government planning authority. Address conversion information will be consolidated into a centralized database known as the Locatable Address Conversion System (LACS) which will be used to provide an address list correction service to mailers. LACS is separate and distinct from the National Change of Address File (NCOA) covered by USPS 010.010 and described at 51 FR 19639 (May 30, 1986). However, the same firms under license agreement with the Postal Service to update mailer's lists using the NCOA file will update mailer's lists using LACS. The Postal Service will cause the licensee to maintain LACS in accordance with the relevant provisions of the Privacy Act and will take the measures described at 51 FR 19640 to minimize risk of unauthorized use or disclosure of LACS information.

Disclosure to the government planning authority is limited to that necessary to assign a locatable street address to each rural route address. Mailing list correction service is limited to providing the new locatable (city-style address) that corresponds to a rural route address on the mailing list. The mailer must provide a complete valid rural address to receive the new address for that site. The Postal Service will not verify that a named customer receives mail at a given address nor will it provide missing customer names or correct listed ones.

b. *USPS 060.010 and USPS 060.020* are systems maintained by the Consumer Protection Division in connection with its responsibility to represent the Postal Service in matters concerning use of the mails in violation of false representation and postal pandering and sexual oriented advertisement statutes. The general wording in each of these systems is changed to clearly reflect the subject area.

c. *USPS 110.020* maintains records concerning Postal Service intellectual properties. Originally established to cover possible infringers of Postal Service copyrights and trademarks, it is now expanded to include records relating to patents and inventions and protective legal proceedings.

d. *USPS 120.060* collects records maintained to meet the requirements of Executive Order 11222 on the filing of employment and financial interest statements. The "Purpose" statement has been modified to provide a more detailed explanation of the purposes served by the records. In addition, the "categories of individuals" section of the notice has been expanded to include members of the Postal Service Board of Governors.

e. *USPS 120.090,* the medical record system, is expanded to cover records generated under a health program promoted by the new Corporate Health Fitness Center now in operation at Postal Service Headquarters. Participation is voluntary and is intended to have no career implications since records generated as a result of employee participation are within the exclusive custody of the contractor operating the Center and are not accessible to Postal Service management. Information needed by postal management to assess program participation and effectiveness will be limited to aggregate data, without personal identifiers. Contract stipulations require the contractor to maintain the records system in accordance with Privacy Act protections. Under these circumstances, maintenance of the records should have no unfavorable effect on the privacy rights of the record subjects.

f. *USPS 120.110*—In the system of preemployment investigation records, the "categories of records" is expanded to include records related to the drug screening of applicants being considered for postal employment. Such screening is consistent with agency policy that persons who use drugs on a current or habitual basis are not suitable for postal employment. Applicants are given advance notification of the testing requirement which is part of the non-medical suitability review. Program procedures provide maximum protection to the privacy rights of those tested. Specimens are collected by medical personnel who (1) assign unique bar codes to the specimens, (2) transport them to a laboratory under contract with the Postal Service, and (3) receive and maintain laboratory reports containing the results. The identities of those tested are not disclosed to the testing laboratory and hiring officials receive only the medical officer's determination as to whether the tested applicant is qualified or not qualified for employment consideration.

g. *USPS 120.120 and USPS 120.121*—As indicated by its title, USPS 120.120 was established to maintain personnel research data as well as test data; however, the system description focussed on test data. Consequently, the wording is expanded to include records that support research performed for personnel assessment and selection purposes. Because those records will not be used to make personnel decisions about a particular individual and related reports will contain only summary data without personal identifiers, the possibility of an adverse impact on a record subject's rights is minimal. Information within this system may also become part of USPS 120.121, established for the related purpose of providing the Postal Service with the ability to assess the impact of personnel selection decisions.

h. *USPS 120.140*—This system was established to maintain records concerning employees referred to PAR (Program for Alcoholic Recovery). The description of USPS 120.140 is supplemented to cover records under the expanded PAR (now Employee Assistance Program (EAP)) about employees counseled for drug abuse and about applicants for counselor positions and employee counselors.

i. *USPS 120.240 and 200.020*—These systems are modified to reflect current processing of garnishments and personal property loss claims by finance offices and personnel offices, respectively, rather than by the Law Department. The legal document descriptions in the "Categories of Records" sections of these notices have been modified to reflect the maintenance of records kept in the administrative processing of garnishment actions and property loss claims, respectively.

j. *USPS 150.015 and 150.025*—These systems were originally established to cover records relating to administrative appeals under the Freedom of Information Act or the Privacy Act, respectively. Litigation resulting from denials of those appeals were considered to be covered by existing system 190.010, established to cover miscellaneous types of litigation not described in other systems. The "categories of records" sections of USPS 150.015 and 150.025 are revised to include records relating to litigation resulting from the appeal cases already covered by these systems.

k. *USPS 190.010*—This system was established to cover litigation records relating to miscellaneous subjects. The character of this system remains the same except that litigation records specifically relating to subject areas covered by other systems (see USPS 150.015 and 150.025 above) have been made a part of those systems and are no longer within the coverage of 190.010.

l. *USPS 200.030*—This system contains records related to tort claims and to litigation arising out of tort claims.

Collection of these records was necessary in order for the Postal Service to defend itself against such claims. That purpose has now been expanded to include use of records incident to the litigation for accident prevention and safety program management and for providing related information to equipment manufacturers, suppliers, and their insurers.

2. Change in Equipment Configuration or Storage

a. USPS 080.020, 080.030, 110.010, 110.020, 120.060, 140.020, 150.010, 150.015, 150.020, 150.025 and 200.030—Records within these systems are now maintained in automated as well as paper form. However, the automated records are secured and accessible only by personnel who have access to the same information in paper form. The automated records are kept in secured areas with access further restricted by computer password or keylock. These circumstances will not result in greater access that might threaten the privacy rights of the record subjects.

b. USPS 040.020, 070.040, 100.020, 120.070, 120.120, 120.121 and 200.020—The "system location" for these system notices is expanded to include the Postal Service's National Information Systems Development Center and/or Postal Data Center. These Centers are automated accounting, disbursing, and data processing facilities that provide computer support for postal activities. The entire facility is secured and strict ADP controls are further applied to computer storage within the facility. The Center merely performs ADP services for the System Manager who maintains Privacy Act responsibility. Maintenance of information by these centers for support functions poses no threat to the privacy rights of record subjects.

c. USPS 120.090—Only Corporate Health Fitness Center records newly maintained within this system will be automated and those will be under the exclusive control of the contractor operating the Center under contract provisions requiring protection of the information (see explanation at B.1. of Part 5 above).

d. USPS 120.130—The "System Location" is amended to designate maintenance of records by postal facilities at two levels below those now mentioned. This is due to a change in the postmaster selection program. These facilities maintain many employment-related Privacy Act records systems and their managers are well aware of the protections that must be applied to such records.

e. USPS 160.030—The "System Location" and "Storage" sections have been modified to add the name of a postal facility and computer-readable media, respectively. These changes do not reflect a change in procedures or expand access beyond those persons having an official need for access. Although the systems notice, as established, stated that these records are maintained at a Postal Data Center (a Postal Service data processing facility described in paragraph B.2.b. above), it erroneously did not reflect automated storage. That correction has been made.

Part 6. Complete Text of the Postal Service's Systems of Records.

This Part contains the complete text of the Postal Service's systems of records with the proposed changes and new routine uses set out in italics. Other system changes will be published upon completion of on-going projects that include scheduling for retention all Postal Service records and transfer of certain records from paper to automated media.

The following comments apply to the operation of these systems:

a. Most systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of records about "individuals", as that term is defined in the Privacy Act.

b. All Postal Service records described in this list are subject to:

1. Disclosure pursuant to an order of a court of competent jurisdiction.

2. Review by Congress or one of its committees or subcommittees upon request.

3. The "purpose" portion of each system notice is included to provide clarity and promote understanding of the system by the layman. It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their duties. Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose."

c. Records or information compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5).

d. The USPS has claimed exemptions from certain provisions of the Act for several systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those systems are incorporated into a non-exempt system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

e. Although paragraphs c. and d. of this Part are applicable to all Postal Service systems of records, we have added these provisions to the descriptions of those systems that are most likely to contain the described exempt material.

Following is the complete text of the Postal Service's Privacy Act systems of records:

Fred Eggleston,

Assistant General Counsel Legislative Division.

USPS 010.010

SYSTEM NAME:

Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010.

SYSTEM LOCATION:

Post Offices *and contractor/licensee sites.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers requesting mail forwarding services from their local postal facilities and any postal customers who are victims of a disaster who have requested mail forwarding services through the Red Cross.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information as to whether the move is permanent or temporary and the customer's signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

(1) To provide mail forwarding services to postal customers who have changed address;

(2) To provide address correction services to postal customers; and

(3) To provide address information to the Red Cross about a postal customer who has been relocated because of a disaster.

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

Records within the system reflect a customer's temporary or permanent change of address. General routine use statements A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices and routine use Nos. 4 and 5 below apply to all change of address (both temporary and permanent) information within this*

system. The remaining routine uses below are specific to either permanent or temporary change of address information, as stated.

1. The new address of any specific customer who has filed a permanent Change of Address (PS Form 3575 or handwritten order) may be furnished to any person upon request. Except for disclosures made pursuant to a general routine use or routine uses 3, 4, and 5 below, disclosure will be limited to the address of the specifically identified individual about whom the information is requested (i.e., not other individuals or family members whose names may also appear on the change of address order) and copies of the form will not be furnished.

2. Disclosure of a customer's new permanent address may be made from the National Change of Address file to customers seeking corrected addresses for their mailing lists.

3. Permanent change of address information may be disclosed to duly constituted election boards or registration commissions using permanent registration. Copies of change of address orders may be furnished.

4. Permanent or temporary change of address information may be disclosed to a federal, state, or local government agency upon prior written certification that the information is required for the performance of its duties. A copy of the change of address order may be furnished.

5. Permanent or temporary change of address information may be disclosed to a law enforcement agency, for oral requests made through the Inspection Service, but only after the Inspection Service has confirmed that the information is needed in the course of a criminal investigation. A copy of the change of address order may be furnished.

6. Temporary change of address information may be disclosed to a person empowered by law to serve legal process, or the attorney for a party in whose behalf service will be made, or a party who is acting pro se, upon receipt of written information that meets prescribed certification requirements. A copy of the change of address order will not be furnished.

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

STORAGE:

This source document is stored in filing cabinets at the delivery unit. They are filed alphabetically by name within month or quarter. Records generated from the source document are stored on cards or list forms or recorded on magnetic tape *and/or disk* where central markup is computerized. These records are filed alphabetically by name and route *number or zone. Records are also consolidated in a National Change of Address File on magnetic tape maintained by firms under contract or license agreement with the Postal Service.*

RETRIEVABILITY:

By Name and address *(paper records). By name and address within ZIP Code (computerized records).*

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. *Contractor/licensee Privacy Act protections are subject to impromptu on-site audits and inspection by the Postal Inspection Service.*

RETENTION AND DISPOSAL:

a. Source document *is* retained for 18 months from effective date and then destroyed by shredding or burning.

b. Information on magnetic tape *and/or disk at Computerized Forwarding System sites* is retained for 18 months from effective date. At the end of that period, the tapes*/disks* are erased.

c. Information on magnetic tape at the Address Information Center (National Change of Address File) is retained for 36 months from effective date.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation Department,* Headquarters, *Washington, DC 20260–7100 (paper records); APMG, Operations Systems and Performance Department, Headquarters, Washington, DC 20260–7200 (computerized records).*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code. *Customers wishing to know whether information about them is also maintained in the National Change of Address File should address such inquiries to Manager, NCOA, Address Information Systems Division, U.S. Postal Service, 6060 Primacy Parkway, Memphis, TN 38188–0001.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.020

SYSTEM NAME:

Collection and Delivery Records—Boxholder Records, 010.020.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers who have applied for or expressed an interest in post office box or caller services, whether for private or public use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are in printed or card form and contain name, addresses, telephone number, record of payment, post office box service preference and the names of persons or agents whether family members, business associates, or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

To provide post office box services to postal [patrons] *customers.*

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

This system contains records about postal customers who have applied for a post office box to be used for either a business or non-business purpose (as indicated on the PS Form 1093, Application for Post Office Box or Caller Number, or other evidence). General routine use statements A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices and routine use Nos. 2, 3, 4, and 5 below apply to both business and non-business boxholder information within this system. NOTE: Copies of the PS Form 1093 will not be furnished, except for disclosures made pursuant to a general routine use or routine uses 2, 4, and 5 below.*

[4]. *1.* [Disclosure of] The *recorded* name, address, and telephone number *of the holder of a* [may be made from the] post office box [application form, to the

public, upon request, when the box is] being used for the purpose of doing or soliciting business with the public, *and any person applying for a box in behalf of a holder, will be furnished to any person upon request.*

2. [Disclosed to] *Disclosure of boxholder information may be made* to a federal, state, or local government agency upon prior written certification that the information is required for the performance of its official duties. *A copy of the PS Form 1093 may be furnished.*

3. [Disclosed to persons authorized] *The name or address of the holder of a post office box may be disclosed to a person empowered* by law to serve [judicial process when necessary to serve process] *legal process, or the attorney for a party in whose behalf service will be made, or a party who is acting pro se, upon receipt of written information that meets prescribed certification requirements. A copy of the PS Form 1093 will not be furnished.*

4. Disclosure of boxholder information may be made to a law enforcement agency, for oral requests made through the Inspection Service, but only after the Inspection Service has confirmed that the information is needed in the course of a criminal investigation. A copy of the PS Form 1093 may be furnished.

[9.] *5.* Disclosure of [address] *boxholder* information may be made, upon prior written certification from a foreign government agency citing the relevance of the information to an indication of a violation or potential violation of law and its responsibility for investigating or prosecuting such violation, and only if the address is (1) outside of the United States and its territories, and (2) within the territorial boundaries of the requesting foreign government. A copy of the PS Form 1093 may be furnished.

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

STORAGE:

Printed or card form filed in metal cabinets. In locations where the records have been automated, information may be found on magnetic tape, magnetic cards or mylar strips.

RETRIEVABILITY:

Information is filed according to local needs, and the volume of records. Billing forms are filed numerically by box number within *the* month rent is due. Applications are filed alphabetically by name of individual or firm.

SAFEGUARDS:

Access limited to employees working in the boxholder section.

RETENTION AND DISPOSAL:

a. Boxholder Applications—Destroy 2 years after termination of the rental.

b. Post Office Box *Fee* Register *and Register* for Caller Service Fees—Destroy 2 years from date of last entry on card. If automated, delete this customer's record upon termination of the box rental or caller service.

c. Post Office Box and Caller Service Records:

1. Closed Files and Index Cards—Destroy 6 months from date of closing.

2. Closed Appeal Files—Destroy when 1 year old.

SYSTEM MANAGER(S) ADDRESS:

APMG. *Delivery, Distribution & Transportation* Department, *Headquarters, Washington, D.C. 20260–7100.*

APMG. Department of the Controller. Headquarters, *Washington, D.C. 20260–5200.*

APMG. Rates & Classification Department, Headquarters, *Washington, D.C. 20260–5300.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the local postmaster; requestors in person should identify themselves with drivers license, military, government or other form of identification.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.030

SYSTEM NAME:

Collection and Delivery Records—Carrier Drive-Out Agreements, 010.030.

SYSTEM LOCATION:

Divisions, Sectional Centers, Post Offices, Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Letter carriers who use privately owned vehicles to transport the mails pursuant to a valid agreement with the local postmaster.

CATEGORIES OF RECORDS IN THE SYSTEM:

Route Number, name and address of carrier, social security number and effective dates of the agreement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1206.

PURPOSE(S):

To provide reimbursement to carriers driving their own vehicles.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. *Records may be used to transfer* necessary tax information to Internal Revenue Service.

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

STORAGE:

Preprinted forms, magnetic tape *disk* and computer printout reports.

RETRIEVABILITY:

The system is indexed by employees' social security number, pay location number and pay period.

SAFEGUARDS:

Normal precautions of filing equipment, limited access, and the physical security measures of the computer facility.

RETENTION AND DISPOSAL:

a. Agreements—Destroy when 2 years old.

b. Postmaster's copy of the PS 1839—Destroy when 4 years old.

c. Machine-readable records at the PDC (PS 1839 information)—Destroy when 7 years old.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, D.C. 20260–7100.*

NOTIFICATION PROCEDURE:

Inquire whether this system of records contains information about him or to gain access to information pertaining to him should direct an inquiry to the head of the facility where employed. Inquiries should contain full name, social security number, the route worked, and the pay periods that the agreement was in force.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.040

SYSTEM NAME:

Collection and Delivery Records—City Carrier Route Records, 010.040.

SYSTEM LOCATION:

Postal Service Headquarters, Regional Headquarters, *Divisions,* Sectional Centers, Post Offices, Postal Data Centers and ADP Contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

City delivery letter carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security account number, age, route number, length of service, leave time and whether or not a transportation agreement *exists. Also included is information pertaining to workload, work schedule, performance analysis, and individual work habits; inspection reports of employee workload and workload adjustments; comments by employee and examiner on route adjustments and inspections; and statistical engineering records of carrier and route characteristics.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

To assist management in evaluating mail delivery and collection operations and administering these functions efficiently.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Printed forms, computerized media, computer printouts.

RETRIEVABILITY:

Route number, employee name, or postal facility name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Route inspection records *and minor adjustment worksheets* are retained for 2 years where inspections *or minor adjustments* are made annually or more frequently. Where inspections are made less than annually, *the records that reflect the current route structure are retained indefinitely until a new inspection or minor adjustment is made. At that time, the former records are retained for two years.* Disposal of records is by shredding or burning.

b. Other records in system are retained for a period of up to 1 year depending upon the criticality of the information and then destroyed by shredding or burning.

c. Statistical engineering records are retained for 5 years and then further retained on a year-by-year basis as specifically justified.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, D.C. 20260–7100;* SAPMG Operations Group, Headquarters, *Washington, D.C. 20260–7000.* (Statistical Engineering Records).

NOTIFICATION PROCEDURE:

Inquiries should contain employee's name, social security number, *and* type of information being requested, and *should be* forwarded to post office *of employment.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Employees, carrier supervisors, and route inspectors.

USPS 010.050

SYSTEM NAME:

Collection and Delivery Records—Delivery of Mail Through Agents, 010.050.

SYSTEM LOCATION:

Divisions, Sectional Centers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customer requesting delivery of mail through an agent and the agent to whom the mail is to be delivered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the name and address of customer, name and address of agent and the signatures of both parties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

Serves as the written authority for the delivery of mail other than as addressed.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Pre-printed forms maintained in file cabinets.

RETRIEVABILITY:

Customer name.

SAFEGUARDS:

Access is limited to postal employees in the delivery section.

RETENTION AND DISPOSAL:

Records are maintained until contract is terminated *and* then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, *Headquarters, Washington, D.C. 20260–7100.*

NOTIFICATION PROCEDURE:

Submit to local postmaster proof of personal identity.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Co-signers of the request for delivery of mail through an agent.

USPS 010.060

SYSTEM NAME:

Collection and Delivery Records—Free Matter for Blind and Visually Handicapped Persons, USPS 010.060.

SYSTEM LOCATION:

Local Delivery Post Offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers who are blind or visually handicapped and cannot use or read conventionally printed material and who are receiving postage-free service in their delivery areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of individual, and statement of competent authority certifying that the individual is unable to read conventional reading material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404, 3403, 3404, 3405.

PURPOSE(S):

To assist local postal management in processing mail matter for blind or visually handicapped persons without undue delay or uncertainty concerning such persons' eligibility to mail or receive items free of postage.

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

General routine use statements A, B, *C, D,* E, *F, G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper files.

RETRIEVABILITY:

Customer name and address.

SAFEGUARDS:

Records are maintained in locked file cabinets with access limited to those persons having an official need to know in the performance of their duties.

RETENTION AND DISPOSAL:

Retained as long as the customer resides in delivery area and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Philatelic and Retail Services Department,* Headquarters, *Washington, D.C. 20260–6700.*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmasters. Inquiries should contain full name and address.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Individuals licensed medical doctors, ophthalmologists, optometrists, registered nurses, professional staff members of hospitals, other institutions or agencies or other competent authority.

USPS 010.070

SYSTEM NAME:

Collection and Delivery Records—Mailbox Irregularities, 010.070.

SYSTEM LOCATION:

Divisions, Sectional Centers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal Service customers whose mailbox does not comply with USPS standards and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of irregularities as submitted by the carrier or route inspector, the name and address of customer and the date and signature of the postmaster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

To provide for efficient delivery of the mail.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Pre-printed forms.

RETRIEVABILITY:

Route number.

SAFEGUARDS:

Filed in cabinets with access limited to USPS personnel having an official need for access.

RETENTION AND DISPOSAL:

Retained for one year after completed action and destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, D.C. 20260–7100.*

NOTIFICATION PROCEDURES:

Individuals wishing to know whether this system of records contains information about them should contact the local postmaster, presenting identification as to name, address and ZIP Code.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Carrier or route inspector.

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Route *Records,* 010.080.

SYSTEM LOCATION:

Post Offices having rural carrier operations: *Operations Support Group;*

Regions; Divisions; Sectional Centers; Postal Data Centers; *National Address Information Center (Memphis, TN); and contractor/licensee sites.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers receiving rural mail delivery services; *postal customers whose rural mail address has been converted to a locatable (city-style) address;* and rural *delivery letter carriers.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. *Also included in this system is information pertaining to* employee workload, work schedule and performance analysis; inspection reports of employees, workload and workload adjustments, route travel description; *and* employee and examiners' comments on adjustments and inspection. *The system may also contain customer names, rural route location, and city-style address if rural route address has been converted.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

(1) To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently; *(2) to* provide basis for payment of salary and vehicle maintenance allowance carriers; *(3) to assist government planning authorities in converting rural addresses to locatable (city-style) street addresses; and (4) to provide address correction services to mailers who wish to have their mailing lists updated with the newly assigned or converted address.*

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

General routine use statements A, B, *C, D,* E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.

2. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address correction information. (Advance notice)

3. Name and address information may be disclosed to Federal, State, and local government agencies as required by such agencies for the purpose of performing their official duties.

4. Name and address information may be disclosed to government planning authorities for the purpose of assigning locatable (city-style) addresses to rural addresses, but disclosure will be limited to that necessary for address conversion or assignment.

5. Disclosure of a customer's new locatable (city-style) address may be made from the Locatable Address Conversion File to mailers wishing to have their mailing lists updated with the newly assigned address, but disclosure will be limited to the assigned adresses corresponding to those provided by the mailer.

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

STORAGE:

Preprinted forms or lists in ordinary file equipment or on computer tape and printouts. *Records of rural address conversion to locatable (city-style) address are also consolidated in a Locatable Address Conversion Service file on magnetic tape maintained by firms under contract or license agreement with the Postal Service.*

RETRIEVABILITY:

Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. *Contractor/licensee Privacy Act protections are subject to impromptu on-site audits and inspection by the Postal Inspection Service.*

RETENTION AND DISPOSAL:

a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Distribution & Transportation Department; and APMG, Operations Systems & Performance* Department, *Washington, D.C. 20260–7000,* Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and *should be forwarded* to post office where employed. *Customers wishing to know whether information about them is also maintained in the Locatable Address Conversion System (LACS) should address such inquiries to Manager, LACS, Address Information Systems Division, U.S. Postal Service, Memphis, TN 38188–0001.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

The customer to whom the record pertains, employees, carrier supervisors and route inspectors.

USPS 020.010

SYSTEM NAME:

Communications [Public Relations]—Biographical Summaries of Management Personnel for Press Release, 020.010.

SYSTEM LOCATION:

Office of *News & Market Communications,* Headquarters.

Marketing & Communications, Regional Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS executives, directors and managers to include regional staff

officers, division directors, *division* managers, sectional center managers and other key management officials who may have frequent contact with news media or public speaking engagements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical summaries on sheets of paper plus photographs. Summaries include present title and responsibility, length of service, age, place of birth, marital status and participation in local community activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

PURPOSE(S):

To provide background information on postal management personnel in connection with public relations matters such as speaking engagements, media appearances, appearances before civic, fraternal, and employee organizations.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K,* and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Bond paper in file cabinets.

RETRIEVABILITY:

Name and title.

SAFEGUARDS:

File cabinets are located in communications offices where information is available only to individuals having a need for access.

RETENTION AND DISPOSAL:

a. Biographical sketches maintained at regions are retained while the individual is assigned within the region. If individual is promoted to or assigned to a position within the USPS outside the Region, biographical information is forwarded to the appropriate Public Affairs office; if employment with the USPS is terminated, the sketch is destroyed by shredding.

b. Biographical sketches maintained at USPS *Headquarters* are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Communications Department,* Headquarters, *Washington, DC 20260–3100.*

NOTIFICATION PROCEDURE:

Inquiries should contain name and position held and *should be* presented to the Manager of Communications where currently, or previously, employed.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See "Notification" above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 030.010

SYSTEM NAME:

Equal Employment Opportunity—EEO Discrimination Complaint *Files, 030.010.*

SYSTEM LOCATION:

Office of Equal Employment *Opportunity,* Employee Relations *Department,* Headquarters, *Human Resources Service Centers* at Regions, *Divisions* and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees, *and* applicants for positions within the USPS and third party complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records *may include* names, work locations, dates, social security numbers, and other information as included on affidavits, interviews investigative forms, *counselor reports, exhibits, discovery, withdrawal notices, briefs, appeals, copies of decisions, records of hearings and meetings, and other records related to complaints.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–261, Equal Employment Act of 1972; *29 U.S.C. 621 et seq., Age Discrimination in Employment Act; 29 U.S.C. 701 et seq., Rehabilitation Act of 1973; and* Executive Order 11478, *amended by Executive Order 11590.*

PURPOSES(S):

Used by EEO officers and the Equal Employment Opportunity Commission: to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO Program.

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

General routine use statements A, B., *C, D,* E, *F,* G, H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

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

STORAGE:

Paper case files. Status information required by the Equal Employment Opportunity Commission is maintained on ADP records.

RETRIEVABILITY:

Case number. The custodian must also be furnished with the name of the complainant and the place where the complaint was filed. Case number consists of *a number designating the region (or Headquarters), a letter designating the division, four digits for the chronological case number, and the last two digits of the applicable years.*

SAFEGUARDS:

Case files are maintained in file cabinets within locked rooms. ADP records are protected with password security.

RETENTION AND DISPOSAL:

a. Precomplaint records—Counselor/*Investigator* notes are destroyed 1 year after a formal report is submitted to the EEO officer or 1 year following the final adjustment when made at that level.

b. Formal Complaint records—All closed cases are removed from the system quarterly. Each closed case is retained as follows: Official file for 4 years, any copies for 1 year, and background documents not in case file for 2 years.

c. ADP records—Closed case information is removed at the conclusion of the fiscal year and moved to an inactive file for future comparative analyses.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Individuals interested in finding out if there is information in this records system pertaining to them should contact EEO officers at the *Division* or Headquarters level, giving complainant name, postal location, region, file number and year.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is received from the complainant *witnesses,* respondent *and through* investigations and interviews.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 030.020

SYSTEM NAME:

Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records, 030.020.

SYSTEM LOCATION:

Employee Relations Department, Headquarters *and Field Divisions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates considered by Promotion Boards for EEO staff position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of candidate, level, address, service computation date, date of birth, Social Security Number, postal background, personal information required to assess employee qualifications for position, estimate of potential and record of members of Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, Executive Orders 11478 and 11590.

PURPOSE(S):

To provide headquarters with information needed to complete selection process.

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

General routine use statements A, B, *C, D,* E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

USPS Promotion Board reviews these records to determine applicant's eligibility for appointment.

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

STORAGE:

Forms, paper files.

RETRIEVABILITY:

Name of applicant and pay location.

SAFEGUARDS:

Maintained in locked file cabinets within secured facility.

RETENTION AND DISPOSAL:

Destroy 3 years from date the position becomes vacant.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the head of the facility where application was made. Inquiries should contain full name, position applied for, the date the Promotion Board met and Social Security Number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Employee, and employee personnel data.

USPS 030.030

SYSTEM NAME:

Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030

SYSTEM LOCATION:

Office of Labor Law, Law Department, National Headquarters; *Office of Field Legal Services, Regions; and Field Divisions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment involved in EEO Litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents *may include names, work locations, dates, social security numbers, and other information as included on affidavits, interviews, investigative forms, counselor reports, exhibits, discovery, withdrawal notices, briefs, appeals, copies of decisions, records of hearings and meetings, and other records related to complaints;* (c) Miscellaneous notes and case analyses prepared by Postal Service *advocates* and other personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d)

PURPOSE(S):

To provide advice and representation to the Postal Service.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

Name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in *lockable* filing cabinets

within secured buildings or areas under the general scrutiny of *authorized personnel.* Computer terminals and tape/disk files are located in a secured area, *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

a. Selected Appeals Case Files—Destroy 4 years from date of final decision or when they have no further use for reference, training, or similar purpose, whichever is longer.

b. Appeal Case Files—Destroy 4 years from date of final decision.

c. Paper records are shredded and computer tape/disk records are erased at the end of the retention period.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Persons wishing to determine whether this system of records contains information about them should write to the System Manager and provide their name, case number, if known, and the approximate date the action was instituted.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

Notification and Record Access Procedures above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

(a) Individuals involved in EEO Litigation; (b) Counsel(s) and other representative(s) for parties in action other than Postal Service; (c) Other individuals involved in the development of EEO Litigation. Source documents include administrative complaint/action file, and other records relevant to the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 040.010.

SYSTEM NAME:

Customer Programs—Memo to Mailers Address File, 040.010.

SYSTEM LOCATION:

Communications Department, USPS Headquarters, and at a contractor site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subscribers to Memo to Mailers monthly newsletter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subscriber's *name and mailing address.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

To prepare mailing labels for the monthly mailing of Memo to Mailers.

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

General routine use statements A, B, *C, D,* E, *F, G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Magnetic tape and computer printout.

RETRIEVABILITY:

Subscriber's name, city, state and ZIP+*4* Code.

SAFEGUARDS:

The list contractor is forbidden by contract to use the list for any other means than to produce mailing labels for the U.S. Postal Service.

RETENTION AND DISPOSAL:

The master file is maintained indefinitely, and is updated each month.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Communications* Department, Headquarters, *Washington, D.C. 20260–3100.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER and supply their name and address.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Subscribers, Postmaster, USPS *Account* Representatives.

USPS 040.020

SYSTEM NAME:

Customer Programs—Sexually Oriented Advertisements; 040.020.

SYSTEM LOCATION:

Rates and Classification Department, Headquarters; *National Information Systems Development Center, Raleigh, NC.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any adult who elects to have his name and address and that of his children under 19 years of age, placed on the list of persons who do not wish to receive sexually oriented advertisements through the mail.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of head of household or other adult *and* the names and birth dates of children under 19 years of age.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. Section 3010.

PURPOSE(S):

To maintain a list, available to mailers of sexually oriented advertisements, of persons desiring not to receive such matter through the mails.

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

General routine use statements A, B, *C, D,* E, *F, G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Upon payment of prescribed fee, *records may be used to* provide mailers of sexually oriented advertisements *with* a list of individuals who do not wish to receive SOA.

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

STORAGE:

Magnetic tape, computer printouts, and preprinted forms.

RETRIEVABILITY:

ZIP Code and application number sequence.

SAFEGUARDS:

Printouts are retained by the Office of Mail Classification and *Rates Administration* with limited access. *Automated records are subject to computer center access controls.*

RETENTION AND DISPOSAL:

a. Names are retained on the computerized list for a maximum of five years. b. Forms, are retained *until data has been computerized.* c. *Paper* records are destroyed by shredding; computer records *are destroyed* by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters, *Washington, D.C. 20260–5300.*

NOTIFICATION PROCEDURE:

Customers will furnish the system manager their name, address, application number and the date of filing.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Customers filing to have their names placed on lists so as not to receive SOA.

USPS 040.030

SYSTEM NAME:

Customer Programs—Auction Customer Address File.

SYSTEM LOCATION:

Post offices having Dead Parcel Branches.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers who wish to be on a mailing list to receive notices of future Dead Parcel Branch auctions.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

Customer names and addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

To maintain a list of names and addresses of customers who wish to be on a mailing list to receive notices of future Dead Parcel Branch auctions.

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

General routine use statements A, B, , *D,*E, F, *G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper records or magnetic disks.

RETRIEVABILITY:

Customer name.

SAFEGUARDS:

Paper records and disks are kept in locked cabinets; automated data is password protected.

RETENTION AND DISPOSAL:

Records are kept for one year after entry and then destroyed by deletion (if automated) or by shredding (if paper).

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates & Classification Department, Headquarters, Washington, D.C. 20260–5300.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the manager of the Dead Parcel Branch. Inquiries should contain full name and address.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURE:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Attendees of auctions and others who ask to receive notice of future actions.

USPS 050.005

SYSTEM NAME:

Finance Records—Accounts Receivable File Maintenance, 050.005.

SYSTEM LOCATION:

Postal Data Centers and contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees, contractors, vendors and other individuals indebted to the Postal Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invoice number, location name, Social Security Number, employee name, designation code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401; 5 U.S.C. 552a(b)(12); Debt Collection Act of 1982 (Pub. L. 97–365).

PURPOSE:

Records are used to facilitate debt collection, to monitor and record collections made by the USPS, and as a data source for management information for production of summary descriptive statistics and analytical studies.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

2. Disclosure may be made to a debt collection agency for collection of a debtor's account as provided for by contract with the debt collection agency.

3. Disclosure of information about individuals indebted to the Postal Service may be made to the Office of Personnel Management under approved computer matching efforts in which either the Postal Service or OPM acts as the matching agency, but limited to those data elements considered relevant to determining whether the indebted individual has retirement funds available for set-off; collecting debts when funds are available for set-off; and writing off debts determined to be uncollectible.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(a)(f)) and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Printed forms, punched cards and magnetic tape.

RETRIEVABILITY:

Records are normally retrieved by social security number. When necessary, they may be retrieved by invoice number, name of employee, contractor, vendor, or other indebted individual.

SAFEGUARDS:

Access is restricted to personnel of the General Accounting Section within the Postal Service and to contract employees responsible for assigned accounts. Computerized records are subject to the security of the computer room. Contract provisions make the contractor(s) responsible for complying with the provisions of the Privacy Act (subsection (m)(1)), except in the case of subsection (b)(12) disclosures to consumer reporting agencies (subsection (m)(2)).

RETENTION AND DISPOSAL:

All information is retained for four years after claim is paid and then destroyed by burning or *scratching.*

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Department of the Controller, Headquarters, *Washington, D.C. 20260–5200.*

NOTIFICATION PROCEDURE:

Individuals requesting information from this system of records will apply to the pertinent postal facility and present the debtor's name and Social Security Number.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURE:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is passed to this system from the Payroll Section, General Accounting Section, Claims Section, Postmasters and Regional Offices.

USPS 050.010

SYSTEM NAME:

Finance Records—Employee Travel Records (Accounts Payable), 050.010.

SYSTEM LOCATION:

Postal Data Centers, Postal Service Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees on official travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and travel advances containing employee name, social security number, Finance Number, basic travel information, and relocation data. Includes records pertaining to employee claims and other accounts payable records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 2008.

PURPOSE:

To reimburse employees for official travel.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Pre-printed forms and magnetic tape.

RETRIEVABILITY:

Social security number *and name.*

SAFEGUARDS:

Paper records are stored in locked filing cabinets. Access *to automated records* is subject to computer center access control.

RETENTION AND DISPOSAL:

a. Officer's Expense Report—Destroy when 12 years old.

b. Travel Advance and Travel Voucher: (1) PDC Copy—Destroy when 6 years and 3 months old. (2) Office Copy—Destroy 2 years from date of submission to PDC.

c. Relocation Travel Orders—Destroy 4 years from date final relocation voucher is submitted.

d. Relocation Travel Orders (Issuing Office)—Destroy when no longer needed for reference.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Department of the Controller, Washington, D.C. 20260–5200.*

NOTIFICATION PROCEDURE:

Requests for information should be presented to Employee's Personnel Office furnishing name and social security number.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures Above.*

RECORD SOURCE CATEGORIES:

Information is received from the employee filing a voucher.

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

SYSTEM LOCATION:

Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees, postmaster relief/replacement employees, and certain former spouses of current and former postal employees who qualify for Federal Employees

Health Benefits Coverage under Pub. L. 98–615.

CATEGORIES OF RECORDS IN THE SYSTEM:

General payroll information including retirement *deductions,* family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1003; 5 U.S.C. 8339

PURPOSES:

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of *their* managerial duties.

2. To provide information to USPS management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection Committee and Regional Postmasters General.

3. To compile various lists and mailing *lists,* i.e., Postal Leader, Women's Programs Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Non-Bargaining Position Evaluations, *Evaluations* of Probationary Employees, Merit *Evaluations,* Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs, and to generate retirement eligibility information and analysis of employees in various *salary* ranges.

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

General routine use statements A, B, C, D, E, *F,* G, H, *J,* K, *L,* and M *Listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Retirement Deduction—To transmit to the Office of Personnel Management a roster of all USPS employees under Title 5 U.S.C. 8334, along with a check.

2. Tax Information—To disclose to Federal, State and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdictions.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W–2 tax mailings and postal mailings such as Postal Life, Postal Leader, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FICA Deductions—The Social Security Act requires that FICA deductions be made for those employees not eligible to participate in the Civil Service Retirement System *or Federal Employees' Retirement System* (casuals). In addition, the Tax Equity and Fiscal Responsibility Act of 1982 requires that contributions to the Medicare program be deducted from all employees' earnings. (These statutes do not apply to employees in the Trust Territories who are not U.S. citizens.) Accordingly, records of earnings (i.e., W–2 information) must be disclosed to the Social Security Administration in order that it may account for funds received and determine individual's eligibility for benefits. Information disclosed includes name, address, SSN, wages paid subject to withholding, Federal, state, and local income tax withheld, total FICA wages paid and FICA tax withheld, occupational tax, life insurance premium and other information as reported on an individual's W–2 form.

7. *To* determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, *the Federal Employees' Retirement System,* the Federal Employees' Group Life Insurance Program and the Federal Employees' Health Benefits Program and transfer related records as appropriate.

8. *To* determine the amount of benefit due under the Civil Service Retirement System, *the Federal Employees' Retirement System,* the Federal Employees' Group Life Insurance Program and the Federal Employees' Health Benefits Program and *to authorize* payment of that amount and *to* transfer related records as appropriate.

9. *To* transfer to Office of Workers' Compensation Program. Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System *or the Federal Employees' Retirement System,* when requested by that program, system, or individual covered by this system, for use in determining an individual's claim for benefits under such system.

10. *To* transfer earnings information under the Civil Service Retirement System *or the Federal Employees' Retirement System* to the Internal Revenue Service as required by the Internal Revenue Code of 1954, as amended.

11. *To* transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010–*3602.*

12. *To* transfer information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program *to* a health insurance carrier or plan participating in the program.

13. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific *individuals for personnel* research or *other* personnel management functions.

14. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

15. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service computation date, retirement system, and FEGLI status) for use by OPM's Compensation Group. Data collected are not for the purpose of making determinations about specific individuals but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment.

16. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

17. May be disclosed to a Federal or State agency providing parent locator services or to other authorized persons as defined by Pub. L. 93–647.

18. Disclosure of information about current or former postal employees may

be made to requesting states under approved computer matching efforts in which either the Postal Service or the requesting State acts as the matching agency, but limited to only those data elements considered relevant to making a determination of employee participation in and eligibility under unemployment insurance programs administered by the States (and by those States to local governments); to *improving* program integrity; and to *collecting* debts and overpayments owed to those governments and their components.

19. To union-sponsored insurance carriers for the purpose of determining eligibility for coverage and payment of benefits under union-sponsored non-Federal insurance plans and transferring related records as appropriate.

20. Disclosure of information about current *or* former postal employees may be made to requesting Federal agencies or non-Federal entities under approved computer matching efforts in which either the Postal Service or the requesting entity acts as the matching agency, but limited to only those data elements considered relevant to making a determination of employee participation in and eligibility under particular benefit programs administered by those *agencies* or entities or by the Postal Service; to *improving* program integrity; and to *collecting* debts and overpayments owed under those programs.

21. *Disclosure of information about current or former postal employees may be made, upon request, to the Department of Defense (DOD) under approved computer matching efforts in which either the Postal Service or DOD acts as the matching agency, but limited to those elements necessary to identify postal employees who are Ready Reservists* for the purposes of updating DOD's listings of Ready Reservists and reporting reserve status information to the Postal Service and the Congress.

22. Disclosure of information about current or former postal employees may be made to requesting Federal agencies or non-Federal entities under approved computer matching efforts in which either the Postal Service or the requesting entity acts as the matching agency, but limited to only those data elements considered relevant to identifying those employees who are absent parents owing child support obligations and to collecting debts owed as a result thereof.

23. Disclosure of information about current or former postal employees may be made on a semi-annual basis to the Department of Defense (DOD) under approved computer matching efforts in which either the Postal Service or DOD acts as the matching agency, but limited to only those data elements considered relevant to identifying retired military employees who are subject to restrictions under the Dual Compensation Act as amended (5 U.S.C. 5532), and for taking subsequent actions to reduce military retired pay or collect debts and overpayments, as appropriate.

24. Disclosure of information about current or former postal employees may be made to requesting Federal agencies under approved computer matching efforts in which either the Postal Service or the requesting entity acts as the matching agency. Disclosure will be limited to only those data elements considered relevant to identify individuals who are indebted to those agencies and to provide those individuals with due process rights prior to initiating any salary offset, pursuant to the Debt Collection Act.

25. Disclosure of information about current and former employees may be made to the Selective Service System (SSS) under approved computer matching efforts in which either the Postal Service or SSS acts as the matching agency. Disclosure will be limited to only those data elements considered relevant to identify individuals eligible for registration under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), to determine whether those individuals have complied with registration requirements, and to enforce compliance when necessary.

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

STORAGE:

Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

RETRIEVABILITY:

Location, name and social security number.

SAFEGUARDS:

Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

RETENTION AND DISPOSAL:

a. Leave Application Files (Absence Control) and Unauthorized Overtime—Destroy when 2 years old.

b. Time and Attendance Records (Other than payroll) and local payroll records—Destroy when 3 years old.

c. PDC records retention—contact PDC Payroll Office or Records Office.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Department of the Controller, *Washington, D.C. 20260–5200* and APMG, Employee Relations Department, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Request for information on this system of records should be made to the head of the facility where employed giving full name and social security number. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is furnished by employees, supervisors and the Postal Source Data System.

USPS 050.040

SYSTEM NAME:

Finance Records—Uniform Allowance Program, 050.040.

SYSTEM LOCATION:

Postal facilities employing personnel entitled to uniform allowances and the Postal Data Center, St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees entitled to uniform allowances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, designation code, account balance and pay location*; invoices, bills, related correspondence and control documents.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1206.

PURPOSE:

To fund the procurement of uniforms.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

Certain information may be furnished to a duly licensed uniform vendor from whom individual employees have made purchases for the purpose of accounting for payments.

2. Records in this *system* are subject to review by an independent certified public *accountant* during an official audit of Postal Service finances.

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

STORAGE:

Preprinted forms, microfilm and magnetic tape.

RETRIEVABILITY:

Social security number.

SAFEGUARDS:

Forms are kept in file cabinets and magnetic tape and microfilm *are* subject to Computer Center access control.

RETENTION AND DISPOSAL:

a. Post Office Case File—Destroy 3 years from date the employee leaves Postal Service or is no longer in a bargaining unit.

b. PDC Card File—Destroy 6 months after each Accounting Period.

c. PDC Pay Listing and Machine Readable Records—Destroy 6 years and 3 months from date of listing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG *Department of the Controller*, Headquarters, *Washington, D.C. 20260–5200.*

NOTIFICATION PROCEDURE:

Correspond with the head of the facility where employed, furnishing name and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Payroll system and Postmasters have input to this system of records.

USPS 060.010

SYSTEM NAME:

Consumer Protection Records—*Fraud, False Representation, Lottery and Non-Mailability* Case Records, 060.010.

SYSTEM LOCATION:

Consumer Protection *Division*, Law Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complainants; respondents *and opposing parties* in proceedings initiated pursuant to 39 U.S.C. *3001, 3002 and* 3005 *concerning the sending of false representations, lotteries or non-mailable matter through the mails; postal attorneys*; attorneys representing parties; *subjects of investigation and* assigned Postal Inspectors.

Note.—In many cases, respondents are business firms not covered by the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, pleadings, motions, orders, hearing transcripts, adjudications, investigative reports, exhibits, documentary evidence, witness statements, appeals, briefs, memoranda of law, consent agreements, orders directing detention of mail correspondence, decisions and other documents pertaining to administrative proceedings and litigation involving false representation, mailability and lotteries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. *3001, 3002,* 3005, *3007, 3012; 18 U.S.C. 1301; 39 CFR Parts 952, 953.*

PURPOSE(S):

Used by consumer protection attorneys to investigate and enforce postal statutes concerning false representation, lottery and mailability; to represent the Postal Service in formal administrative proceedings before the Judicial Officer Department and in civil litigation.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Copies of initial, tentative and final decisions are maintained in the Postal Service Library for public inspection and copying.

2. Official records of administrative proceedings are maintained by the Recorder of the Judicial Officer Department for public inspection.

3. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders. Abbreviated summary and identifying information pertaining to each case is maintained in case file docket binders and on magnetic tape or disk in automated office equipment. Copies of decisions are maintained for public inspection in the Headquarters Library. Official records of proceedings are maintained by the Recorder of the Judicial Officer Department.

RETRIEVABILITY:

Alphabetically by name of respondent, *and numerically by sequential docket number.*

SAFEGUARDS:

Records are *stored in lockable file* cabinets under *the* general scrutiny *of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.*

RETENTION AND DISPOSAL:

Case files are moved to an inactive file 3 years after completion of action, and disposed of 20 years from date of completion. Case file dockets are destroyed 20 years after the destruction of the case files to which they pertain.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, USPS Headquarters, *Washington, DC 20260–1100.*

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, name by which respondent in proceeding may have been designated; *and* approximate time period in which proceedings may have been initiated.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy

Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

Complaints, correspondence between parties involved and Postal Inspection Service investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 060.020

SYSTEM NAME:

Consumer Protection Records *Pandering Act* Prohibitory Orders, 060.020.

SYSTEM LOCATION:

Consumer Protection *Division*, Law Department, Headquarters; *Mail Classification Centers;* Regional *Counsel Offices, Regional* Headquarters; *and Field Divisions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting orders *prohibiting the sending of sexually oriented advertisements, and* the mailers against whom such orders are issued.

Note.—In most cases, the mailers of advertising material are business firms not covered by the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for prohibitory orders, the *mail piece* upon which *a* request is predicated, issued orders, the registered mail receipt signed by mailer against whom order was issued, *applications for the enforcement of prohibitory orders, pleadings, exhibits, briefs, investigative reports, hearing transcripts, material documents from Postmaster's case file, initial, tentative and final decisions, and appeals.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 3008, *3010; 39 CFR Parts 916, 963.*

PURPOSE(S):

To process *requests for orders prohibiting the sending of* pandering *advertisements through the mails* and to determine whether violations of *such* orders have occurred. Used by Consumer Protection *Division* and Regional Counsel to investigate violations of *postal pandering and sexually oriented advertisement statutes; to represent the Postal Service in administrative proceedings before the Judicial Officer Department; and to seek court enforcement of prohibitory orders.*

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

General routine use statements A, B, *C, D,* E, *F,* G, *H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records may be used to provide mailers of sexually oriented advertisements with a list of individuals who do not wish to receive such material.

2. Copies of initial, tentative and final decisions are maintained in the Postal Service Library for public inspection and copying.

3. Official records of administrative proceedings are maintained by the Recorder of the Judicial Officer Department for public inspection.

4. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

5. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders. Abbreviated information is stored in log books and on magnetic tape or disk in automated office equipment. Copies of decisions are maintained for public inspection in the Headquarters Library. Official records of proceedings are maintained by the Recorder of the Judicial Officer Department.

RETRIEVABILITY:

By prohibitory order number or by name of person requesting order.

SAFEGUARDS:

Case files are stored in lockable file cabinets under the general scrutiny of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

a. Case Files—Retained for 5 years following issuance of order or last application *for* enforcement.

b. Log Books—Disposed of 5 years from date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, *USPS* Headquarters, *Washington, DC 20260–1100.*

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager. Inquiries should contain full name and address of *the* person requesting *the* prohibitory order.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means of collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

Persons requesting prohibitory orders.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 060.030

SYSTEM NAME:

Consumer Protection Records—Appeals Involving Mail Withheld from Delivery, 060.030.

SYSTEM LOCATION:

Consumer Protection Division, Law Department, USPS Headquarters; Inspection Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who appeal on account of the withholding of their mail and attorneys representing such persons.

Note.—Business firm customers are not covered by the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence regarding the withholding of mail from delivery; records that document the withholding; investigative reports; evidence of delivery or attempted delivery of notices; petitions; pleadings, notes and legal memoranda; discovery documents; briefs; settlement agreements; decisions, appeals and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 204, 401, 3003, 3004; 18 U.S.C. 1302, 1341 and 1342; 39 CFR Part 964.

PURPOSE:

To enable the General Counsel to represent the Postal Service in administrative proceedings before the Judicial Officer Department in which customers petition for review of cases in which the Inspection Service has withheld mail from delivery pursuant to 39 U.S.C. 3003 or 3004.

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

General routine use statements A, B, C, D, E, F, G, H, J, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. Copies of initial, tentative and final decisions are maintained in the Postal Service Library for public inspection and copying.

2. Official records of administrative proceedings are maintained by the Recorder of the Judicial Officer Department for public inspection.

3. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Appeal case records are stored in paper folders, filed chronologically by date of closing. Abbreviated information, such as case name and other identifying data, is stored on index cards, filed alphabetically by case name, and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

By Postal Service docket number and by name of individual whose mail has been withheld from delivery.

SAFEGUARDS:

Records are maintained in lockable filing cabinets under the general scrutiny of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

Appeal case records are destroyed one year after final disposition of case. Index cards are destroyed six months after final disposition of case.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, USPS Headquarters, Washington, DC 20260–1100.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager. Inquiries should contain full name and address of the person whose mail has been withheld and the approximate date of such withholding.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

Note.— Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

Individuals whose mail has been withheld from delivery, and their

attorneys; Inspection Service investigative reports; witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR § 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 060.040

SYSTEM NAME:

Consumer Protection Records—Appeals from Termination of Post Office Box or Caller Service, 060.040.

SYSTEM LOCATION:

Consumer Protection Division, Law Department, USPS Headquarters; Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who appeal from the refusal to provide, or involuntary termination of, post office box or caller service and attorneys representing such persons.

Note.—Business firm customers are not covered by the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence regarding denial or termination of post office box or caller service; records that document involuntary termination; investigative reports; evidence of delivery or attempted delivery of notices; petitions; pleadings, notes and legal memoranda; briefs; settlement agreements; decisions, appeals and orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401, 404(A)(1); 39 CFR Part 958; Domestic Mail Manual, Parts 951, 952.

PURPOSE:

To enable the General Counsel to represent the Postal Service in administrative proceedings before the Judicial Officer Department in which customers petition for review of postmaster determinations to refuse or terminate post office box or caller service.

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

General routine use statements A, B, C, D, E, F, G, H, J, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Appeal case records are stored in paper folders, filed chronologically by date of closing. Abbreviated information, such as case name and other identifying data, is stored on index cards, filed alphabetically by case name, and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

By Postal Service docket number and by name of individual whose service has been refused or terminated.

SAFEGUARDS:

Records are maintained in lockable filing cabinets under the general scrutiny of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

Appeal case records are destroyed one year after final disposition of case. Index cards are destroyed six months after final disposition of case.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, USPS Headquarters, Washington, DC 20260–1100.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager. Inquiries should contain full name and address of the person whose service has been terminated and the approximate time period of its termination.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

Individuals whose post office box or caller service has been terminated, and their attorneys; reports of postmasters; Inspection Service investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding is exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 070.010

SYSTEM NAME:

Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010.

SYSTEM LOCATION:

Office of the Postmaster General, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees and Postal Service customers who have corresponded with the Office of the Postmaster General.

CATEGORIES OF RECORDS IN THE SYSTEM:

General *correspondence including correspondent's name, address, nature of inquiry, and response.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401.

PURPOSE(S):

To maintain reference to letters from persons communicating with the Postmaster General.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. Periodically transferred to custody of National Archives and Records Administration (NARA) for keeping as historical documentation.

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

STORAGE:

Original typed, printed, or handwritten form.

RETRIEVABILITY:

Individual's name, chronologically and subject.

SAFEGUARDS:

Records are maintained in locked filing cabinets under scrutiny of PMG's secretary and in secured locked storage room with limited access.

RETENTION AND DISPOSAL:

a. Permanent Subject Files—Transfer to a Federal Records Center when 4 years old. Offer to NARA in 5-year blocks when the latest records are 20 years old.

b. Temporary Subject Files—Destroy when 4 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Postmaster General, Headquarters, *Washington, D.C. 20260–0010.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the SYSTEM MANAGER and should contain full name, date of letter, and subject.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Persons communicating with the Postmaster General.

USPS 070.020

SYSTEM NAME:

Inquiries and Complaints—Government Officials' Inquiry System 070.020.

SYSTEM LOCATION:

Government Relations Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, applicants for employment, contractors, lessors, and customers who have written to nonpostal government officials, congressmen and other government officials corresponding with the USPS in behalf of postal customers/employees and various individuals to whom Postal Service announcements/greetings are directed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information stemming from correspondence described above, and lists of individuals for announcements/greetings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To provide USPS officials with the means of responding to inquiries from and/or for other government officials and to serve as a workload reporting system for which a description appears as USPS 170.010.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

(For records received before December 31, 1986): Original, typed, printed, or handwritten form and on magnetic tape/disk and computer printouts. (For records received after January 1, 1987): Optical disk, magnetic tape/disk, and computer printouts.

RETRIEVABILITY:

Subject category as derived from correspondence and the name of the inquirer and/or official inquiring in his/her behalf.

SAFEGUARDS:

All records not in storage at a GSA Federal Records Center are maintained on computer-readable media in a secured data processing facility.

RETENTION AND DISPOSAL:

Paper records are maintained for four years and then destroyed by shredding; *optical disk*/magnetic tape/disk records are kept for three years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Government Relations Department, USPS Headquarters, *Washington, D.C. 20260–3500.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the System manager.

Inquiries should contain full name, the name of the government official to whom he *or she* wrote, the nature of *the* inquiry and the approximate date.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Nonpostal government officials.

USPS 070.040.

SYSTEM NAME:

Inquiries and Complaints—Customer Complaint Records, 070.040

SYSTEM LOCATION:

Consumer Advocate USPS, Regional and National Headquarters, *Divisions,* Post Offices, *and the Postal Data Center in St. Louis, MO.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS customers who have *contacted* the USPS *with a suggestion or a problem.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer's name, address, nature of the *inquiry or* complaint, and resolution of same. Includes general correspondence and *Consumer Service Cards concerning customer complaints/ inquiries.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

PURPOSE(S):

To process USPS customer *concerns and inquiries* regarding mail services.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Typed, printed, handwritten or computer printed form, *microfilm, and* magnetic tape.

RETRIEVABILITY:

For correspondence and computerized complaint cards, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by retrieval code and preprinted complaint card serial number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets. Computer records are subject to the security of the computer room.

RETENTION AND DISPOSAL:

Destroy 1 year after resolution of problem.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. *Philatelic and Retail Services* Department, Headquarters, *Washington, D.C. 20260–6700.*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

USPS customers.

USPS 080.010

SYSTEM NAME:

Inspection Requirements—Investigative File System, 080.010.

SYSTEM LOCATION:

Chief Postal Inspector, Headquarters; Inspection Service Regional Headquarters; Division Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations conducted in criminal, civil, and *administrative matters, including* personnel suitability, and information in various forms received from individuals, other law enforcement agencies and the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 404.

PURPOSE(S):

To provide information related to investigation of criminal matters: employee and contractor background investigations or other inspection service activities.

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

General routine use statements A, B, *C,* D, E, *F,* G, *H, J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. In the course of conducting any official investigation or during the course of a trial or hearing or the preparation of a trial or hearing, a record may be disseminated to an agency, organization or individual when reasonably necessary to elicit information relating to the investigation, trial or hearing or to obtain the cooperation of a witness or informant.

2. A record relating to a case *or* matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

3. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

4. A record relating to a case or matter may be disseminated to an actual or potential party or his *or her* attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

5. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter.

6. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction may be disseminated to a Federal, State, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person.

7. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international

treaty or convention entered into and ratified by the United States or to an executive agreement;

8. A record may be disseminated to a Federal, State, local, foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

9. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the accomplishments of the Postal Service or its employees;

10. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction *that* seeks *that person's* return.

11. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries.

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

STORAGE:

Records are stored in typed, printed, and handwritten form, and on computer storage media.

RETRIEVABILITY:

Name of the individual.

SAFEGUARDS:

Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords *when stored in electronic format.*

RETENTION AND DISPOSAL:

a. Records are maintained 1 to 15 years depending upon type. Exceptions may be granted for longer retention in specific instances. Paper records are destroyed by burning, pulping, or shredding. Computer tape/disk records are erased or destroyed.

b. Duplicate copies of investigative memorandums maintained by postal officials other than the Inspection Service are retained in accordance with official rather than Inspection Service disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, Headquarters, *Washington, D.C. 20260–2100.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type of investigation, dates, places and the individuals involvement.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266,6

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Personal interviews, written inquiries, and other records concerning persons involved with an investigation, whether subjects, applicants, witnesses, references, or custodians of record information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 080.020

SYSTEM NAME:

Inspection Requirements—Mail Cover Program *Records*, 080.020.

SYSTEM LOCATION:

Chief Postal Inspector, USPS *Headquarters;* Inspection Service Regional and Divisional *Offices.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security (2) locating a fugitive and (3) obtaining evidence of the commission or attempted commission of a crime which is punishable by imprisonment for a term exceeding one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of individuals, inter-office memorandums, and correspondence with other agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

To investigate the commission *of* or attempted commission of acts constituting a crime that is punishable by law.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information from this system of records may be disclosed to an appropriate law enforcement agency, whether Federal, State or local, charged by law with the responsibility for investigating, prosecuting or otherwise acting with respect to protecting the national security, locating a fugitive, or obtaining evidence of commission or attempted commission of a crime.

2. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court on grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice.

3. A record relating to a case or matter may be disseminated to an actual or potential party or his *or her* attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings.

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

STORAGE:

Original typed documents and/or duplicate copies, *and computer storage media.*

RETRIEVABILITY:

Subject's name filed alphabetically by fiscal year.

SAFEGUARDS:

Mail cover data is stored in locked *file* cabinets, *safes or secured areas under the security of Inspection Service personnel who have been subjected to security clearance procedures, and when stored in electronic format, access is further restricted by computer password or keylock.* Classified mail cover material and any mail cover data which involves national security is stored in a safe or in metal file cabinets equipped with either steel lockbar hasp and staple, or locking device and an approved three or more *number* combination dial-type padlock from

which the manufacturer's identification numbers have been *removed. Computer terminals with non-removable tape/disk files are located in a secured area, and access is further restricted by computer password and keylock.*

RETENTION AND DISPOSAL:

a. Correspondence Files—Destroy 8 years after case is closed.

b. Investigations (C)— Transfer to FRC when 2 years old; destroy when 8 years old.

c. Index and Record Slips—Destroy 15 years after close of case.

SYSTEM MANAGER(S) AND ADDRESS:

Chief *Postal* Inspector, USPS Headquarters, *Washington, DC 20260–2100.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER. Inquiries should contain full name and current address, together with previous addresses for past eight years when applicable.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Correspondence from requesting authority and record of action taken upon that request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 080.030

SYSTEM NAME:

Inspection Requirements—Vehicular Violations Record System, 080.030.

SYSTEM LOCATION:

Procurement and Supply Department, *Engineering Support Center, and* Inspection Service, *USPS Headquarters;* and those postal field facilities where security officers have the authority to issue violation notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual violator's name, State operator permit, State operator permit number, violation cited, date of citation, citation number issued, State automobile licence tag number, dates of court appearances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriation Act.

PURPOSE(S):

To provide USPS management with information necessary for appropriate administrative remedial action.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J,* K, and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To provide information to local, State, and Federal enforcement, prosecutive and judicial officials.

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

STORAGE:

Original, typed, printed or handwritten form *and on computer storage media.*

RETRIEVABILITY:

Alphabetically, by name *of* violator and by automobile license tag number.

SAFEGUARDS:

Records maintained in limited access Security Force Control Centers manned 24 hours and *at* National Headquarters, in locked filing cabinets under general *scrutiny* of authorized personnel. *Computer terminals and tape/disk files are located in a secured area.*

RETENTION AND DISPOSAL:

Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding. *Automated printouts are destroyed upon generating updated printouts.*

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, USPS Headquarters, *Washington, D.C. 20260–2100.*

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

a. For National Headquarters: Inspector in Charge, Special Investigations Division, 475 L'Enfant Plaza West, SW., Washington, DC 20260–*2112.*

b. For the Field: Inspector in Charge, USPS *of* appropriate field division.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individual violators, Security Police Officers, personnel observation, state motor vehicle registration bureau, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, violator's personal identification cards, personnel locator listing and parking applications.

USPS 090.020

SYSTEM NAME:

Non-Mail Services—Passport Application Records, 090.020.

SYSTEM LOCATION:

One thousand (1000) Post Offices in all states except New Jersey.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for passports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Passport applications, name, telephone number and services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 411, 22 U.S.C. 214.

PURPOSE(S):

To process the applications of passports.

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

General routine use statement A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of*

the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. Records may be transferred to the State Department.

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

STORAGE:

Printed forms in hard copy.

RETRIEVABILITY:

By name of applicant and postal accounting quarter.

SAFEGUARDS:

Information in this system of records is maintained in file cabinets *with access restricted to* Accounting Unit *personnel.*

RETENTION AND DISPOSAL:

Passport applications are retained for 2 days at the post office where application was made and then forwarded to the Department of State. Destroy original and carbon copy of PS 5659 when 3 months old.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Philatelic and Retail Services* Department, *Headquarters, Washington, DC 20260–6700.*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the postmaster of the post office where a passport application was made. Inquiries should contain full name and date of application. (NOTE: The original case file is maintained by Department of State and must be requested from that organization as provided for under Department of State Privacy Act system for passport information.)

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the applicant.

USPS 100.010

SYSTEM NAME:

Office Administration—Carpool Coordination/Parking *Services.* Records System, 100.010

SYSTEM LOCATION:

Facilities Department, Headquarters, *William F. Bolger Management Academy, Potomac, MD (student/conferee records),* and various field installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees, *students/conferees,* building tenants, individuals who are members of carpools with USPS employees *and other individuals who utilize postal parking facilities.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, *registration forms,* letters of violations, letters of suspensions *and* payment data. *Information contained in these records include name, space number, principal and other drivers' license numbers and home addresses.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

Provide parking and carpooling services to employees, *student/conferees and others who use postal parking/facilities.*

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. *Disclosure may be made to provide any* employee of Headquarters, USPS, who desires to join or establish a carpool with *a* listing of employees who live in his/her ZIP Code area.

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

STORAGE:

Preprinted forms and magnetic tape/*disk.*

RETRIEVABILITY:

Name and ZIP Code, space or license number.

SAFEGUARDS:

Folders containing paper documents are maintained in locked file cabinets to which only authorized personnel have access. Computer equipment is located in secured area, and magnetic tape/*disk* files are kept in locked steel cabinets. *Access to automated records is further restricted by passwords.*

RETENTION AND DISPOSAL:

a. Application Case Files—Screen file annually, and dispose of records that are 6 years old.

b. Machine-readable files—Immediately remove all information when employee/*trainee* surrenders space.

c. Accounting Reports—Destroy after audit or when 3 years old, whichever is sooner.

d. Other miscellaneous reports—Destroy when no longer needed for reference or when 1 year old, whichever is sooner.

e. Violations maintained in application case files—Destroy violation notice when 1 year old.

f. Medical files maintained by medical officer to support handicapped parking space—Destroy 1 year from date of termination of assignment. At the end of retention period, paper records are destroyed by shredding or burning and tape/disk records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Facilities* Department, Headquarters, *Washington, DC 20260–6400, and Field Director, William F. Bolger Management Academy, Potomac, MD 20858–4320.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager where *carpool/parking services are provided to him/her.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access* Procedures above.

RECORD SOURCE CATEGORIES:

Carpool and parking service applicants/users.

USPS 100.020

SYSTEM NAME:

Office *Administration—Commercial Accounts* Communicator Letter, 100.020.

SYSTEM LOCATION:

Marketing Department, Headquarters, *and Postal Data Centers (Minneapolis and St. Louis).*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Headquarters and Regional *Marketing* personnel, *Division* Managers, *Division* Directors of *Marketing*, Sectional Center Directors of *Marketing, Directors of Customer Services*, selected postmasters and requesters, *Commercial Accounts* representatives, Sectional Center Managers of Retail Sales and Services, Post Office Managers of *Marketing*.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, *job title, and* business address of employees receiving newsletter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

PURPOSE(S):

To distribute a sales and marketing newsletter to Postal Service *marketing* employees.

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

General routine use statements A, B, *C, D*, E, *F, G, H, J, K,* and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Magnetic tape, and paper forms.

RETRIEVABILITY:

Recipient of communicator letter.

SAFEGUARDS:

Paper forms are kept in closed file cabinets accessible only by authorized *marketing* personnel. Magnetic tapes are maintained in a secured ADP facility.

RETENTION AND DISPOSAL:

List is updated on a continuous basis.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Postmaster General, *Marketing* Department, Headquarters, *Washington, D.C. 20260–6300.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should *write to the System Manager and give the following information: Name, job title, and business ZIP Code.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information in this system is obtained from payroll system and in-house listings of interested readers.

USPS 100.050

SYSTEM NAME:

Office Administration—Localized Employee Administration Records, 100.050.

SYSTEM LOCATION:

Field facilities as designated by the facility head.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Facility employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, various information associated with work location, home address, emergency contact point, and other information as locally required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001.

PURPOSE(S):

Provides readily available information on employees for various routine administrative purposes such as work location identification, emergency locating and home mailings.

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

General routine use statements A, B, C, D, E, *F, G, H, J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper records *and* computer *disk.*

RETRIEVABILITY:

Employee name, organization, pay location, finance number, others as locally required.

SAFEGUARDS:

Paper records kept in locked files; computerized disk files password protected.

RETENTION AND DISPOSAL:

Records about individual employees will be destroyed within 6 months of employment termination at that facility.

Lists generated from computerized systems will be destroyed upon the generation of a subsequent more current list.

SYSTEM MANAGER(S) AND ADDRESS:

Facility head.

NOTIFICATION PROCEDURE:

Inquiries should contain employee's name and be addressed to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individuals of record.

USPS 110.010

SYSTEM NAME:

Property Management—Accountable Property Records, 110.010.

SYSTEM LOCATION:

All USPS Components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees assigned accountable property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records controlling the issuance of accountable Postal Service property, such as equipment credentials and controlled documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To provide a record of accountable property on hand and to whom it has been assigned.

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

General routine use statements, A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in*

the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

Printed forms *and computer storage media.*

RETRIEVABILITY:

Name *or social security number* of recipient of accountable property and types of equipment.

SAFEGUARDS:

Physical security *and controlled access.*

RETENTION AND DISPOSAL:

Issuance documents are returned to individual when accountability is terminated. *Automated printouts are destroyed upon generating updated printouts.*

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief Postal Inspector, Headquarters, *Washington, DC 20260–2100, (2)* APMG, *Facilities* Department, Headquarters, *Washington, DC 20260–6400.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in the system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained *from* the individual to whom the record pertains.

USPS 110.020

SYSTEM NAME:

Property Management—Possible Infringement of USPS Intellectual Property Rights, 110.020.

SYSTEM LOCATION:

Office of Patent Counsel, Law Department, *USPS Headquarters.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Possible infringers of USPS copyrights and trademarks; *inventors of proposed devices in which the USPS may have an interest.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports from Inspection Service, *other postal employees,* or other sources *reporting possible infringers, including* advertisements, photographs, magazine clippings or other documents and any correspondence *or records of telephone conversations* between the Postal Service and the possible infringer; *patent applications and related documents, including descriptions of inventions, drawings, specifications and letters of patent issued by the U.S. Patent Office or notices of abandonment; litigation records related to the defense or enforcement of USPS rights in intellectual property or patents.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401(5).

PURPOSE:

To protect USPS intellectual properties *and patents* by insuring timely action against possible infringers *and to support potential litigation.*

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K,* and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. A record may be transferred, and information from it disclosed, to any officer, employee, former officer or employee, consultant, contractor or subcontractor when *necessary* to enable counsel to afford proper representation to *the Postal Service.*

2. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

3. A record may be disclosed in a Federal, State, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

4. A record may be transferred and information from it disclosed to the Patent and Trademark Office, Department of Commerce, *when pertinent* in any proceeding involving the registration of Postal Service trademarks *or issuance of patents.*

5. A record may be transferred and information from it disclosed to the Copyright Office, Library of Congress, when pertinent in any proceeding involving the registration of Postal Service copyrights.

6. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, statute and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Stored in *lockable* file cabinets in original, typed, printed or handwritten form. Index cards, kept in a card file, are filed by USPS copyright and trademark and subfiled under the name of each possible infringer of that particular copyright or trademark. *Some correspondence is also stored on magnetic tape or disk in automated office equipment.*

RETRIEVABILITY:

Name of possible infringer and USPS copyright or trademark; *patent application files are retrieved by name of inventor.*

SAFEGUARDS:

Lockable file cabinets *under the general scrutiny of Postal Service attorneys. Access to computer data is restricted to personnel having an official need for access.*

RETENTION AND DISPOSAL:

Records are retained *for 50 years* after closing case and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, *USPS Headquarters, Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

An individual wishing to determine whether this system of records contains

information about him should write to the System Manager and provide his full name and, if known, the pertinent USPS copyright, trademark, or patent.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

Information is provided by the Postal Inspection Service, postal employees and customers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from these other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.020

SYSTEM NAME:

Personnel Records—Blood Donor *Records*, 120.020

SYSTEM LOCATION:

Health Units at USPS Facilities: District Chapters of the American Red Cross.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who volunteer to join the USPS Blood Donor Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, *work location, blood type, and date of each donation.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE:

To provide the USPS Blood Donation Program with *a record of each donor's blood type and dates of donation.*

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

Disclosure may be made to the American Red Cross in response to an inquiry for available donors having a particular blood type.

STORAGE:

Preprinted forms.

RETRIEVABILITY:

Employee's name.

SAFEGUARDS:

Closed file cabinets in secured facilities.

RETENTION AND DISPOSAL:

These records are retained for a period of five years *after termination of employment* and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the individual.

USPS 120.035

SYSTEM NAME:

Personnel Records—Employee Accident Records, 120.035.

SYSTEM LOCATION:

Safety offices in any USPS facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees that experience an on-the-job accident and/or an occupational injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, *social security number,* address, sex, age, and *accident/injury circumstances and factors, statements of witnesses, investigation worksheet, summary of claims, and related* logs, forms, *and correspondence.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–596, Executive Order 12196, and 29 CFR Part 1960.

PURPOSE(S):

1. To assist postal managers in meeting the requirement to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics.

2. To provide for the uniform collection and compilation of occupational safety and health data, for proper evaluation and necessary corrective action.

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

General routine use statements A, B, *C, D,* E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To furnish the U.S. Department of Labor with serious accident reports, information to reconcile claims filed with the Office of Worker's Compensation, and quarterly and annual summaries of occupational injuries and illnesses; and to make

information available to the Secretary of Labor upon his request.

2. Disclosure may be made to a court, claimant, party in litigation—or counsel for a claimant or party when necessary to facilitate settlement or attempts at settlement of claims involving the accident.

3. May be disclosed to Compliance Safety and Health Officers or to Compliance Safety and Health Officers—Industrial Hygienists from the Occupational Safety and Health Administration, or to Industrial Hygienists from the National Institute for Occupational Safety and Health, when conducting announced or unannounced inspections or investigations of postal facilities.

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

STORAGE:

Index cards, magnetic tape/*disk* microfilm, preprinted forms, logs, and computer reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Maintained in closed file cabinets within secured facilities, and are also protected by computer password and tape or disk library physical security.

RETENTION AND DISPOSAL:

Records are maintained locally for 5 years. Copies are maintained at National Headquarters for 5 years following the end of the calendar year to which they relate as required by OSHA.

SYSTEM MANAGERS AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees *should* submit requests to the SYSTEM MANAGER. Inquiries should contain full name, address, finance number and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

USPS Accident Reports and OWCP claim forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from these other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.036

SYSTEM NAME:

Personnel Records—Discipline, Grievance and Appeals Records for Non-Bargaining Unit Employees, 120.036

SYSTEM LOCATION:

All postal facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on non-bargaining employees in the *Executive and Administrative (EA) Schedule, Executive and Administrative Postmaster (EPM) Schedule, and Postal Career Executive Service (PCES) Level I,* who have completed six months of continuous service in the U.S. Postal Service or a minimum of twelve months of combined service, without break of a workday, in positions in the same line of work in the Civil Service and the Postal Service, unless any part of such service was pursuant to a temporary appointment in the competitive service with a definite time limitation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to employee of proposed action, reply to notice, summary of oral reply, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions from installation head, region or Headquarters, notice of action, investigative reports and related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001; *Subchapter 650 of the Employee & Labor Relations Manual.*

PURPOSE(S):

Provides a grievance and appeal procedure for an employee, not subject to the provisions of a collective bargaining agreement, who alleges that his *or her* rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected.

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

General routine use statements A, B, C, D, E, *F, G,* H, *J,* K, *L,* and M *Listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To respond to a court subpoena and/or refer to a court in connection with a civil suit.

2. To adjudicate an appeal, complaint, or grievance.

3. Records from the employee file will be disclosed to the *Merit Systems Protection (MSPB) and the Equal Employment Opportunity Commission (EEOC)* for action on *appeals before the MSPB and complaints of discrimination before the EEOC.*

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

STORAGE:

Information in this system is maintained on paper in the form of letters, forms, notices *and transcripts of hearings.* In some instances, records of hearing proceedings are on magnetic tape.

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Records are kept in locked filing cabinets or secured record storage rooms and are available only to authorized officials.

RETENTION AND DISPOSAL:

Appeal records are kept for 7 years after close of file. All other records are kept 1 year after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Field employees must submit a written request to the head of the field installation where the action was initiated. Headquarters employees must submit a written request to the System Manager. *They* may also request

permission to listen to or record tape recordings of hearings. This must be done in the presence of a postal official. *They* must identify *themselves* to the *satisfaction* of *the* official authorized to approve request.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Employee *initiating* actions; employee's supervisors, management, complaining customer, law enforcement agencies, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from these other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.040

SYSTEM NAME:

Personnel Records—Employee Job Bidding Records, 120.040.

SYSTEM LOCATION:

Most departments, facilities and certain contractor sites of the Postal Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have made a "Bid for Preferred Assignment" with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security number, seniority and grade levels, craft, and knowledge of schemes; vacant position characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001,1206.

PURPOSE(S):

To provide *personnel offices* with fair and impartial information to match vacant position to the most qualified candidate.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To provide information for official bulletin boards and release to various employee organizations.

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

STORAGE:

Records are stored on magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

This system is indexed by employee name and social security number.

SAFEGUARDS:

Computer center access control and limitation within offices to those employees maintaining the system.

RETENTION AND DISPOSAL:

Computer records are kept 2 years, then automatically deleted. Paper records are kept 6 months after a vacancy is filled, then destroyed. Some records are retained until employee separates. (Where records become part of a grievance case file, dispose of with the case file.)

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Employee Relations Department Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

The employee should state the position of bid and identify himself/*herself* with name, social security number, closing date of the bid notice, and forward this information to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

RECORDS ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Employee personnel data, scheme knowledge, qualifications of the job and of the candidate, successful bidders notices from vacant duty assignment postings.

USPS 120.050

SYSTEM NAME:

Personnel Records—Employee Suggestion *Program Records,* 120.050

SYSTEM LOCATION:

USPS Headquarters, Regional Headquarters, Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, employee number, employment location, suggestion number, subject and decision. If adopted, estimate of benefits and recognition granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 45 of Title 5, U.S.C.

PURPOSE(S):

To provide a source of data on the effectiveness of the *Employee Suggestion* program which is summarized in an Annual Report.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public right to know.

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

STORAGE:

Printed forms and magnetic tape.

RETRIEVABILITY:

Employee name, region where employed, pay location, and *division.*

SAFEGUARDS:

This information is maintained in file cabinets in secured facilitiesAT3; automated records are restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

a. Adopted Suggestions (1) Record copies—Destroy when 4 years old. (2) All other copies—Destroy 2 years from date of adoption or approval.

b. Disapproved suggestions—Destroy 2 years from date of disapproval.

Records are destroyed by shredding and automatic deletions from computer tapes.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should contact the head of the facility where employed. Also, employees who have appealed decisions or whose suggestions have been adopted nationwide should submit requests to the System Manager. Headquarters employees should submit all requests to the System Manager.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the individual making the suggestion.

USPS 120.060

SYSTEM NAME:

Personnel Records—*Confidential Statements of* Employment and Financial Interests, 120.060.

SYSTEM LOCATION:

Records pertaining to employees in each organizational component of the Postal Service are maintained by the Assistant or Associate Ethical Conduct Officer *having jurisdiction for that component pursuant to 39 CFR 447.31(b).*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal Service Governors, employees in levels 24 and above, and Special Employees *(except employees who are required to file public financial disclosure reports)* as determined by the criteria in Executive Order 11222 *and* implemented by Postal Service regulations, 39 CFR 447.41(a).

CATEGORIES OF RECORDS IN THE SYSTEM:

PS Forms 2417 and 2418, and supplemental statements, containing employee name, title, salary, date of appointment to present position; list of organizations in which employee has a financial interest, types of indebtedness, interest in real property *and types of outside employment. Opinions of counsel. Other information related to review of statements and conflict of interest determinations. Postal Service Governors complete Standard Form 278 in lieu of PS Forms 2417 or 2418.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 207 of the Ethics in Government Act, Pub. L. 95–521, as amended; Executive Orders 11222 and 11590.

PURPOSE(S):

These records are maintained to meet requirements of Executive Order 11222 on the filing of employment and financial interest statements. Such statements are required to assure compliance with the standards of conduct for Government employees contained in the Executive Order and title 18 of the U.S. Code, and to determine if a conflict of interest exists between the employment of individuals by the Postal Service and their personal employment and financial interests. To enable the Director of the Office of Government Ethics to ensure that these purposes are met, records maintained by the Postal Service are to be made available to that office on request. Records may also be furnished to the Executive Office of the President and to the appropriate Congressional committee when needed in connection with the nomination and confirmation of Presidential appointees.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records or information may be provided to the Director, or his representative, of the Office of Government Ethics.

2. Records or information may be provided upon request to the Executive Office of the President when needed in connection with the nomination of Presidential appointees.

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

STORAGE:

Preprinted forms *and paper folders. Information from the forms may also be stored on magnetic tape or disk in automated office equipment.*

RETRIEVABILITY:

Records are *retrieved by the individual's* name *within each* organizational component.

SAFEGUARDS:

Records are kept in *lockable file cabinets to which only authorized personnel have access. Access to computer data is restricted to personnel having an official need for access.*

RETENTION AND DISPOSAL:

Records are maintained for as long as employee is subject to reporting requirements and for two years thereafter. *Records needed in an on-going investigation may be retained longer until such time as they are no longer needed for the investigation. Disposal is* by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters, *Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

An employee wishing to inquire whether this system of records contains information about him/her or to gain access to information pertaining to him/her should direct an inquiry to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and place of employment.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above. *Individuals requesting access must also comply with USPS' Privacy Act regulations on verification of identity and access to records (39 CFR 266.6).*

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above. *Since the information in these records is updated by the subject individual on a periodic basis, most record corrections can be accomplished by filing supplemental statements. However, individuals can obtain information on the procedures for contesting the records under the provisions of the Privacy Act by contacting the USPS Records Officer.*

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.

b. Ethics officials who review the statements to make conflict of interest determinations.

c. Persons alleging conflicts of interests and persons contacted during any investigation of the allegations.

USPS 120.061

SYSTEM NAME:

Personnel Records—Public Financial Disclosure Reports for Executive Branch Personnel, 120.061.

SYSTEM LOCATION:

Law Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior level employees as determined by the criteria in section 201(f) of the Ethics in Government Act and implemented by Postal Service regulations, 39 CFR 47.42(a), consisting of the following persons: Postmaster General; Deputy Postmaster General; Ethical Conduct Officer; Administrative Law Judges; each employee who occupies a position that is compensated at or above level 2 of PCES I; and each employee whose basic rate is equal to or greater than the rate of basic pay for the first step of GS–16.

Note.—Records pertaining to the Governors of the Postal Service are maintained as a part of System USPS 120.060 and are not contained in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Public Financial Disclosure Report (Standard Form 278, or such other forms as may be prescribed by the Director, Office of Government Ethics), containing the following types of information: Income from sources other than the Postal Service; interests in property; purchases, sales and exchanges of property; gifts and reimbursements; liabilities; positions held; and relations with other employees. Position descriptions. Opinions of counsel and other information related to review of reports and to conflict of interest determination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title II of Ethics in Government Act of 1978, Pub. L. 95–521, amended.

PURPOSE(S):

These records are maintained to meet the public financial reporting requirements imposed by the Ethics in Government Act on high level executive personnel. The reports serve to deter conflicts of interest and to identify potential conflicts of interest by providing for a systematic disclosure and review of the financial interests of both current and prospective officers and employees. To enable the Director of the Office of Government Ethics to ensure that these purposes are met, records maintained by the Postal Service are made available to that office on request. Records may also be furnished to the Executive Office of the President and to the appropriate Congressional committee when needed in connection with the nomination and confirmation of Presidential appointees.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

(1) Financial Disclosure Reports (SF 278) are available to members of the public for inspection and copying upon written request made in accordance with section 205 of the Ethics in Government Act, Pub. L. 95–521, as amended, and 39 CFR 442.42(e)(2).

(2) Records or information may be provided to the Director, or his representative, of the Office of Government Ethics.

(3) Records or information may be provided upon request to the Executive Office of the President when needed in connection with the nomination of Presidential appointees.

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

STORAGE:

Preprinted forms and paper folders. Information from the forms may also be stored on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

Records are retrieved by the individual's name.

SAFEGUARDS:

Paper records are kept in lockable file cabinets to which only authorized personnel have access. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

Records are maintained for six years, or longer if needed in connection with a pending investigation. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, USPS Headquarters, 475 L'Enfant Plaza, SW., Washington, DC 20260–1100.

NOTIFICATION PROCEDURE:

An employee wishing to inquire whether this system of records contains information about him or to gain access to information pertaining to him should direct an inquiry to the System Manager. Inquiries should contain full name and place of employment.

RECORD ACCESS PROCEDURE:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above. Since the information in these records is updated by the subject individual on a periodic basis, most record corrections can be accomplished by filing subsequent reports. However, individuals can obtain information on the procedures for contesting the records under the provisions of the Privact Act by contacting the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

a. The subject individual or by a designated person such as a trustee, attorney, accountant, or relative.

b. Ethics officials who review the reports to make conflict of interest determinations.

c. Persons alleging conflicts of interests and persons contacted during any investigation of the allegations.

USPS 120.070

SYSTEM NAME:

Personnel Records—General Personnel Folder (Official Personnel Folders and records related thereto), 120.070.

SYSTEM LOCATION:

Personnel Offices of all USPS facilities; *National St. Louis, MO;* Personnel Records Center, E&LR Information Centers, *Headquarters and Chicago, IL; Postal Data Center, Minneapolis, MN; and* National Test Administration Center, *Alexandria, VA.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USPS employees; and certain former spouses of current and former employees who qualify and apply for Federal Employees Health Benefits coverage under Pub. L. 98–615.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, resumes, merit evaluations, promotion/salary change and other personnel actions, letters of commendation, records of disciplinary actions, health benefit and life insurance elections and other documents pertaining to preemployment, prior Federal employment and current service as prescribed by USPS directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 1005 42 U.S.C. 2000e–16. Executive Orders 11478 and 11590.

PURPOSE:

Used by administrators, *managers, selection review committees,* and individual employee supervisors to perform routine personnel functions.

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

General routine use statements A, B, C, D, E, *F, G,* H, *J,* K, L, and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To provide information to a prospective employer of a USPS employee or former USPS employee.

2. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.

3. To provide data for the compilation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.

4. *To* transfer to the OPM upon retirement of an employee *information necessary* for processing retirement benefits.

5. Disclosure of relevant and necessary information pertaining to an employee's participation in health, life insurance and retirement programs may be made to the Office of Personnel Management and private carriers for the provision of related benefits to the participant (also see USPS 050.020).

6. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations.

7. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process.

8. Information pertaining to an employee who is a retired military officer will be furnished to the appropriate service finance center as required under the provisions of the Dual Compensation Act.

9. May be disclosed to a Federal or State agency, providing parent locator services or to other authorized persons as defined by Pub. L. 93–647.

10. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

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

STORAGE:

Paper files, preprinted forms, Official Personnel Folders, magnetic tape and other computer storage devices.

RETRIEVABILITY:

Employee name and location of employment and social security number.

SAFEGUARDS:

Folders are maintained in locked cabinets to which only authorized personnel have access; *automated records are* protected by computer passwords and tape or disc library physical security.

RETENTION AND DISPOSAL:

a. Official Personnel Folder (OPF) Records—These records are considered to be permanent and are maintained until employee is separated, and then are sent to the National Personnel Records Center, St. Louis, for storage, or to another Federal agency to which the individual transfers employment.

b. Personnel Work Sheets—Destroy 30 days after a new PS 50 is issued.

c. Temporary Records of Individual Employees—Destroy when 2 years old, upon separation, or upon transfer of employee, whichever is sooner.

d. Service Record Cards—Destroy 3 years after separation or transfer of employee."

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to gain access to their Official Personnel Folders should submit requests to the facility head where employed. Headquarters employees should submit requests to the System Manager. Former Postal Service employees should submit request to any Postal Service facility head giving name, date of birth and social security number. Former Post Office Department employees having no Postal Service employment (prior to July 1971) should submit the request to the Office of Personnel Management (formerly the U.S. Civil Service Commission), *Compliance and Investigations Group, Washington, D.C. 20415–0001.*

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.090

SYSTEM NAME:

Personnel Records—Medical Records, 120.090.

SYSTEM LOCATION:

Postal Service medical facilities and designee offices; *USPS Corporate Health Fitness Center (Headquarters only).*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USPS employees, individuals who have been offered employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the *Postal* Service *to have the Postal Services* perform medical services for the *agencies'* employees; *also Headquarters employees who participate in the corporate health/fitness program.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, *job title, social security number, installation, illness, supervisor's and physician's reports (on Authorizations for Medical Attention);*

pertinent medical history *including physical examinations, treatment received at the health unit, occupational injuries, or illnesses, substance* abuse information, findings, diagnoses and treatment, *doctor's statements and recommendations, records of immunizations,* and medical findings related to employees' exposure to toxic substances. *In addition, Headquarters employees who participate in the corporate health/fitness program will voluntarily provide data about their lifestyle, exercise schedule, smoking habits, knowledge as to personal health, personal and family medical history, nutrition, stress levels, and other data relevant to making a health risk appraisal. Records of participant employees' individualized schedules and progress may be kept.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of system: 29 U.S.C. 401, 1001.

PURPOSES:

a. To provide *all* employees with necessary health care and to determine fitness for duty; and

b. To provide a comprehensive individualized health promotion program for Headquarters employees and to determine the employee and organizational benefits of that program. (NOTE: Personal information about employee participants in the Corporate Health Fitness Program at Headquarters is under the exclusive custody of the contractor operating the Program and is not available to postal management. These data are maintained only for those employees who voluntarily provide it and under conditions assuring that it will not be disclosed without the written authority of the subject employee. Aggregated data may be provided to postal management for its use in determining the employee and organizational benefits of the program, but that data will have no personal identifiers affixed to it.)

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

General routine use statements A, B, *C,* D, *E, F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information in these records may be provided to the Office of Personnel Management in making determinations related to:

a. Veterans Preference;
b. Disability Retirement; *and*
c. Benefit Entitlement.

2. Information on these records may be provided to officials of the following Federal agencies responsible for administering benefit programs:

a. Office of Workers' Compensation Programs;
b. Retired Military Pay Centers;
c. Veterans Administration; *and*
d. Social Security Administration.

3. Records in this system may be disclosed to an employee's private treating physician and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition related to employment.

4. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluation to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program for the purpose of determining a postal employee's fitness for duty.

5. May be disclosed to the Occupational Safety and Health Administration, Department of Labor when needed by that organization to perform its duties properly in accordance with 29 CFR Part 19.

6. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform its duties properly in accordance with 29 CFR Part 19.

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

STORAGE:

Preprinted forms and paper files *(Official Medical Folders); Preprinted forms and paper files and hard-copy computer storage (Corporate Health Fitness Center records).*

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Maintained in locked files. *Access to automated Corporate Health Fitness Center records is restricted by password protection to medical screening personnel and health/fitness specialists under contract to operate the Corporate Health Fitness Program facility at Headquarters.*

RETENTION AND DISPOSAL:

a. Employee Medical Folder—Medical records considered to be permanent are maintained until employee is separated and then are sent to the National Personnel Records Center for storage, or to another Federal agency to which the individual transfers employment. The records are maintained for 30 years from the date the employee separates from Federal service.

b. Failed Eligibles—Retained in Personnel office along with employment application and destroyed by shredding when 2 years old.

c. Authorization for Medical Attention (PS 3956)—Destroy when 2 years old.

d. Corporate Health Fitness Center records—Retained by contractor operating Center until termination of contract at which time they must be returned to the USPS.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

An employee wishing to know whether information about him/*her* is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Failed eligibles should address inquiries to the head of the facility where application for employment was made. Inquiries should contain full name.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

USPS employees, selected eligibles, Veterans Administration and USPS medical staff.

USPS 120.098

SYSTEM NAME:

Personnel Records—Office of Workers' Compensation Program (OWCP) Record Copies, 120.098.

SYSTEM LOCATION:

All postal facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal employees who have voluntarily filed for injury compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Department of Labor forms consisting of claims and supporting

information, Postal Service forms and correspondence related to the claim; automated payment and accounting records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1005.

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

PURPOSE(S):

To provide injury compensation to qualifying employees and to maintain a record of the events as a basis for managerial decisions.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information *may be provided* to the Department of Labor for the purpose of determining whether a claimant qualifies for compensation and to what extent qualification applies.

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

STORAGE:

Printed forms and correspondence (Note: In some cases, the USPS by agreement with the Department of Labor (DOL) temporarily stores original case files. These files are considered to be DOL records to which DOL rather than USPS regulations apply.) Continuation of pay and DOL charge-back information is stored on computer media.

RETRIEVABILITY:

Alphabetically by name and social security number.

SAFEGUARDS:

Maintained in locked filing cabinets within the exclusive custody of the injury compensation control point. Automated records are protected through computer password security, encryptions, and/or a computer software security system.

RETENTION AND DISPOSAL:

Transfer to a Federal Records Center 5 years *after the employee has left the Postal Service;* dispose of 30 years from date the employee leaves the Postal Service.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, *Headquarters, Washington, D.C. 20260–4200;* and APMG, Department of the Controller, Washington, D.C. 20260–5200.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURE:

See Notification Procedure above. (Note: The original case file (in most *instances*) is maintained by OWCP and must be requested from that organization as provided for under Department of Labor Privacy Act System DOL/EAS–13.)

CONTESTING RECORD PROCEDURES:

The contents of OWCP records may be contested only by contacting OWCP as provided for under the Department of Labor Privacy Act System DOL/EAS–13.

RECORD SOURCE CATEGORIES:

Information is obtained from the claimant, the supervisor, witnesses, physicians, Department of Labor, *and USPS 120.035.*

USPS 120.099

SYSTEM NAME:

Personnel Records—Injury Compensation Payment Validation Records, 120.099.

SYSTEM LOCATION:

All postal facilities having injury compensation units, National Headquarters and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Postal Service employees who have received or are receiving injury compensation program payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lists of individuals whose names appear in two systems of records, research case records, and remuneration records related to injury compensation paid to current and former employees by the Postal Service. (See "Retention and disposal" for cases in which these records are converted to investigative files.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 39 U.S.C. 1005.

PURPOSE(S):

This information is used to identify instances in which improper double payments have been or are being made to Postal Service employees who have filed injury-sickness compensation claims and to maintain records of this event as a basis for: detecting fraud; seeking remuneration and/or legal action; reporting the extent of double payments nationwide; and proposing corrective legislation.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Computer reports, paper records, correspondence and research records. (Note: These files are considered to be USPS records to which USPS regulations apply.)

RETRIEVABILITY:

Social security number.

SAFEGUARDS:

These restricted files are maintained in locked file cabinets. Access to automated records is protected through a computer security system, file encryption, and/or password protection.

RETENTION AND DISPOSAL:

a. Computer reports.

(1) *All personal information on* initial data collection reports and master file/tape *will be* destroyed *(or erased) when 3 years old.*

(2) Subsequent reports containing affirmative identifications become part of research case records.

b. Research case records (copies of records from other systems—includes computer reports, paper records, and correspondence).

(1) If research determines nonapplicability, destroy by burning or shredding 6 months after such determination is made.

(2) If research determines applicability, research records then become (a) part of an investigative case file and fall within system USPS 080.010. Inspection Requirements Investigative File System (refer to USPS 080.010 for retention and disposal instructions), or (b) a remuneration case file which is maintained for 2 years and destroyed by burning or shredding.

Extra copies of research records are destroyed at the time a remuneration or investigative case file is created.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees or former employees wishing to know whether information about them is maintained in this system *of* records should address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from Postal Service injury compensation case files, payment records and employment records as found in USPS Privacy Act Systems: USPS 050.020, 120.070, and 120.098; Social Security Administration death files; and pertinent Federal health benefit carrier's claim/payment files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.100.

SYSTEM NAME:

Personnel Records—Performance Awards System Records, 120.100

SYSTEM LOCATION:

USPS Personnel Division and Inspection Service, Headquarters; Regional and Divisional Offices of Inspection Service; *Division* Offices; Post Offices; Bulk Mail Centers; Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of *recognized* employee *and* pay location, *related records including letter of commendation and appreciation, correspondence or memoranda pertaining to awards from other government agencies or private organizations, length of service awards, incentive awards, recommendations, nominations, and evidence of payment made.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 45 of Title 39, U.S.C.

PURPOSE(S):

To control and measure the effectiveness of the Awards Program *under which cash awards are given to recognize and reward employees for special acts, services, or efforts in the public interest related to USPS employment or that improve USPS effectiveness.*

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information is summarized and furnished to the Office of Personnel Management annually, to be included in the OPM report on incentive awards to the President.

2. Disclosure may be made to the news media from the record of an individual regarding his/her receipt of an employee award when the information is of news interest and consistent with the public's right to know.

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

STORAGE:

Magnetic tape and printed forms.

RETRIEVABILITY:

Employee name, region where employed, pay location and *Division.*

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

a. Incentive Award Files—Destroy 4 years from date of approval or disapproval.

b. Length of Service Award Files—Destroy when 1 year old.

c. Non-USPS Awards—Destroy 2 years after date of award.

d. Letter of Commendation and Appreciation (excluding copies filed in the OPF)—Destroy 2 years from date of letter.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name and pay location.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained in summary printouts supplied to each region by Postal Data Centers.

USPS 120.110

SYSTEM NAME:

Personnel Records—*Preemployment* Investigation Records, 120.110.

SYSTEM LOCATION:

USPS Facilities; Regional and National Headquarters *(all records except laboratory reports containing drug test results and related medical records which are maintained in Postal Service medical facilities and designee offices.)*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Replies from character references *and* former employers, local police records, *drug screening records including laboratory results,* drug history records and other investigative reports used to determine suitability for employment. Other records filed with these are: *Office of Personnel Management* records (privacy system—*OPM/CENTRAL–9)* compiled through a

National Agency Check and Inquiry (NACI) and forwarded to the USPS for assistance in making a hiring decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 410(b), 1001.

PURPOSE:

To determine suitability for employment.

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

With the exception noted below, general routine use statements A, B, *C,* D, E, *F, G,* H, *J,* K, *L, and* M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

Note: Only general routine use B applies to drug screening records and laboratory results identified in the "Categories of Records in the System" section of this notice.

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

STORAGE:

Preprinted forms and correspondence.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Laboratory results of drug testing are stored in locked file cabinets under the supervision of medical personnel. Other information is stored in locked file cabinets accessible to those with an appropriate security clearance.

RETENTION AND DISPOSAL:

a. Destroy 5 years from the date the employee is initially found suitable for employment or *5* years from the date action was taken to deny or terminate employment.

b. NACI reports are retained in the same fashion as local investigative records.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Employee Relations Department, Headquarter, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

a. Local Investigative records—Apply to the head of the postal facility where employed. Headquarters employees should submit requests to the System manager. b. *OPM* NACI reports—Apply to the *Office of Personnel Management* as instructed by privacy system *OPM/CENTRAL–9.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained primarily from local police records, former *employers,* and character references, *and drug testing laboratory.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.120

SYSTEM NAME:

Personnel Records—Personnel Research and Test Validation Records, 120.120.

SYSTEM LOCATION:

USPS Headquarters, Washington, D.C. (paper records only); National Test Administration Center, *Alexandria, VA, and contractor sites (paper and ADP records); and National Information Systems Development Center, Raleigh, NC and Minneapolis Postal Data Center, Minneapolis, MN (ADP records only).*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for postal employment and USPS employee applicants for reassignment and/or promotion; *current employees whose work records or solicited responses are involved in research projects.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are hard-copy (paper, including scannable answer sheets) or ADP (magnetic tape, disk) and may contain the following information, depending on personnel research or test validation study: applicant and research subject demographic data, including race, sex, national origin, employment status, date of birth and geographical location; and identification data, including name, social security number or respondent identification code; project identification codes, batch codes, and information collection dates; applicant and research subject responses to, or evaluation on, personnel assessment instruments; applicant and research data and laboratory data and analysis, concerning performance, work suitability, physical condition, disciplinary incidents, awards, attendance, training or other work-related data, when used in conjunction with personnel research; and job analysis data, including respondent identification and evaluation of job activities and employee qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.1001.

PURPOSE(S):

To support research and development efforts in the construction and use of personnel assessment instruments (such as tests and performance evaluation forms); the analysis of employee behavior, characteristics, interests, attitudes, and physical condition affecting productivity; and the evaluation and improvement of personnel management practices. Data are collected when specific research projects are undertaken (such as pilot tryouts of personnel selection methods and job attitude surveys). Race and national origin data are used to evaluate any adverse impact of the selection process. Use of these race and national origin data is limited to research projects and test validation conducted by the Postal Service.

No *individual* personnel decisions are made in the use of these research records. Many data are collected under conditions *ensuring* their confidentiality which will be protected. Personnel information in this system of records is used *primarily* by the personnel research staff *of* the Office of *Selection and Evaluation* of the U.S. Postal Service. *Reports and analyses that result from use of this system, or use of this system in conjunction with system USPS 120.121, are based on aggregated data, with no identification of the individuals involved.*

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

General routine use statements A, B, C, D, E, *F, G,* H, *J, K, and L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To disclose information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. Disclosure of information about applicants for employment with the Postal Service may be made to the Selective Service System (SSS) under

approved computer matching efforts in which either the Postal Service or SSS acts as the matching agency. Disclosure will be limited to only those data elements considered relevant to identify individuals eligible for registration under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), to determine whether those individuals have complied with registration requirements, and to enforce compliance when necessary.

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

STORAGE:

Paper files, magnetic tape, and disks.

RETRIEVABILITY:

Depending on the research project, employee name, *social security number,* batch number, of employee's date of examination, *location, or respondent identification code.*

SAFEGUARDS:

These records are maintained in closed file cabinets in a secure facility. *Access to computer data is restricted to authorized personnel.*

RETENTION AND DISPOSAL:

Records are maintained for five years. Paper records are destroyed by shredding and computer records by erasing.

a. Hard Copy—*Paper response forms (scannable answer sheets, booklets) are destroyed upon transcription to magnetic media, usually within six months of collection. Answer sheets collected pursuant to an examination are destroyed 6* months after processing.

b. Magnetic Tape—*Retention is dependent upon the type of research project and is not to exceed* 30 years—DO NOT TRANSFER TO A FEDERAL RECORDS CENTER.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations, Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the *examination center of the facility that administered the test; in case of research studies involving information not collected pursuant to an examination, persons should address inquiries to the Director, Office of Selection of Evaluation.* Inquiries should contain full name, social security number, date of examination *or study,* examination number *or project name,* and place of participation in the examination *or study.*

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Applicants or research subjects, or others providing evaluations or work-related data on subjects as part of a research study. Other systems from which information is accessed include records relating to: Collection and Delivery, EEO, Finance, Inquiries and Complaints, Inspection Requirements, Personnel, Statistical Systems and Litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.121

SYSTEM NAME:

Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records, 120.121.

SYSTEM LOCATION:

USPS National Test Administration Center, *Alexandria, VA (paper and ADP records); and USPS National Information System Development Center, Raleigh, NC; and Minneapolis Postal Data Center, Minneapolis, MN (ADP records only).*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for USPS examinations, including USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date of birth, lead office installation number, race, sex, national origin and disability status data:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 101 and 5 U.S.C. 7201.

PURPOSE(S):

To provide the Postal Service with the ability to assess the impact of personnel selection decisions on applicants in each racial, sex, national origin and disability category. Note: These data are maintained only on those applicants who voluntarily provide it and under conditions assuring that the individual's self-identifications as to race, sex, national origin, and disability status does not accompany that individual's application when it is under consideration by a selecting official. Data are collected via a research questionnaire on an applicant-by-applicant basis and *are* used to produce summary descriptive statistics and analytical studies to evaluate personnel/organizational measurement and selection methods; *to* implement and evaluate USPS affirmative action programs; *to* determine any adverse impact *on* the overall personnel selection process; *to* identify categories of individuals for personnel research; and for related work force studies.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, and L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To disclose information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. Disclosure may be made in response to the order of a court of competent jurisdiction.

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

STORAGE:

Paper files, magnetic tape and disks.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are maintained in lockable filing cabinets in a secured room. Access *to automated data* is restricted by computer passwords.

RETENTION AND DISPOSAL:

a. Hard Copy—Destroy 6 months after processing.

b. Magnetic Tape—Maintain for 30 years—DO NOT TRANSFER TO A FEDERAL RECORDS CENTER.

c. Statistical Records (without individual identifiers)—Maintained for as long as needed for the purpose of conducting longitudinal studies.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Individuals wishing to know whether this system of records contains information about them should address inquiries to the head of the *examination center of the facility that administered the test.* Inquiries should be written, signed, and contain full name, Social Security Number, type of examination, examination number, and the date and place of participation in the examination.

RECORDS ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is provided by applicants taking examinations.

USPS 120.130

SYSTEM NAME:

Personnel Records—Postmaster Selection Program Records, 120.130.

SYSTEM LOCATION:

USPS *Divisions and Management Sectional Centers.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees *and external applicants* desiring to be considered for *appointment* to *a* Postmaster position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date of birth, social security number, education summary, postal background, other employment experience, Postal Inspector's Investigative *Report,* and other pertinent personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

PURPOSE(S):

To provide USPS selecting officials and appointing officials with decision-making information to determine the best qualified candidates for appointment to postmaster positions.

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

General routine use statements A, B, C, D, E, *F,* G, H, *J,* K, and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Printed, typed or handwritten forms.

RETRIEVABILITY:

Applicant's name and post office for which application was made.

SAFEGUARDS:

Locked file cabinets in a secured facility *with access restricted to authorized personnel.*

RETENTION AND DISPOSAL:

Postmaster vacany files are retained in the selecting official's organization for 2 years and then destroyed, unless an audit, investigation, or appeal is pending. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, *Headquarters, Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether this system of records contains information on them should address inquiries to the *Field Division General Manager/Postmaster of the Division* in which the application was made. Inquiries should contain full name, the postal facility to which application was made, title and place of employment.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the employee, postal background personnel data, and from forms completed by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.140

SYSTEM NAME:

Personnel Records *Employee Assistance Program (EAP) Records,* 120.140.

SYSTEM LOCATION:

EAP offices, and Employee/Labor Relations Information Center, Chicago, IL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who volunteer for or are referred to the Program *which is established primarily to help postal employees in their efforts to recover from alcohol and drug abuse; and applicants for EAP counselor positions.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, personal information needed to assist employee in a program of recovery, information about employee's referral, progress, participation (number of counselling contacts and leave usage while a Program participant); names of applicants for counselor positions, and related résumés, applications, and interview forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To *select and* provide Counselors with information *needed* to maintain *their* caseload and counsel individuals under the Program. *Also* used as a management *data* source for statistical reporting on the Program.

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

None.

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

STORAGE:

Printed forms and paper files. Sick leave and Leave Without Pay information is stored on computer media.

RETRIEVABILITY:

Employee name and case number.

SAFEGUARDS:

These restricted files are maintained in lock file cabinets with access limited to *EAP* personnel and in secured facilities. Automated records are protected through computer password security and encoding of personal identifiers.

RETENTION AND DISPOSAL:

a. *Supervisor*/Coordinator/Specialist Applications and Interviews—Destroy 1 year from date of application.

b. Historical Case Record Cards—*Destroy 25 years from the close of case to which card corresponds.*

c. Case Files—(1) Deceased Persons—Destroy immediately. (2) Persons completing *the* Program—*Destroy* 3 years from the date of completion. (3) Persons dropped from the Program *for reasons of termination, retirement, or withdrawal*—Destroy 1 year *from date of cutoff.* DO NOT TRANSFER TO A FEDERAL RECORDS CENTER.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Employee participants and applicants for counselor positions in the Program should address inquiries to the head of the facility where participating *or making application for counselor positions* in the Program. Inquiries should contain *full* name and location of employment. Headquarters employees should submit requests to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

RECORD SOURCE CATEGORIES:

The participating employee, *EAP* counselor and the referring source.

USPS 120.151

SYSTEM NAME:

Personnel Records—Recruiting, Examining, and Appointment Records, 120.151.

SYSTEM LOCATION:

U.S. Postal Service personnel offices and/or other offices within Postal Service facilities authorized to engage in recruiting or examining activities or *to* make appointments to positions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and professional résumés, personal applications, test scores, medical assessments, academic transcripts, letters of recommendation, employment certifications, medical records, and registers of eligibles. Restricted medical records are accumulated by personnel offices prior to transmittal to medical facilities. *The above records may include such information as name of applicant, post office of application, social security number, date of examination, employment and education background, estimates of potential, and recommendations.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.1001.

PURPOSE(S):

To provide managers, personnel officials and medical officers *with* information *for* recruiting and recommending appointment of qualified persons.

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

General routine use statements A, B, C, D, E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Job applicant name and/or social security number.

SAFEGUARDS:

Paper records are maintained in closed filing *cabinets* under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

a. Applications for Employment—Dispose of upon expiration of eligibility, unless extended for an additional year at the request of the eligible *person.* b. Applications for Master Instructor Positions—Destroy 3 years after date of selection. c. Employment Registers:

(i) Notice of Rating Card—Forward to applicant.

(ii) *Alpha and numeric* Register Cards—Destroy when 10 years old. d. Outside Applicant Files:

(i) Successful Applicant Files—Move PS 50B or PS 52 as appropriate, to the *Official Personnel Folder.* Dispose of all other forms and papers when 6 months old.

(ii) Unsuccessful Applicant File—Dispose of when 1 year old.

SYSTEM MANAGER(S) AND ADDRESS:

APMG Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information *about them is maintained* in this system of records should address inquiries to the head of the facility to which job application was made. Inquiries should contain full name, social security number, and, if applicable, approximate date of application submitted and residence.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individual, school officials, former employers, supervisors, named references, Veterans Administration and State Division of Vocational Rehabilitation Counselors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.152

SYSTEM NAME:

Personnel Records—Career Development and Training Records, 120.152

SYSTEM LOCATION:

Postal Education and Development Centers (PEDCs) and other facilities within the Postal Service where career development training, and curriculum evaluation activities are authorized.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Career development records, applications for and records of postal and non-postal training, records containing student and manager evaluations of training received, examination and skills bank records, *and scheme examination records (including dates of examination due and taken, and results). Information within these records may include name, social security number,* special qualifications, skills or knowledge, career goals,

education, work histories or summaries, *nominations, recommendations, and copies of personnel actions, certificates and other material contained within USPS 120.070.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.1001.

PURPOSE(S):

To provide managers, supervisors, and training and development professionals with decision-making information for employee career development, training, and assignment.

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

General routine use statements A, B, C, D, E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

a. Management Training Program Records: (1) Trainee's Individual Files—Destroy 5 years from the date trainee leaves the program. (2) Trainee Travel Records—Destroy 1 year from date trainee leaves program. (3) Travel files of postal manager in connection with program—dispose of when 1 year old.

b. Nomination for Executive Leadership Files—Destroy 1 year from date of selection.

c. Employee Training Files—Destroy 5 years from date of training.

d. Case Examination Records—Destroy 1 year from date of separation of employee.

Certain records of examinations are maintained as part of *USPS* 120.120, Personnel Records—Personnel Research and Test Validation Records.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, *Washington, D.C. 20260–4200;* APMG, *Facilities* Department, *Washington, D.C. 20260–6400;* and APMG, *Philatelic and Retail Services* Department, *Washington, D.C. 20260–6700.*

NOTIFICATION PROCEDURE:

Current and former *field* employees wishing to know whether information *about them is* contained in this system of records should address *inquiries* to the head of the appropriate employment facility. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the subject, subject's employment records, and his/her supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.153

SYSTEM NAME:

Personnel Records—Individual Performance Evaluation/Measurement, 120.153.

SYSTEM LOCATION:

U.S. Postal Service facilities where individual performance evaluation/measurement activities are conducted.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual performance evaluation and measurement records *that include audit sheets, performance ratings, self-appraisals, statements of goals and objectives, and related correspondence.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.1001.

PURPOSE(S):

To provide managers and supervisors with decision making information for training needs, promotion and assignment considerations, or other employee/job related actions.

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

General routine use statements A, B, C, D, E, *F,* G, H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper files, index cards, magnetic tapes, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

a. Merit Performance Evaluation Files—Destroy when 5 years old.

b. Individual Performance Evaluation/Measurement Records—Destroy when 10 years old or when no longer useful, whichever is sooner. DO NOT TRANSFER TO A FEDERAL RECORDS CENTER.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Postmaster General having jurisdiction over the functional or administrative performance evaluation/measurement procedure.

NOTIFICATION PROCEDURE:

Current and former field employees wishing to know whether information is maintained *about* them in this system of records should address inquiries to the head of the appropriate employment facility. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the subject, *the* subject's employment

records and his/her supervisor, or program director.

USPS 120.170

SYSTEM NAME:

Personnel Records—Safe Driver Award Records, 120.170.

SYSTEM LOCATION:

Motor Vehicle Offices of Postal Facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who are full-time drivers of postal vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contain employees' name, yearly Safe Driver Awards record of any accidents in which employee is involved, *and evaluations by Safe Driver Award Committee.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To provide information for awarding Safe Driver Awards.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To furnish information to the National Safety Council for award purposes.

STORAGE:

Index cards.

RETRIEVABILITY:

Alphabetically by name of employee.

SAFEGUARDS:

Kept in closed file cabinet with limited access.

RETENTION AND DISPOSAL:

Destroy 4 years from date of separation, expiration of license, recision of authorization, or transfer of driver into a nondriving status, or other transfer (unless requested by new installation or agency).

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit the request to the SYSTEM MANAGER. Inquiries should contain full name.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the driver and from USPS accident reports.

USPS 120.180

SYSTEM NAME:

Personnel Records—Skills Bank (Human Resources Records), 120,180.

SYSTEM LOCATION:

Maintained by various postal facilities as determined by management.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Different categories of USPS employees, Women, PCES and employees in various job categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security number, address, job position, sex, educational background, work history, salary history, skills, licenses, language, career preferences *and goals,* geographical preferences, special achievements, merit awards, project assignments, benefits, and other personal information. (The various systems in existence may contain more or less information than specified herein.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–261, 39 USC 401, 1001.

PURPOSE(S):

Used by USPS management *to make and track employee job assignments,* to place employees in new positions, and to assist in career planning and training in general; *the system is* also used to provide statistics for personnel *and workload management.*

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Preprinted forms, magnetic tape and disk files, computer reports, and microfiche.

RETRIEVABILITY:

Name and social security number.

SAFEGUARDS:

Locked file cabinets, controlled access, computer password authentication, magnetic tape library, physical security.

RETENTION AND DISPOSAL:

Paper records will be destroyed *by shredding or burning* 1 or 2 years after information is successfully entered into the system depending upon the particular program involved. Automated information will be erased 1 year after employee is terminated or is no longer in the particular job category.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200; and Chief Postal Inspector, Postal Inspection Service, Headquarters, Washington, D.C. 20260–2100.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether such a system exists at their place of employment or whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, social security number, and place of employment.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained directly from employee and USPS personnel forms and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.190

SYSTEM NAME:

Personnel Records—Supervisors' Personnel Records, 120.190

SYSTEM LOCATION:

Any Postal *Service* facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of summaries or excerpts from the following other USPS personnel *records* systems: 120.036, 120.070, 120.151, 120.152, 120.153, 120.180, 120.210; as well as records of discipline. In addition copies of other Postal Service records and records originated by the supervisor may be included at the supervisor's discretion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

PURPOSE(S):

To enable supervisors to efficiently manage assigned personnel.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records of discipline may become part of USPS 120.070 and would therefore be subject to disclosure under the routine uses of that system of records.

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

STORAGE:

Paper files, index cards, magnetic tape and disk, computer printouts.

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Paper documents/index cards are locked in supervisor's desk or filing cabinets. Computer readable media are maintained in secured data processing facilities.

RETENTION AND DISPOSAL:

a. Counseling Records—Destroy when 1 year old if there has been no disciplinary action initiated against the employee during that period.

b. Letters of Warning—Destroy when 2 years old if there has been no disciplinary action initiated against the employee during that period.

c. All Other Records—Dispose of immediately upon termination of supervisor/employee relationship.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, D.C. 20260–4200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether this *system* of records contains information on them should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Other personnel records systems, supervisor notes, employees *and* postal customers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records of information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.210

SYSTEM NAME:

Personnel Records—Vehicle Maintenance Personnel and Operators Records, 120.210.

SYSTEM LOCATIONS:

Vehicle Service Operations at Post Offices, Sectional Centers, *Division* Offices, Regional Offices, Headquarters, Bulk Mail Centers *and* Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to individual employee operation of Postal Service-owned or leased vehicles, including employee name, age, length of service, physical condition, vehicle accidents, driving citations, safety awards, driver license revocations and suspensions, driving habits, vehicle training, results of driving tests; *and* qualifications to drive vehicles; employee workload, work schedule, performance analysis and work habits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To provide local post office managers, supervisors and *Manager* of Fleet Operations with information to adjust workload, change schedules, change *the* type *of* equipment operated, *change* lists of equipment assigned to employee, and used as a basis for corrective action or safe driving awards.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, *L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To provide GSA and USPS driver credentials.

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

STORAGE:

Printed forms, and computer tapes.

RETRIEVABILITY:

Employee name, vehicle number, route number, work order number, and facility name.

SAFEGUARDS:

Records are maintained in closed file cabinets in secured facilities. *Access to computer data is restricted to authorized personnel.*

RETENTION AND DISPOSAL:

Destroy 4 years from date of separation, transfer (unless requested by new installation or agency), expiration of license, recision of authorization, or transfer of driver into a nondriving status.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, DC 20260–7200.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Inquiries should contain employee's full name, social security number, route number, work station and facility where employed.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

The employee, medical doctors, driver examiner/instructor state vehicle departments and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.220

SYSTEM NAME:

Personnel Records—Arbitration Case Files, 120.220.

SYSTEM LOCATION:

Office of Labor Law, Law Department, National Headquarters; *Office of Field Legal Services, Regions; and Field Divisions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in labor arbitration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to proceedings when the USPS is a party in labor arbitration cases. Includes disciplinary and contract grievances, and appeals of bargaining unit employees, formal pleadings and memoranda of law, *excerpts from grievance files, supporting* documents, notes and case analyses prepared by Postal Service *advocates* and *other* personnel, and correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

PURPOSE(S):

To provide advice and representation to the Postal Service *in labor arbitration cases.*

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

Name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in *lockable* filing cabinets *within secured buildings or areas* under the general scrutiny of *authorized personnel.* Computer terminals and tape/disk files are located in a secured area *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

a. Disciplinary Cases (to include removal] and contract application cases—(1) National Level—Destroy 15 years from date of final decision. (2) Field Level—Destroy 5 years from fate of final decision.

b. Contract Interpretation Cases (National Level)—Transfer to a Federal Records Center when 5 years old; destroy 15 years from date of expiration of the agreement.

c. Court Actions—Transfer to a Federal Courts Center when 5 years old, destroy 15 years from date of final agreement.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Labor Relations Department, Headquarters, *Washington, DC 20260–4100.*

NOTIFICATION PROCEDURE:

Persons wishing to determine whether this system of records contains information about them should write to the System Manager and provide name, case number, if known, and the approximate date the action was initiated.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

Note—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are

not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

(a) Employees involved in labor arbitration cases; (b) Counsel(s) or other representative(s) for parties involved in the arbitration case other than Postal Service; (c) Arbitrators; (d) Other individuals involved in labor arbitration cases. Source documents include the formal case file, *investigative reports,* and other records relevant to the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the exent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 120.230

SYSTEM NAME:

Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files) 120.230.

SYSTEM LOCATION:

Office of Labor Law, Law Department, National Headquarters; *Office of Field Legal Services, Regions; and Field Divisions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in Veterans' Appeals and other adverse action appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; *(b) excerpts from disciplinary or adverse action files and* other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service *advocates; and* (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

PURPOSE(S):

This information is used to provide advice and representation to the Postal Service.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L, and* M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

Name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in *lockable* filing cabinets *within secured buildings or areas* under the general scrutiny of *authorized personnel.* Computer terminals are located in a secured area, *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

Destroy 7 years from date of final decision.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters, *Washington, DC 20260–4200.*

NOTIFICATION PROCEDURE:

Persons wishing to determine whether this system of records contains information about them should write to the System Manager and provide their name, case number, if known, and the approximate date the action was instituted.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

Note—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

(a) Employees involved in Veterans Appeals and other adverse action appeals; (b) Counsel(s) or other representative(s) for parties in administrative litigation other than Postal Service; (c) Other individuals involved in appeals. Source documents include the formal case file, *investigative reports,* and other records relevant to the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall

continue to apply to the incorporated records.

USPS 120.240

SYSTEM NAME:

Personnel Records—Garnishment Case Files, 120.240

SYSTEM LOCATION:

Finance Offices within USPS facilities and the Minneapolis, Postal Data Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees *whose wages are garnished to satisfy a financial obligation.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security number, address, employing facility, name and address of the recipient of the deduction, amount of the debt and deduction, and other data relevant to the garnishment of an employee's wages in payment of alimony, child support, or commercial debts, or state or local tax levies. Records within case files may also include notices to employee of the intent to withhold wages, court orders, worksheets for calculating or processing garnishments, and other correspondence/documents relating to the indebtedness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

PURPOSE(S):

To process garnishment of a postal employee's wages to satisfy a debt related to child support, alimony, a commercial obligation, or a state or local tax levy.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

Employee name.

SAFEGUARDS:

Paper and automated records are subject to controlled access.

RETENTION AND DISPOSAL:

Postal Data Center records are maintained *for six months after the debt is satisfied or cancelled; Post Office* records are maintained for *3 years after the debt is satisfied or cancelled.* Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Postmaster General, Department of the Controller, Headquarters, *Washington, D.C. 20260–5010.*

NOTIFICATION PROCEDURE:

Employees wishing to know whether this system of records contains information about them should submit requests to the facility head where employed. Headquarters employees should submit requests to the System Manager. Inquiries should include the employee's full name and case number, if known.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

The indebted employee, court related documents, and other records relating to the debt.

USPS 130.010

SYSTEM NAME:

Philately—*Benjamin* Franklin Stamp Club *Coordinators and Project Leaders* List, 130.010.

SYSTEM LOCATION:

Philatelic and Retail Services Department Headquarters, and *Philatelic Sales Division, Merrifield, VA.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adult *Coordinators* of Stamp Clubs for youth groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of club *coordinators.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.404.

PURPOSE(S):

To be used as an adjunct to a philatelic program by Sectional Center personnel, *Division* personnel, *and* individual postmasters as follows:

1. *Assisting coordinators* in forming stamp Clubs;
2. Making contact with Clubs to assist in program presentation and USPS cooperation at stamp shows and philatelic exhibits;
3. *Responding* to philatelic *information* requests;
4. Determining USPS needs for films, graphics, and publications related to philately; *and*
5. *Mailing* newsletters to Stamp Club *coordinators.*

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

General routine use statements A, B, *C, D,* E, *F, G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Computer tape/disk.

RETRIEVABILITY:

Name of individual and ZIP Code within the club or stamp group *with which the individual* is associated.

SAFEGUARDS:

Computer media are stored in a fire resistant and secured facility *with controlled access.*

RETENTION AND DISPOSAL:

Records are maintained on a year-to-year basis subject to reverification each year.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Philatelic and Retail Services Department, Washington, DC 20260–6700.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager. Inquiries should contain full name, address, and the club or stamp group with which *the requester* is associated.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to

records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to which the record refers.

USPS 130.020

SYSTEM NAME:

Philately—Educators Stamp Fun Mailing Lists, 130.020.

SYSTEM LOCATION:

Philatelic and Retail Services Department, Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Elementary school teachers in schools around the country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Teacher's name, address of school, number of students in the school, number of known stamp collectors in the school, existence of a stamp club.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 401, 404.

PURPOSE(S):

To be used by the Office of Stamps to mail periodic issues of "Stamp Fun" *and related materials.*

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

General routine use statements A, B, C, D, E, F, G, H, and J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Coding number or school teacher's name.

SAFEGUARDS:

Controlled access to data.

RETENTION AND DISPOSAL:

Indefinitely with annual updates.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Philatelic and Retail Services* Department, Headquarters, *Washington, D.C. 20260–6700.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should include full name and name and address of school.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Return responses from national mailing of "Stamp Fun."

USPS 130.040

SYSTEM NAME:

Philately—Philatelic Product Sales and Distribution 130.040.

SYSTEM LOCATION:

Philatelic and Retail Services Department, *Headquarters,* and at a contractor site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers who have initiated correspondence expressing an interest in philately by (1) responding to various philatelic product sales promotion programs by submitting order forms, business reply cards, or cut outs from posters and promotional literature, (2) providing postal clerks with name and address information to receive future philatelic product announcements, (3) opening subscription accounts for philatelic products, or (4) requesting products in unsolicited correspondence, such as letters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer/subscriber name and account number, address, funds on deposit, remittance type and amount order/product specifications, order history; also, special lists identifying individuals who have submitted bad checks, and special services customers/subscribers, and individuals who have registered multiple service complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

(1) to operate a subscription service *or services* for customers who remit money for a particular philatelic product or products; (2) to maintain a file to send philatelic product announcements and sales literature to customers or subscribers; (3) to serve, as a source for statistical data for research and market analysis, billing and inventory data, and mailing basis for product shipment and (4) to identify discrete groups of customers/subscribers for better order control and service.

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

General routine use statements A, B, C, D, E, F, G, H, and J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

Original typed or handwritten form, or microform, and on magnetic tape or disk and computer printouts.

RETRIEVABILITY:

Customer/subscriber name and number, if assigned.

SAFEGUARDS:

Paper and microform records are maintained in closed filing cabinets under general scrutiny of personnel of the Philatelic Sales Division and the Building Security Guard Force. *Information* on magnetic tape and disk is protected by ADP *physical security,* technical software and administrative security or by contractors providing similar protection subject to the audit and inspection of the USPS Inspection Service.

RETENTION AND DISPOSAL:

ADP and microform records are maintained for three years after the individual has failed to make a purchase or has indicated no other interest. ADP records are obliterated after their period of usefulness; mircoform records are incinerated. Correspondence and other paper documents are retained for 3 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Philatelic and Retail Services* Department, Headquarters, *Washington, D.C. 20260–6700.*

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquires to the System Manager above. Inquiries should contain full name and address.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual as is described in "*Categories* of Individuals Covered by the System" above.

USPS 140.020

SYSTEM NAME:

Postage—Postage Meter Records, 140.020.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postage meter users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name and address, *postal facility setting the meter, license number, date of issuance;* license application, and transaction documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

To enable responsible administration of postage meter activities.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

To disclose identity and address of meter user and identity of agent or user to any member of *the* public upon request.

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

STORAGE:

Printed forms *and computer tape/disk.*

RETRIEVABILITY:

Customer name and by numeric file of postage meters.

SAFEGUARDS:

Paper records *and computer storage media* are maintained in closed file cabinets in secured facilites; *automated records are protected by computer password.*

RETENTION AND DISPOSAL:

Records are maintained for 1 year after final entry or the duration of the license and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters, *Washington, DC 20260–5300.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the local postmaster from which license was obtained, supplying name and meter number.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and officials making entries to reflect activities.

USPS 150.010

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records [Freedom of Information Act], 150.010.

SYSTEM LOCATION:

Records Officer, *USPS* Headquarters, and records Custodians at all USPS facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit inquiries and requests for information (many of which are made pursuant to the Freedom of Information Act) about the general activities of the Postal Service.

Note.—This system may contain inquiries and requests regarding information contained in other USPS systems of records that are subject to the Privacy Act. As a result, information about individuals from other systems may, when appropriate, become part of this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name *and address* of requester, *request letters, referral letters, internal memoranda, response letters, and copies of records requested.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 412, 5 U.S.C. 552; Pub. L. 93–502.

PURPOSE(S):

To enable records custodians to respond to requests from members of the public for USPS records, and to comply with the reporting requirements of the FOIA.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and *M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records or information may be provided to any source from which the USPS requests additional information (to the extent necessary to identify the requesting individual, inform the source of the purpose of the request, or to identify the type of information requested), where necessary to obtain information relevant to the USPS' disclosure determination under the FOIA.

2. Records or information may be provided to the originating Federal agency in connection with a referral of an FOIA request to that agency for its disclosure determination.

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

STORAGE:

Case records are stored in paper folders. Response letters may also be temporarily stored on magnetic disk in automated office equipment. Abbreviated or summarized information may be stored in automated equipment.

RETRIEVABILITY:

Chronologically by year and alphabetically by name of the requester except, in those instances where a requester has made his request through an attorney or agent. In the latter case, the name of the attorney or agent might appear as the requester.

SAFEGUARDS:

Case files and magnetic disks are stored in lockable file cabinets. Computer access is restricted by the use of passwords. Access to all storage

media is limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Records maintained by custodians and the Records Office are disposed of 6 years from date of final response to requester. (Files may be transferred to *USPS General Counsel* (FOIA Appeals Officer) upon request. When this is done, files may become a part of the Appeals Case Files—see USPS 150.015.)

SYSTEM MANAGER(S) AND ADDRESS:

Postal Service Records Officer, Headquarters, *Washington, D.C. 20260–5010.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain *the* full name *of the person who submitted the request, or the name of the attorney who submitted the request on the person's behalf,* and *the* date of *the* request.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individuals and their attorneys who submit information/records requests; USPS officials who respond to the requests; Other sources whom the USPS believes have information pertinent to a decision on the request; Other agencies referring requests to the USPS; and pertinent records responsive to the request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a(j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 150.015

SYSTEM NAME:

Records and Information Management Records—Freedom of Information *Act* Appeals *and Litigation Records,* 105.015

SYSTEM LOCATION:

General Administrative Law Division, Law Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit *administrative* appeals *or bring suit against the Postal Service* under the Freedom of Information Act *on account of* denials of access to records maintained by the Postal Service. *Note.—This system may contain inquiries and requests regarding information contained in other USPS systems of records that are subject to the Privacy Act. As a result, information about individuals from other systems may, when appropriate, become part of this system.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains correspondence and other documents related to administrative appeals made by individuals to the General Counsel for information under the provisions of the FOIA (5 U.S.C. 552) including copies of appeal letters, appeal decisions, initial request and decision letters, internal memoranda, referral letters, and copies of records requested under the FOIA. Litigation case files may contain the aforementioned types of records as well as pleadings, memoranda of law, notes and case analyses prepared by attorneys and other personnel, and other documents incidental to the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

PURPOSE(S):

To enable the General Counsel to carry out his duties as appellate authority *to assist in the representation of the Postal Service in FOIA-related litigation,* and to comply with *the* reporting requirements *of the FOIA.*

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and *M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records or information may be provided to the Department of Justice *for* its coordination of responses to requests for information, and to prepare reports required by 5 USC 552(d).

2. Records or information may be provided to a Federal agency in order to obtain advice and recommendation concerning matters on which the agency has specialized experience or particular competence that may be useful to the USPS in making required determinations under the FOIA.

3. Records or information may be provided to any source from which the USPS requests additional information (to the extent necessary to identify the requesting individual, inform the source of the purpose of the request, or to identify the type of information requested), where necessary to obtain information relevant to the USPS' disclosure determination under the FOIA.

4. Records or information may be provided to the originating Federal agency in connection with a referral of an FOIA request to that agency for its disclosure determination.

5. Appeal decision letters may be made available for public inspection and copying.

6. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state, or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Appeal and litigation case records are stored in paper folders. *Appeal decision letters are also stored in binders and on magnetic tape or disk in automated office equipment, and are maintained for public inspection in the Headquarters Library. Abbreviated or summarized information is stored on index cards and in automated equipment.*

RETRIEVABILITY:

Chronologically by year; numerically by appeal number; and alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney *or agent. In the latter case, the name of the attorney or agent* might appear as the requester appellant. *Litigation case records are retrieved by the style of the civil action.*

SAFEGUARDS:

Appeal and litigation case files are stored in lockable file cabinets under the general scrutiny of Postal Service attorneys. Access is limited to personnel whose official duties require access. Library copies of appeal decision letters are available for public inspection. Access to computer data is restricted to personnel having an official need for access.

RETENTION AND DISPOSAL:

Appeal decision letters are retained indefinitely. Appeal and litigation case files are retained for ten years following the date of the final agency decision, or ten years following the final adjudication in case of a civil suit, whichever is applicable. Records are destroyed by shredding, burning, or the equivalent.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, *USPS* National Headquarters, *Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should write to the System Manager and provide the following information: the name of the person who submitted the appeal, or the name of the attorney who submitted the appeal on the person's behalf, and the year in which the appeal was made; or, when applicable, the name of the plaintiff in the civil action and the year in which the civil action was filed.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

Individuals and their attorneys who submit FOIA requests and appeals; USPS officials who respond to FOIA requests; Other sources whom the USPS believes have information pertinent to a decision on the FOIA request or appeal; Other agencies referring requests to the USPS; and pertinent records from other USPS systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a(j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 150.020

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act), 150.020.

SYSTEM LOCATION:

Records Officer, USPS Headquarters and records Custodians at all USPS facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any USPS employee or citizen who makes an inquiry *or request for information or amendment of a record subject to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). Note.—This system may contain inquiries and requests regarding information contained in other USPS systems of records that are subject to the Privacy Act. As a result, information about individuals from other systems may, when appropriate, become part of this system.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of inquirer, other personal identifying information such as social security number and date of birth, request letters, referral letters, internal memoranda, response letters, accountings of disclosures, and copies of records at issue.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401; *5 U.S.C. 552a.*

PURPOSE(S):

To enable records custodians to respond to requests from employees or members of the public for records the USPS maintains pursuant to the provisions of the Privacy Act, and to comply with reporting requirements of that Act.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and *M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Records or information may be provided to any source from which the USPS requests additional information (to the extent necessary to identify the requesting individual, inform the source of the purpose of the request, or to identify the type of information requested), where necessary to obtain information relevant to a USPS decision concerning a Privacy Act request.

2. Records may be disseminated to a Federal agency which originally furnished the records for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction.

3. Records or information may be disseminated to any appropriate Federal, State, local, foreign agency or other appropriate source for the purpose of verifying the accuracy of information that is the subject of an individual's request for amendment or correction.

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

STORAGE:

Case records are stored in paper folders. Response letters may also be temporarily stored on magnetic disk in

automated office equipment. Abbreviated or summarized information may be stored in automated equipment.

RETRIEVABILITY:

Chronologically by year and alphabetically by name of the requester except, in those instances where a requester has made his request through an attorney or agent. In the latter case, the name of the attorney or agent might appear as the requester.

SAFEGUARDS:

Case files and magnetic disks are stored in lockable file cabinets. Computer access is restricted by the use of passwords. Access to all storage media is limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Request letters and related correspondence are retained for two years. Accountings of disclosures are retained for five years or the life of the disclosed record, whichever is longer. All records are destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Postal Service Records Officer, Headquarters, Washington, DC 20260–5010.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain the full name of the person who submitted the request, or the name of the attorney who submitted the request on the person's behalf, and the date of the request.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Individuals and their attorneys who submit amendment/records requests; USPS officials who respond to the requests; Other sources whom the USPS believes have information pertinent to a decision on the request; Other agencies referring requests to the USPS; and pertinent records responsive to the request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 30 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 150.025

SYSTEM NAME:

Records and Information Management Records—Privacy Act Appeals and Litigation Records, 150.025.

SYSTEM LOCATION:

General Administrative Law Division, Law Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit administrative appeals or bring suit against the Postal Service pursuant to the provisions of the Privacy Act of 1974.

Note.—This system may contain inquiries and requests regarding information contained in other USPS systems of records that are subject to the Privacy Act. As a result, information about individuals from other systems may, when appropriate, become part of this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains correspondence and other documents related to administrative appeals made by individuals to the General Counsel under the provisions of the Privacy Act (5 U.S.C. 552a), including copies of appeal letters, appeal decisions, initial request and decision letters, internal memoranda, referral letters, and copies of the records at issue. Litigation case files may contain the aforementioned types of records as well as pleadings, memoranda of law, notes and case analyses prepared by attorneys and other personnel, and other documents incidental to the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a.

PURPOSE(S):

To enable the General Counsel to carry out his duties as appellate authority, to assist in the representation of the Postal Service in Privacy Act litigation, and to comply with reporting requirements.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:

1. Records or information may be provided to the Department of Justice for its coordination of responses to requests for information and to prepare reports required by 5 U.S.C. 552a(p).

2. Records or information may be provided to a Federal agency in order to obtain advice and recommendation concerning matters on which the agency has specialized experience or particular competence that may be useful to the USPS in making required determinations under the Privacy Act.

3. Records or information may be provided to any source from which the USPS requests additional information (to the extent necessary to identify the requesting individual, inform the source of the purpose of the request, or to identify the type of information requested), where necessary to obtain information relevant to a USPS decision concerning a Privacy Act request.

4. Records may be disseminated to a Federal agency which originally furnished the records for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction.

5. Records or information may be disseminated to any appropriate Federal, State, local, foreign agency or other appropriate source for the purpose of verifying the accuracy of information that is the subject of an individual's request for amendment or correction.

6. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

7. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Appeal and litigation case records are stored in paper folders. Appeal decision letters are also stored in binders and on magnetic tape or disk in automated office equipment. Abbreviated or summarized information is stored on index cards and in automated equipment.

RETRIEVABILITY:

Chronologically by year; numerically by appeal number; and alphabetically by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney or agent. In the latter case, the name of the attorney or agent might appear as the requester appellant. Litigation case records are retrieved by the style of the civil action.

SAFEGUARDS:

Appeal and litigation case files are stored in lockable file cabinets under the general scrutiny of Postal Service attorneys. Access to paper records and to computer data is limited to personnel whose official duties require access.

RETENTION AND DISPOSAL:

Appeal decision letters are retained indefinitely. Appeal and litigation case files are retained for ten years following the date of the final agency decision, or ten years following the final adjudication in case of a civil suite, whichever is applicable. Records are destroyed by shredding, burning, or the equivalent.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, USPS Headquarters, Washington, D.C. 20260–1100.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should write to the System Manager and provide the following information: the name of the person who submitted the appeal, or the name of the attorney who submitted the appeal on the person's behalf, and the year in which the appeal was made; or, when applicable, the name of the plaintiff in the civil action and the year in which the civil action was filed.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

Note.—The amendment provisions for this system are not intended to permit an individual a second opportunity to request amendment of a record which was the subject of the initial Privacy Act amendment request merely because the record has been incorporated into this system as a result of the appeal process. That is, after an individual has requested amendment of a specific record in a USPS system under provisions of the Privacy Act, that specific record may itself become part of this system of case records. An individual may not subsequently request amendment of that specific record again simply because a copy of the record has become part of the second system of records.

Generally, review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

Individuals and their attorneys who submit Privacy Act requests and appeals; USPS officials who respond to Privacy Act requests; Other sources whom the USPS believes have information pertinent to a decision on the Privacy Act request or appeal; Other agencies referring requests to the USPS; Pertinent records from other USPS systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the exent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 160.010

SYSTEM NAME:

Special Mail Services—Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records, 160.010.

SYSTEM LOCATION:

Rates and Classification Department, Headquarters, Postal Data Center, St. Louis, MO, and Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insured and registered domestic mail claimants/requesters, including mail senders and addressees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of mail sender and addressee: declaration of claimant/requester, and claim/inquiry status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

To respond to inquiries on the status of domestic insured and registered mail, and to adjudicate claims related to such mail.

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

General routine use statements A, B, C, D, E, F, G, H, J, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

Handwritten and typed forms, computer readable media and printouts.

RETRIEVABILITY:

Claimant/requester's name, mailer's name, date of mailing, and registered article number; or claim number, date of mailing, mailer's name, and insured article number.

SAFEGUARDS:

Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

RETENTION AND DISPOSAL:

Domestic inquiries are maintained for two years. Claim records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters, *Washington, D.C. 20260–5300.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered domestic claim was filed. If claim has been filed, inquiry should include claim number, *(if insured mail),* date of claim, insured or registered number of article mailed, *and the date of mailing.*

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Information from the individual completing the claim/inquiry form.

USPS 160.020

SYSTEM NAME:

Special Mail Services—Insured and Registered *Ordinary* International Mail Inquiry and Application for Indemnity Records, 160.020.

SYSTEM LOCATION:

Rates and Classification Department, USPS Headquarters; Postal Data Center, St. Louis, MO; and International *Claims and Inquiries* Offices in New York, New Orleans and San Francisco.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insured and registered international mail claimants *requesters,* including mail senders and *addressees,* declaration of claimants *requesters, and* claim/inquiry status information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and description of claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404:

PURPOSE(S):

To respond to inquiries regarding international mail, and *to adjudicate* insured and registered international mail claims.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. To refer an international mail inquiry or claim to the appropriate foreign postal authority when required for resolution.

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

STORAGE:

Handwritten and typed forms, computer readable media and printouts.

RETRIEVABILITY:

Claimant/*requester's* name, case number, *and* registered *or insured* article number.

SAFEGUARDS:

Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

RETENTION AND DISPOSAL:

Destroy when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters, *Washington, D.C. 20260–5300.*

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered foreign mail claim was filed. If claim has been filed, inquiry should include claim number, date of claim, insured or registered number of article mailed.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Individual completing the claim/inquiry form.

USPS 160.030

SYSTEM NAME:

Special Mail Services—Express Mail Service Insurance Claims for Loss, Delay and Damage, 160.030.

SYSTEM LOCATION:

St. Louis Postal Data Center, St. Louis, MO; *International Claims and Inquiries Office, New York, NY; post offices.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Express Mail claimants (mailers or addressees).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of mailer and addressee, description of contents mailed, amount claimed, receipts of mailing and delivery, and other documentation supporting the claim and its adjudication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

To adjudicate Express Mail claims for loss, delay and damage.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

In file cabinets in original typed, handwritten, copied or printed form; *and on computer-readable media.*

RETRIEVABILITY:

EMS item number, date of mailing, name of *sender, and country of destination (for international items).*

SAFEGUARDS:

Maintained in steel file cabinets *by post office* Express Mail Marketing personnel and *by* Claims Personnel in the Rates and Classification Department *and the International Claims and Inquiries Office. Computer-readable media are stored in protected areas having controlled access.*

RETENTION AND DISPOSAL:

PDC records are retained for *two years.*

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters, *Washington, D.C. 20260–5300.*

NOTIFICATION PROCEDURE:

Claimants wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

The claimant or designated representative.

USPS 170.010

SYSTEM NAME:

Statistical (Cost) Systems—Workload Reporting Records, 170.010.

SYSTEM LOCATION:

Workload Reporting Records are located and/or maintained in various Departments and Facilities of the USPS.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees and contract employees assigned to work on specific projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

May include employee initials and surname, organizational unit and division, work hours on daily, weekly, or pay period basis by course number designated, social security number, systems code, weekly totals and pay period totals, project number, project name, name of customer contact, estimated completion date, estimated resources, actual contact, and general remarks about the development of the project.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

PURPOSE(S):

The system is used to determine project costs for billing customers for services and by management to schedule work loads and staffing.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L, and M listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.

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

STORAGE:

Printed forms, magnetic tape and disks.

RETRIEVABILITY:

Employee initials and name, project number, system code, social security number, pay period or project name.

SAFEGUARDS:

Maintained in secured area within secured facility.

RETENTION AND DISPOSAL:

In some cases, records are retained for one year and then automatically deleted from computer disks and paper files are destroyed by shredding. Some records are maintained on computer tape beyond one year for historical and trend analyses.

SYSTEM MANAGER(S) AND ADDRESS:

The department of facility head where such records are required.

NOTIFICATION PROCEDURE:

Employees wishing to gain access to this information should address inquiries to the department or facility head where employed at the time of work load reporting. Inquiries should contain full name and project name and number.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Prepared by employee or supervisor as activities occur.

USPS 190.010

SYSTEM NAME:

Litigation—*Miscellaneous* Civil Action *and Administrative Proceeding* Case Files, 190.010.

SYSTEM LOCATION:

Law Department, Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in litigation *or formal administrative proceedings* to which the USPS is a party or in which information or testimony is sought from Postal Service sources. *This system includes only those litigation matters that are not specifically included in other Postal Service systems that cover particular litigation subject areas.*

Note.—These files constitute a Privacy Act system of records only to the extent that personally identifying information about an individual is in fact retrieved from the files by use of the individual's name or other personal identifier. Generally, information in litigation files is retrieved by reference to the case name or number; in those instances where the case name or number is not the personal identifier of an individual, the file does not constitute a Privacy Act system of records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal pleadings, *and briefs, investigative reports, exhibits and other documentary evidence, affidavits, discovery documents, decisions and orders,* memoranda of law, miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel, correspondence and telephone records, and other relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. *204,* 401, 409(d); *39 CFR Subchapter N.*

PURPOSE(S):

This information is used to provide legal advice and representation to the Postal Service.

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

General routine use statements A, B, C, D, E, F, G, H, J, K, L and M listed in the Prefatory Statement at the beginning of the Postal Service's published system

notices apply to this system. Other routine uses are as follows:

1. Information contained in these records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. A record may be transferred, and information from it disclosed to any Federal agency as may be appropriate for the coordinated defense or prosecution of related litigation or the resolution of related claims or issues without litigation.

3. A record may be disclosed in a Federal, state, local, or foreign judicial or administrative proceeding in accordance with the procedures and practices governing such proceeding.

4. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

By case name or by case or docket number. Although case files may contain items of information about particular individuals, there is not necessarily a means for retrieving information about a particular individual by the individual's name or other personal identifier.

SAFEGUARDS:

Folders containing paper documents are kept in *lockable* filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area, *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

Selected records are *retained for as long as subject matter has value for reference and research purposes. All other records are retained in accordance with the applicable Postal service Retention Schedule.* Paper records are *destroyed by shredding or burning,* and computer tape/disk records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, *USPS* Headquarters, *Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

Persons wishing to determine whether this system of records contains information about them should write to the System Manager and provide their name and current address, the case number and court of record, if known, the approximate date the action was instituted, and a brief description of the nature of the action.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR § 266.6. The right to access may be limited by various provisions of 5 U.S.C. 552a, including subsection (d)(5).

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access* Procedures above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

Individuals involved in the proceedings, their attorneys or other representatives, agency officials, law enforcement agencies, witnesses, and relevant records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 190.020

SYSTEM NAME:

Litigation Records—National Labor Relations Board Administrative Litigation Case Files, 190.020

SYSTEM LOCATION:

Office of Labor Law, Law Department, National Headquarters *and Office of Field Legal Services, Regions.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who are charging parties in NLRB cases, or on whose behalf NLRB charges have been filed by a collective bargaining representative.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) Other relevant documents, (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d), *1208.*

PURPOSE(S):

This information is used to provide legal advice and representation to the Postal Service.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

By name of charging party or individual on whose behalf a charge has been filed or by NLRB case number.

SAFEGUARDS:

Case folders are kept in *lockable* filing cabinets *within secured buildings or areas* under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area, *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters, *Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

Persons *wishing to determine whether this system of records contains information about them should write to the System Manager and provide* their name, NLRB case number, if known, *and approximate date the action was initiated.*

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

(a) Employee involved in NRLB cases: (b) Counsel(s) or other representative(s) for parties involved in the case other than the Postal Service; (c) The National Labor Relations Board and its General Counsel; (d) Other individuals involved in NRLB cases. Source documents include case files, *investigative reports,* and other relevant records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 190.030

SYSTEM NAME:

Litigation Records—*Employee & Labor Relations Court Litigation Case* Files, 190.030.

SYSTEM LOCATION:

Office of Labor Law, Law Department, National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in employee and labor relations *litigation.*

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Pleadings in court cases; (b) Briefs and legal memoranda; (c) Correspondence and telephone messages; and (d) Other documents relevant to cases filed in the courts or compiled in contemplation that a case will be filed in the courts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

PURPOSE(S):

This information is used to provide legal advice and representation to the Postal Service.

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

General routine use statements A, B, *C, D,* E, *F, G, H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

2. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Case records are stored in paper folders and on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

By topic title or name of individual.

SAFEGUARDS:

Folders are kept in *lockable* filing cabinets *within secured buildings or areas* under the general scrutiny of Postal Service attorneys.Computer terminals and tape/disk files are located in a secured area *and access is restricted to personnel having an official need.*

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on inactive basis for an additional three years. All other

records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters, *Washington, D.C. 20260–1100.*

NOTIFICATION PROCEDURE:

Persons wishing to determine whether this system of records contains information about them should write to the System Manager and provide their name, *case number,* if known, *and the approximate date the action was initiated.*

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access* Procedures above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action, determination, or finding

RECORD SOURCE CATEGORIES:

(a) Individuals involved in employee and labor relations matters; (b) Counsel(s) or other representative(s) for parties in an action other than the Postal Service; (c) Other individuals involved in this matter. Source documents include internal memoranda, court related documents, case files and other relevant records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a(j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 200.010.

SYSTEM NAME:

Non-Mail Monetary Claims—Relocation Assistance Claims, 200.010.

SYSTEM LOCATION:

Facilities Department, Headquarters, and all Regional *Facilities offices.* Departments.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners and tenants of real property purchased or leased by the U.S. Postal Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed claim forms and other documents related to indemnifying occupants of property acquired by the U.S. Postal Service. *Information within these documents include name and address of claimant, address of vacated dwelling, itemized expenses incurred in moving, interim renting, and replacement housing.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) and 39 U.S.C. 401.

PURPOSE(S):

This information is used to adjudicate claims for reimbursement of relocation expenses incurred by owners and tenants of real property acquired by the U.S. Postal Service.

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

General routine use statements A, B, *C, D,* E, *F,* G, H, and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. May be disclosed to a Federal compliance investigator for case or program review.

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

STORAGE:

In file cabinets in original, typed, printed, or handwritten form.

RETRIEVABILITY:

Alphabetically by claimant name within project file.

SAFEGUARDS:

Maintained in locked file cabinets within the *exclusive* custody of *Facilities* Department management personnel.

RETENTION AND DISPOSAL:

Records are retained for the life of the facility and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Facilities Department, Headquarters, *Washington, D.C. 20260–6400.*

NOTIFICATION PROCEDURE:

Claimants wishing to know whether information about them is maintained in this system of records should address inquiries to the same facility to which they applied for relocation benefits.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access procedures above.*

RECORD SOURCE CATEGORIES:

Information is obtained from previous dwelling owner or tenant claimant and Postal Service claim reviewers and adjudicators.

USPS 200.020

SYSTEM NAME:

Non-Mail Monetary Claims—Monetary Claims *for Personal Property Loss or Damage* involving Present or Former Employees, 200.020.

SYSTEM LOCATION:

Employee Relations Department, Headquarters, and field facilities; Postal Data Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees (or their survivors or agents) making a claim for loss or damage to personal property while on duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form or written claim of loss or damage, supporting documents such as bills, receipts, repair estimates, replacement estimates, and investigative reports. Data within documents may include employee name and address, date and description of loss or damage occurrence, insurance coverage and deductible, and amounts of claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

PURPOSE(S):

To adjudicate employee claims for loss or damage to their personal property in connection with or incident to their postal employment duties.

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of *claimant.*

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Records are destroyed 3 years from date claim is adjudicated.

SYSTEM MANAGER(S) AND ADDRESS:

APMC, Employee Relations Department, Washington, D.C. 20260–4200.

NOTIFICATION PROCEDURE:

Claimants wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the claim was filed. Headquarters employees should submit their inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Claimants or their agents making monetary claims for loss or damage to personal property; Witnesses; investigative sources, and insurance companies.

USPS 200.030.

SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claim, Records, 200.030

SYSTEM LOCATION:

Claims Division, Law Department at Headquarters and regions, Postal Inspection Service,

Division Headquarters, Post Offices and *Postal* Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in accidents as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, tort claims filed, documentary evidence in support of tort claims *administrative appeals, payment records, correspondence, locator cards, and papers pertaining to* litigation arising out of tort claims. *Litigation case files may contain the aforementioned types of records as well as summonses, lists of witnesses, witness statements, litigation reports, copies of processes and formal pleadings, briefs, supporting documents, notes and case analyses, correspondence, telephone records, and other documents related to the litigation.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671–80, 39 U.S.C. 409(c).

PURPOSES:

To be used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act; *to support effective program management by accident prevention and safety officers; and to provide pertinent information regarding safety, accidents and claims to equipment manufacturers, suppliers, and their insurers.*

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

General routine use statements A, B, *C, D,* E, *F,* G, *H, J, K, L,* and M *listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. *Records may be* transferred to *the* Department of Justice, other governmental agencies, and other persons *or entities* involved in a claim against the Postal Service, *including lessors, insurers, or other parties who may be jointly liable to the claimant or who may owe USPS a duty to defend, insure, indemnify or contribute, when appropriate,* or *for* use in adjudication, civil litigation and criminal prosecution.

2. *Disclosure may be made to* provide members of the American Insurance Association Index System with certain information related to accidents and injuries.

3. *Disclosure may be made to* provide information to USPS accident prevention and safety officers.

4. *Disclosure may be made to* furnish information to insurance companies that have named the United States as an additional insured or coinsured *party* in liability insurance policies.

5. *Disclosure may be made to* provide information to equipment manufacturers, *suppliers,* and their insurers for claims considerations and possible improvement of equipment *and supplies.*

6. *Disclosure may be made* to respond to a subpoena *duces* tecum and other appropriate court order and summons.

7. May be disclosed to independent contractors retained by the Postal Service to provide advice in connection with the settlement or defense of claims filed against USPS.

8. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

9. When considered appropriate, records in this system may be referred to a bar association or similar Federal, state, or local licensing or regulatory authority for possible disciplinary action.

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

STORAGE:

Paper records kept in file folders and other suitable containers. Some information may also be stored on magnetic tape or disk in automated office equipment.

RETRIEVABILITY:

Information may be retrieved by *claimant's* name or Postal Inspection Service case number. *Litigation case files are retrieved by case name or name of plaintiff.*

SAFEGUARDS:

Records are maintained in ordinary filing equipment under general scrutiny of postal personnel. *Access to computer data is restricted to authorized personnel.*

RETENTION AND DISPOSAL:

a. *Paid Claims and Disallowed Claims (Journal Cases and Litigation Case Files).*— Transfer to a Federal Records Center 2 years *after final adjudication;* destroy when 7 years old.

b. *Closed* Case Files *(Cases Where Claims Were Neither Allowed nor Disallowed)*— Transfer to a Federal Records Center when 2 years old; destroy when 5 years old.

c. PDC Payment Records—Transfer to a Federal Records Center when 1 year old; destroy when 4 years old.

d. Locator Cards—Destroy when 7 years old.

SYSTEM MANAGER(S) AND ADDRESS:

(1) General Counsel, Law Department, Headquarters, *Washington, D.C. 20260–1100;* (2) Chief Postal Inspector, Headquarters, *Washington, D.C. 20260–2100.*

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about them should write to the head of the facility where the claim was filed and provide full name and date and place of the occurrence that gave rise to the filing of a claim under the Federal Tort Claims Act. Inquiries regarding records maintained by the Inspection Service should be directed to the Chief Postal Inspector. Inquiries regarding records maintained by the Law Department should be directed to the General Counsel.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification *and Record Access Procedures* above.

Note.—Review of requests seeking amendment of records which have previously been the subject of a judicial or quasi-judicial administrative action will be limited in scope. The amendment provisions of the Act are not intended to permit the alteration of evidence presented in the course of an adjudication, nor are they intended to provide a means for collaterally attacking the finality of a judicial or administrative decision. Review of requests for amendment of adjudicative records will be restricted to determining whether the records accurately reflect the action of the judicial or administrative body ruling on the case, and will not include a review of the merits of the action.

RECORD SOURCE CATEGORIES:

Claimants *and their attorneys,* reports of postal employees involved in accidents, local police reports, Inspection Service investigative reports, American Insurance Association Index reports, *and pertinent records from other USPS systems of records.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records or information in this system that have been compiled in reasonable anticipation of a civil action or proceeding are exempt from individual access pursuant to 5 U.S.C. 552a(d)(5). In addition, the USPS has claimed exemptions from certain provisions of the Act for several of its other systems of records as permitted by 5 U.S.C. 552a (j) and (k). See 39 CFR 266.9. To the extent that copies of exempt records from those other systems are incorporated into this system, the exemptions applicable to the original primary system shall continue to apply to the incorporated records.

USPS 210.010.

SYSTEM NAME:

Contractor Records—Architect Engineers Selection Records, 210.010

SYSTEM LOCATION:

Facilities Department, *regional Facilities Service Centers.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional Architect Engineers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information profile on individual's past experience and present qualifications in the field of providing architect engineering services. *These profiles may include firm name and address, name of principals, personnel statistics, history of fee receipts, experience, and names of associate firms.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401

PURPOSE(S):

To facilitate the review and assessment of the qualifications of architect-engineer firms which have potential for selection and award of a contract to perform architect-engineer services under a designated facility project.

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

General routine use statements A, B, *C, D,* E, *F, G, H,* and *J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Printed forms.

RETRIEVABILITY:

State, city and name of individual or firm.

SAFEGUARDS:

Records access is limited to authorized personnel in the *Facilities* Department. Records are retained in filing receptacles in locked quarters and in a secured building facility.

RETENTION AND DISPOSAL:

a. Architect-Engineer and Related Services Questionnaire, SF 254—Destroy when 1 year old.

b. Architect-Engineer and Related Services for Specific Projects, SF 255—When a contract is awarded, attach form to contract; otherwise, destroy when 1 year old.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Facilities* Department, USPS Headquarters.

NOTIFICATION PROCEDURE:

Any persons desiring information about this system of records should address their inquiries to the designated SYSTEM MANAGER and provide his name and project title.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Persons and firms interested in being considered for the negotiation and award of architect-engineer services contracts under the Major Facilities Program.

USPS 210.020

SYSTEM NAME:

Contractor Records—Driver Screening System Assignment Records, 210.020.

SYSTEM LOCATION:

Delivery, Distribution & Transportation Department, Headquarters postal facilities employing persons under a highway contract with the USPS; and Transportation Management *Service Centers.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons under a highway contract with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contractor Employee Assignment Notifications and Personnel Questionnaires that include name, social security number, *birthdate and place, address and employment history, driver's license number, date and type of assignment, route number,* and highway contract to which assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To ascertain employees *suitability for* having an assignment requiring access to mail or postal premises under contract with the USPS.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J,* K, and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Originally typed, printed or handwritten form; magnetic tape and computer printed reports.

RETRIEVABILITY:

Primarily by highway contract and postal locations serviced; secondarily, by individual's social security number and name.

SAFEGUARDS:

Through computerized codes and passwords, access is restricted to offices that are the authority for a specific contract and to only those post offices serviced by the contract.

RETENTION AND DISPOSAL:

Records are held one year after the contract expires, or one year following an individual's employment termination with a company that has been awarded a highway contract.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, D.C. 20260–7100.*

NOTIFICATION PROCEDURE:

Contractors wishing to know whether information about them is maintained in this system of records should address inquiries to the *Transportation Management Services Center* Manager. Inquiries should contain full name and highway contract number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

The contractor.

USPS 210.030

SYSTEM NAME:

Contractor Records—Contractor Employee Fingerprint Records, 210.030

SYSTEM LOCATION:

Delivery, Distribution & Transportation Department, Headquarters; Regional Offices; *and postal facilities having contract personnel.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons under contract with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Fingerprint cards containing prospective contractor's name, social security number, *address, date and place of birth, personal description characteristics, and* fingerprints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

PURPOSE(S):

To determine if a contractor employee has had a previous arrest record *and* to provide information to the Contracting Officer with regard to the USPS screening procedures.

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

General routine use statements A, B, *C, D,* E, *F, G,* H, *J, K,* and *L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system. Other routine uses are as follows:*

1. All USPS fingerprint charts are sent to the Federal Bureau of Investigation.

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

STORAGE:

Original typed, printed or handwritten form.

RETRIEVABILITY:

Contractor employee name.

SAFEGUARDS:

Maintained in locked file cabinets by Administrative Officials.

RETENTION AND DISPOSAL:

Records are kept until employee leaves employment of USPS and then are destroyed 2 years later by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, *Delivery, Distribution & Transportation* Department, Headquarters, *Washington, DC 20260–7100.*

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the Regional Postmaster General within the region where employed. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

Requests for access should be made in accordance with the Notification

Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See *Notification and Record Access Procedures above.*

RECORD SOURCE CATEGORIES:

Contractor employed by the USPS.

USPS 220.010

SYSTEM NAME:

Marketing Records—Marketing Data Base Customer Records.

SYSTEM LOCATION:

Marketing Department, USPS Headquarters; Marketing and Communications, Regions; Marketing/Customer Service, Divisions and MSCs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers or employees of corporations, other business firms, and organizations that are volume users of postal services; USPS account representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Organization names, addresses, and telephone numbers; size of firm; Standard Industrial Classification Code; officers of the organization or other contact persons; purchase records for USPS services; information on service or equipment needs; USPS account representatives and other postal employees serving the organization and calls made on the organization.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, 404.

PURPOSE(S):

To provide market information about business customers for USPS employees to use to sell postal products and services, assure account management, conduct research, plan new products and services, and otherwise make financial and operational decisions about the condition of the USPS. Specifically, this includes:

1. Assisting account representatives and other marketing and postal personnel in contacting and servicing customers and selling postal services.
2. Developing and conducting market research.
3. Targeting promotion campaigns, newsletters.
4. Testing new products and services.

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

General routine use statements A, B, *C, D, E, F, G, H, J, K, and L listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Magnetic tape or disks.

RETRIEVABILITY:

Organization name, organization identification number, services purchased, Zip Code area, sales territory, USPS account representative, and Division/MSC.

SAFEGUARDS:

Computer records are subject to computer security procedures, including password access.

RETENTION AND DISPOSAL:

Records are maintained for three years after final entry and then deleted from the data base.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Marketing Department, Headquarters, *Washington, D.C. 20260–6300.*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the Division Field Director of Marketing and Communications for their geographic area.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURE:

See Notification *and Record Access Procedures* above.

RECORD SOURCE CATEGORIES:

Information is obtained from USPS business customers, statements of mailing and other USPS forms completed by the customer, commercial data bases, and account representatives' personal knowledge.

USPS 220.020

SYSTEM NAME:

Marketing Records—Express Mail Service Customer Mailing List.

SYSTEM LOCATION:

Marketing Department, USPS Headquarters, and its regional, divisional and sectional center marketing components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Users of Express Mail service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of users of Express Mail service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, 404.

PURPOSE:

To communicate information and updates concerning Express Mail service to current users of that service and to provide management with statistical data to analyze usage of and improve Express Mail service.

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

General routine use statements A, B, *C, D, E, F, G, H, and J listed in the Prefatory Statement at the beginning of the Postal Service's published system notices apply to this system.*

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

STORAGE:

Computer storage media and hardcopy printouts.

RETRIEVABILITY:

Name of user and ZIP Code.

SAFEGUARDS:

Records are kept in a secured area, with access limited to authorized marketing personnel; access to information in computer files is limited to personnel having an authorized computer password.

RETENTION AND DISPOSAL:

The master computer file is maintained indefinitely and is updated annually. Hardcopy printouts are destroyed when updated printouts are generated.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Marketing Department, Headquarters, *Washington, DC 20260–6300.*

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager and supply their name and address.

RECORD ACCESS PROCEDURE:

Requests for access should be made in accordance with the Notification Procedure above and the USPS Privacy

Act regulations regarding access to records and verification of identity set forth at 39 CFR 266.6.

CONTESTING RECORD PROCEDURE:

See Notification and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Express Mail mailing forms and labels, most of which collect information directly from the customer.

List of U.S. Postal Service Facilities Referenced Herein.

The address of each Postal Service facility to which requests may be sent (referred to in systems descriptions), other than post offices and the geographical area served, is provided below. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, including locations in Puerto Rico, and the Virgin Islands are contained in THE NATIONAL FIVE-DIGIT ZIP CODE AND POST OFFICE DIRECTORY, Publication 65, STOCK NUMBER, 039–000–00274–4, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–1575.

Postmasters, upon request, will supply the addresses of the Management Sectional Centers and Division Offices to which they report.

The following excerpt to addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice.

POSTAL SERVICE REGIONAL OFFICES

Regional Postmaster General, Central Region, 433 W. Van Buren Street, Chicago, IL 60699–0100. (States serviced: IL, MI, IN, HY, WY, MN, IA, MO, ND, SD, NE, KS, CO, WY.)

Regional Postmaster General, Eastern Region, P.O. Box 8601, Philadelphia, PA 19101–0100. (States serviced: VA, WV, MD, DE, PA, DC, and KY, NC, OH, SC and ZIP Code prefixes 420–424 and 476–477 in IN: and ZIP Code prefixes 080–084 in NJ.)

Regional Postmaster General, Southern Region, 1407 Union Avenue, Memphis, TN 38166–0100. (States serviced: TN, AL, MS, TX, LA, GA, FL, OK, and AR.)

Regional Postmaster General, Northeast Region, 6 Griffin Road North, Windsor, CT 06006–0100. (States serviced: RI, MA, NH, CT, NY, PR, VI, VT, ME and ZIP Code prefixes 070–079 and 085–089 in NJ.)

Regional Postmaster General, Western Region, 850 Cherry Avenue, San Bruno, CA 94099–0100. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, UT, AZ, NM and ZIP Code prefixes 797–799 in TX and all Pacific Possessions and Trust Territory.)

INSPECTION SERVICE

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, DC 20260–2100.

TRAINING INSTITUTE

William F. Bolger Management Academy, 10000 Kentsdale Drive, Potomac, MD 20858–4320.

NATIONAL TEST ADMINISTRATION CENTER

National Test Administration Center, U.S. Postal Service, Alexandria, VA 22314–4646.

BULK MAIL CENTERS

Atlanta, 1800 James Jackson Pky, NW, Atlanta, GA 30369–9998.

Chicago, 7500 West Roosevelt Road, Forest Park, IL 60130–2211.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235–9998.

Dallas, 2400 Dallas-Ft. Worth Tpke., 75398–9998.

Denver, 7755 East 58th Avenue, CO 80238–9997.

Des Moines, 4000 NW., 109th Street, Des Moines, IA 50395–0001.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101–2788.

Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27495–9998.

Jacksonville, 7415 Commonwealth Avenue, Jacksonville, FL 32099–9998.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106–1093.

Los Angeles, 5555 Bandini Blvd., Avenue, Bell, CA 90201–9997.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136–9998.

Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul MN 55121–2288.

New Jersey, 80 County Road, Jersey City, NJ 07097–9998.

Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116–9997.

Pittsburgh, P.O. Box 1000, Warrendale, PA 15095–1000.

St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042–2487.

San Francisco, 2501 Rydin Road, Richmond, CA 94804–9998.

Seattle, 34301 9th Ave. S. Federal Way, WA 98003–0500.

Springfield, 190 Fiberloid Street, Springfield, MA 01151–1088.

Washington, 9201 Edgeworth Drive, Capitol Heights, MD 20743–9997.

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federal register

Thursday
October 26, 1989

Part III

Environmental Protection Agency

40 CFR Part 260 et al.

Burning of Hazardous Waste in Boilers and Industrial Furnaces; Supplement to Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 264, 265, 266, 270, and 271

[FRL-3358-5 EPA/OSW-FR-89-024]

RIN 2050-AA72

Burning of Hazardous Waste in Boilers and Industrial Furnaces

AGENCY: Environmental Protection Agency.

ACTION: Supplement to proposed rule.

SUMMARY: On May 6, 1987 (52 FR 16982), EPA proposed rules to control the burning of hazardous waste in boilers and industrial furnaces. Those rules would control emissions of products of incomplete combustion (PICs), toxic metals, and hydrogen chloride (HC1) as well as require a 99.99% destruction and removal efficiency for hazardous organic constituents in the waste. EPA has received substantial comments on the proposed rules, and as a result, is considering alternative approaches to several provisions of the proposed rule. The Agency is also considering issuance of a proposal to amend the hazardous waste incinerator standards to make those rules consistent with these proposed standards.

The purpose of this notice is to request comment on alternate approaches to address the following issues: control of CO, metals, HC1, and particulate emissions, the small quantity burner exemption, the definition of waste that is indigenous when burned for reclamation (e.g., of metal values), revisions to the proposed definition of halogen acid furnaces, applicability of the metals and organic emissions controls to smelting furnaces involved in materials recovery, and the status under the Bevill amendment of residues from burning hazardous waste.

DATES: EPA will accept public comments on this notice until December 26, 1989. The Agency notes that the comment period is reopened to address only the issues discussed in this notice. The comment period on other issues addressed by the proposed rule closed on July 27, 1987.

ADDRESSES: Comments should be sent to RCRA Docket Section (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460 ATTN: Docket No. F-80-BBSP-FFFFF. The public docket is located in Room 2427 and is available for viewing from 9:00 am to 4:00 pm, Monday thru Friday, excluding legal holidays. Individuals interested in viewing the docket should call (202) 475-9327 for an appointment.

FOR FURTHER INFORMATION CONTACT: RCRA HOTLINE, toll free, at (800) 424-9346 or at (202) 382-3000. Single copies of this notice are available by calling the RCRA Hotline. For technical information, contact Dwight Hlustick, Combustion Section, Waste Management Division, Office of Solid Waste, OS-322, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Telephone: (202) 382-7917.

SUPPLEMENTARY INFORMATION:

Today's notice is organized into two parts. Part One contains background information that summarizes the major revisions which are being considered to the May 6, 1987, proposed rule. See 52 FR 16982. It also describes how today's

proposed rule would relate to the planned amendments to the incinerator standards that the Agency may soon propose.

Part Two describes the alternative approaches the Agency is considering to address several issues. EPA is requesting comment on these alternatives because they differ substantially from the provisions proposed. The Agency will consider comments on the original proposal as well as on the alternatives discussed here in developing final rules for promulgation. Alternatives on which we are soliciting comment are: adding a particulate standard for boilers and furnaces; and developing alternative standards for carbon monoxide (CO) (to limit products of incomplete combustion (PICs)), toxic metals, and hydrogen chloride (HCl). We also discuss in this part revisions being considered to the small quantity burner exemption to make the risk assessment used to establish the exempt quantities consistent with the assessment used to establish the metals, HCl, and PIC standards. In addition, we discuss in this part an expansion to the definition of waste that would be considered indigenous to particular types of devices when it is reclaimed. Industrial furnaces burning indigenous waste solely for reclamation (i.e., not for energy recovery or destruction) would not be subject to any of the proposed emission standards. Finally, we discuss here the Agency's current thinking on the applicability of the Bevill exclusion (see RCRA section 3001(b)(3)(A) (i)–(iii)) to residues from fossil fuel-fired boilers, cement kilns, and industrial furnaces that process ores and minerals, when such devices also burn or process hazardous waste.

PART ONE: BACKGROUND

I. Legal Authority

These regulations were proposed under the authority of section 1006, 2002(a), 3001, 3004, 3005, and 3007 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, the Quiet Communities Act of 1978, the Solid Waste Disposal Act Amendments of 1980, and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6905, 6912(a), 6921, 6924, 6925, and 6927.

II. Overview of This Notice

The purpose of this notice is to request comments on various alternatives to the May 6, 1987, proposed rule. The alternative approaches the EPA is discussing today may be incorporated in the final rule.

In this notice, EPA is considering a number of changes to the May 6, 1987, proposed rule. Several changes are a result of comments received on the proposal. Others result from the Agency's revised risk assessment approach. As a result, EPA is considering: (1) Adding a particulate emissions standard for boilers and industrial furnaces; (2) alternatives to the proposed carbon monoxide standard based on risks posed by emissions of products of incomplete combustion; (3) establishing emissions controls for six additional toxic metals; (4) revising the small quantity burner exemption to base it on an upgraded risk assessment; and (5) expanding the definition of indigenous waste as it applies to industrial furnaces involved in the reclamation of hazardous wastes.

III. Relationship of This Notice to the May 6, 1987, Proposed Rule

Comments on the alternative approaches discussed in today's notice will be considered as well as comments on the proposed rule in developing a final rule for promulgation. The basic methodology for developing the alternate standards discussed today is the same as used to develop the May 6, 1987, proposal. The conservative Screening Limits discussed today are based on the principle that ground level concentrations of pollutants emitted from a facility must not result in unacceptable health risk to a maximum exposed individual. Thus, these Screening Limits are similar in concept to the Tier I–Tier III metals and HCl Standards proposed in 1987. The major change in the metals and HCl Standards would be to establish limits based on effective stack height (i.e., physical stack height plus plume rise) in lieu of the thermal capacity and type of the combustion device. This would result in less over-regulation because the limits would be established as a function of effective stack height, a key site-specific factor in dispersion of stack emissions.

The risk assessment methodology also remains basically the same as proposed on May 6, 1987. The only change is an upgrading of the air dispersion models based on revisions to EPA-recommended air dispersion models.

Finally, we are updating Appendices A (reference air concentrations) and B (risk specific doses) originally published on May 6, 1987, and corrected on July 8, 1987 to reflect current health effects data. Both Appendices are provided in their entirety as appendices to this notice.

IV. Relationship of This Notice to the Planned Hazardous Waste Incinerator Revisions

It is EPA's intention to make the standards for burning [1] hazardous waste as uniform as possible given that the potential risks posed are similar irrespective of the type of combustion device. This approach also should be easier for both the regulated community and EPA to implement. Accordingly, the Agency is considering a proposal, which may be noticed shortly, to revise the existing hazardous waste incinerator standards under Subpart O of 40 CFR part 264 to provide controls for PICs, metals, and HCl that are identical to those described in today's notice for boilers and industrial furnaces.

The Agency plans to address in a future rulemaking an issue of particular interest to owners and operators of boilers and industrial furnaces: the Agency plans to propose to expand the definition of industrial furnace (which presently applies to only controlled flame devices) to include any of the currently designated devices that are supplied with heat energy by any means. Thus, for example, electric arc smelting furnaces would be included in the definition.

PART TWO: ALTERNATIVES BEING CONSIDERED

I. Particulate Standards

A. Justification for Particulate Standard

EPA received numerous comments on the May 6, 1987, proposed rule suggesting the need for a particulate standard for boilers and furnaces burning hazardous waste. Many respondents believed that unregulated particulate emissions could pose a significant threat to human health because toxic metals and organic compounds may be absorbed onto particulate matter (PM), and because PM, *per se*, could pose a health risk because the smaller size particles may be entrained in the lungs.

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[1] For the purpose of this notice, "burning" in industrial furnaces includes reduction as well as combustion. As additional information, EPA plans to propose to expand the definition of industrial furnaces in 40 CFR 260.10 to include those designated furnaces that engage in any form of thermal processing, not just combustion. Thus, that proposal would include as regulated industrial furnaces electric arc smelting furnaces processing metal-bearing hazardous waste to recover metals. The Agency plans to include that proposal in the **Federal Register** notice to amend the incinerator standards. See discussion in text. The Agency is not including the proposal to expand the definition of industrial furnace in today's notice because this notice is considered a supplemental notice to the May 1987 proposed rule, rather than a new proposed rule or reproposal.

In light of these comments, EPA is considering establishing a particulate emission standard for boilers and industrial furnaces. Even though we believe that the proposed metals and organic emissions standards would adequately protect public health based on current knowledge about toxic pollutants and available risk assessment methodologies, we acknowledge that there are serious limitations to the proposed health-based standards for metals (see section B.3 below). A PM control standard would provide additional protection by ensuring that absorbed metal and organic compounds would be removed from stack gases with the collected PM.

B. Selection of Particulate Standard

EPA is considering limiting particulate emissions from boilers and industrial furnaces based on the current hazardous waste incinerator standard of 0.08 gr/dscf (grains/dry standard cubic foot), corrected to 7 percent oxygen. We are selecting this particulate limit because it would provide a common measure of protection from particulate emissions from boilers, industrial furnaces, and incinerators burning hazardous waste.

We acknowledge that a particulate standard for boilers and industrial furnaces may be redundant in some cases for a number of reasons: (1) EPA may have established (usually more stringent) particulate standards for the facility as New Source Performance Standards (NSPS) under the Clean Air Act; (2) the States may have established particulate standards for the facility under the Clean Air Act's State Implementation Plan (SIP) required to ensure that the National Ambient Air Quality Standard for particulate matter is not exceeded; and (3) the metals and HCl emission standards proposed for boilers and furnaces burning hazardous waste may result in particulate emissions well below 0.08 gr/dscf. We believe, however, that there would be many situations where the standards would not be redundant. As discussed below, NSPS standards would not apply to many boilers and industrial furnaces. SIP standards may not apply to many units with relatively small capacity. Finally, many boilers may burn hazardous waste with low levels of metals and chlorine such that emission controls, if needed, may not lower particulate emissions to 0.08 gr/dscf. Thus, we believe that particulate standard would frequently not be redundant, and where redundant, the additional burden of compliance, if any, would not be significant.

In selecting a particulate standard for boilers and industrial furnaces, we considered the following alternatives:

1. *Apply the current NSPS Standard for Steam Generators Burning Waste.* EPA promulgated NSPS for steam generators burning waste with or without other fuels that limit particulate emissions from new municipal waste combustors (MWCs) to 0.03–0.04 gr/dscf. (See 40 CFR 60.43(b)). New MWCs would be subject to this standard because they almost invariably are designed to recover energy. Thus, the Agency has, in effect, lowered the 0.08 gr/dscf NSPS promulgated in 1981 at 40 CFR 60.52 for new solid waste incinerators to 0.03–0.04 gr/dscf. Given that EPA based the hazardous waste incinerator particulate standard on the 1981 municipal incinerator standard (0.08 gr/dscf), it could be argued that the Agency should lower the hazardous waste incinerator particulate standard accordingly to 0.03–0.04 gr/dscf. This would allow the Agency to take advantage of advances in the state-of-the-art of particulate control technology. However, as explained in Section B.3., EPA is not prepared to propose to lower the hazardous waste incinerator particulate standard at this time. This issue will be discussed further in the planned revisions to the hazardous waste incinerator standards.

2. *Apply the Applicable NSPS.* Under this approach, the particulate matter NSPS applicable to a source category (e.g., cement kilns) would be applied to all units in that category irrespective of date of construction or size. (The NSPS as authorized by the Clean Air Act apply only to new units, and often small-capacity units are exempt.)

EPA has promulgated particulate matter NSPS for a number of devices including boilers; cement kilns; lime kilns; asphalt concrete drying kilns; primary lead, zinc, and copper smelters; and secondary lead and bronze smelters. These standards generally result in particulate emissions concentrations ranging from 0.01 to 0.05 gr/dscf. However, many devices that burn hazardous waste (e.g., light-weight aggregate kilns) are not covered by NSPS regulations. Therefore, standards would have to be developed for these devices. Development of these standards will take a significant amount of time and effort on the part of the Agency.

In addition, the economic impacts of applying the NSPS to existing and small devices may be substantial given that the standards were developed to control particulate emissions to the limit of technical and economic feasibility for new units (without consideration of retrofitting issues. We discuss below, however, that we are beginning an effort to establish a best demonstrated technology (BDT) particulate standard for boilers and industrial furnaces. In that evaluation, we will consider whether the NSPS represent BDT.

3. *Apply the Existing Hazardous Waste Incinerator Standard.* We believe that the existing hazardous waste incinerator standard of 0.08 gr/dscf (see 40 CFR 340.342(c)) should be applied to all boilers and industrial furnaces burning hazardous waste (unless more stringent NSPS or SIP Standards already apply to the device). This would ensure that the same interim cap on particulate emissions applies to all hazardous waste combustion devices until BDT particulate standards can be developed. The 0.08 gr/dscf standard is readily achievable and should not result in significant economic impacts. Preliminary data indicate that approximately 10–20 percent of boilers and industrial furnaces burning hazardous waste would be required to upgrade or install particulate control equipment or otherwise reduce emissions to meet the standard.

In addition to providing some control of particulate metals and adsorbed organic compounds, the 0.08 gr/dscf standard should also ensure that the National Ambient Air Quality Standard (NAAQS) for particulates is achieved in most cases. An analysis of existing sites shows that emissions of particulates at 0.08 gr/dscf could result in MEI levels of up to 30% of the maximum daily PM_{10} (particulate matter under 10 microns) NAAQS (150 mg/m^3). If background particulate levels at a site are already high (i.e., the site is in a non-attainment area), however, particulate emissions from the device should be addressed as part of the State Implementation Plan (SIP) (as they are now for hazardous waste incinerators in particulate non-attainment areas). Therefore, although the 0.08 gr/dscf standard may not ensure compliance with the NAAQS in every situation, this issue will be addressed by the SIP since the facility would be, by definition, in a non-attainment area for particulate emissions.

As mentioned above, EPA is undertaking an effort to investigate a best demonstrated technology (BDT) particulate standard for boilers and industrial furnaces burning hazardous waste. (We are also investigating a BDT particulate standard for hazardous waste incinerators.) Although we believe the proposed metals and PIC controls provide substantial protection

of public health, those risk-based controls have limitations including: (1) Health effects via indirect exposure to carcinogens (e.g., deposition of metals and uptake through the food chain), ecological effects, and synergistic effects have not been considered; (2) without adequate health effects data to establish acceptable ambient levels, emissions limits cannot be established (e.g., we are not proposing emission limits for selenium for this reason); and (3) constituent-specific, risk-based emission limits must be implemented by limiting feed rates, which can be difficult given the variability of waste matrices and pollutant concentrations. Given these concerns, we believe that a BDT particulate standard is necessary to adequately protect public health and the environment. Once the BDT particulate standard is promulgated (after proposal and opportunity for public comment), the risk-based controls would be used to supplement the BDT standard on a case-by-case basis to address situations where the BDT standard may not be fully protective. We specifically request comment on whether NSPS particulate limits can be considered BDT. Further, given that time and budget constraints are likely to limit development of BDT standards for only the primary types of devices that burn hazardous waste (e.g., oil, gas, and coal-fired boilers, cement kilns, light-weight aggregate kilns), we request comment on how BDT particulate standards can be established on a case-by-case basis during the permitting process for other types of devices.

C. Implementation of the Particulate Standard

1. *Preferred Option.* EPA wants facilities in interim status to comply with the particulate standard as quickly as possible and believes that it is reasonable to require compliance within 24 months of promulgation of the final rule. Accordingly, the source would have to demonstrate initial compliance under 40 CFR part 60, appendix A, Methods 1–5, within twelve months of promulgation. The compliance test must be representative of worst-case waste-fuel/operating conditions with respect to particulate emissions that will occur during interim status. Previous testing under the Clean Air Act could be used to make this demonstration if the operating conditions meet the conditions specified above. Final compliance for those sources that are unable to demonstrate initial compliance would be required within 24 months of promulgation (whether or not the facility has received a final RCRA permit). The compliance alternatives are: (1) Modify operations of the facility to bring it into compliance (e.g., upgrade air pollution control equipment); or (2) implementation of closure (under 40 CFR 265.111). The Regional Administrator could, however, extend the compliance period if the owner or operator can show inability to make the required modifications due to situations beyond its control, e.g., the required equipment is unavailable from vendors within the regulatory time frame. This option is EPA's preferred alternative for implementation of particulate standards.

2. *Alternative Options.* EPA is also considering the following alternative interim status requirements to bring sources into compliance with the particulate standard. One alternative would require facilities that cannot demonstrate compliance (within 12 months of promulgation) to submit a compliance plan to the Agency within 15 months of promulgation which ensures expedient compliance (i.e., within 12 months of Agency approval). Another alternative would require the source to submit a complete Part B, RCRA Permit Application, or to cease burning hazardous waste and complete closure requirements within 18 months of promulgation. EPA requests comments on each of these alternatives to implement the particulate standard as quickly as possible.

II. Alternative PIC Controls

The 1987 proposed boiler and industrial furnace rule would limit flue gas carbon monoxide (CO) levels to ensure that these devices do not emit products of incomplete combustion (PICs) at levels that could pose unacceptable health risk. The Agency discusses here its revised thinking on how best to establish controls on PIC emissions and we are also considering a proposal, which may be noticed shortly, to apply the revised approach to control PIC emissions from hazardous waste incinerators as well. We discuss below the comments received on the proposed rule and describe the revised approach.

A. Comments on Proposed CO Standard

The proposed boiler and industrial furnace rule would have applied the same CO emissions limits to all boilers and industrial furnaces: a lower limit of 100 ppmv over a 60-minute rolling average and a 500 ppmv limit over a 10-minute rolling average. The hazardous waste feed would be automatically cut off if either limit was exceeded, and hazardous waste burning operations would have to cease pending review by enforcement officials if the waste feed were cut off more than 10 times a month. The lower limit of 100 ppmv was selected as representative of steady-state high efficiency combustion conditions resulting in PIC emissions that would not pose a significant risk. The higher limit of 500 ppmv was proposed to limit the frequency of emission spikes that inevitably accompany routine operational transients, such as load changes and start-up of waste firing.

Many commenters opposed the proposed CO trigger limits and associated limits on the number of waste feed cutoffs. Principally, commenters objected to one set of CO emission limits applicable to all boilers and industrial furnaces. Further, they argued that PIC emissions would not be significant if, when the waste feed was cut off, combustion chamber temperatures were maintained while the waste remained in the chamber. Thus, they argued that there was no need to limit the number of waste feed cutoffs.

Commenters indicated that several types of boilers and many cement kilns would not be able to meet the proposed 100 ppmv limit even though hydrocarbon concentrations would not be high at the elevated CO levels. For example, boilers burning residual oil or coal typically operate with CO emission levels above the proposed 100 ppmv limit because of inherent fuel combustion characteristics, equipment design constraints, routine transient combustion-related events, requirements for multiple fuel flexibility, and compliance with NO_2 emission standards. Attempts to reduce CO emissions from these devices to meet the proposed limits may prove unsuccessful in addition to the possibility of heavy penalties in thermal efficiency if successful.

Similarly, industry and trade groups for the cement industry voiced strong opposition to the 100 ppmv limit for cement kilns. These commenters indicated that some cement kilns, especially modern precalciners, routinely emit CO above the proposed 100 ppmv limit. In general, commenters indicated that while the proposed limits may be appropriate for combustion devices in which only fuel (fossil or hazardous waste) enters the combustion chamber, they are inappropriate for cement kilns and other product kilns in which massive amounts of feedstocks are processed. These feedstocks can generate large quantities of CO emissions which are, in large part, unrelated to the combustion efficiency of burning the waste and fuel. Whereas all the CO from boilers and some industrial furnaces is combustion-generated, the bulk of the CO from product kilns can be the result of

process events unrelated to the combustion conditions at the burner where wastes are introduced.[2] Therefore, limiting CO emissions from these combustion devices to the proposed 100 ppmv level may be difficult and not warranted as a means of minimizing risk from PICs.

In summary, commenters argued that the proposed CO limits would be difficult or virtually impossible to meet in some cases, and, thus, inappropriate given that EPA has not established a direct correlation between CO, PIC emissions, and health risk.

In light of these concerns, commenters suggested that EPA establish CO limits for specific categories of devices based on CO levels achieved by units operating under best operating practices (BOP). We considered this approach but determined that equipment-specific CO trigger limits would be difficult to establish and support and would not necessarily provide adequate protection from PIC emissions. For example, the BOP CO level for a precalcining cement kiln may be 800 ppmv, a level that industry representatives indicate may be typical in some situations for that device. If that CO level, in fact, results in part from the inefficient combustion of hazardous waste, PICs may be emitted at levels that pose significant risk. (We note, however, that PIC emissions may or may not be high when CO levels are high. However, in all known instances, PIC emissions are low when CO levels are under 100 ppmv.)

EPA nonetheless believes that the CO limits should be flexible to avoid major economic impacts on the regulated community given that we cannot say that when CO levels exceed 100 ppmv that PIC emissions will always, or even often, result in significant health risk. At some elevated CO level, however, PIC emissions would pose significant risk. Unfortunately, we cannot at this time identify the precise trigger level—the trigger level may vary by type and design of device and fuel mix. Consequently, we have developed a two-tiered approach to control PICs. Under Tier I, CO would be limited to the 100 ppmv limit proposed in 1987. (See appendix A for background information on the basis for the Agency's concern about PIC emissions and the use of CO to minimize the potential health risk.) Under Tier II, the 100 ppmv CO limit would be waived under two alternative approaches: (1) a demonstration that total hydrocarbon (THC) emissions are not likely to pose unacceptable health risk using conservative, prescribed risk assessment procedures; or (2) a demonstration that the THC concentration in the stack gas does not exceed a good operating practice-based limit of 20 ppmv. Although we prefer the technology-based approach for reasons discussed below, we request comment on the health-based alternative as well.

B. Proposed Tier II Controls

If the highest hourly average CO level during the trial burn exceeds the Tier I limit of 100 ppmv, a higher CO level would be allowed under two alternative approaches: a health-based approach, or a technology-based approach.[3] We prefer the technology-based approach for reasons discussed below. One of the alternatives will be selected for the final rule based on public comment and Agency evaluation, including a critique by the Agency's Science Advisory Board (SAB).[4]

1. *Health-Based Approach.* Under the health-based approach to waive the 100 ppmv CO limit, the applicant would be allowed to demonstrate that PIC emissions from the combustion device pose an acceptable risk (i.e., less than 10^{-5}) to the maximum exposed individual (MEI). Under this approach, we would require the applicant to quantify total hydrocarbon (THC) emissions during the trial burn and to assume that all hydrocarbons are carcinogenic compounds with a unit risk that has been calculated based on available data. The THC unit risk value would be 1.0×10^{-5} m^3/μg and represents the adjusted, 95th percentile weighted (i.e., by emission concentration) average unit risk of all the hydrocarbon emissions data in our data base of field testing of boilers, industrial furnaces, and incinerators burning hazardous waste. The weighted unit risk value for THC considers emissions data for carcinogenic PICs (e.g., chlorinated dioxins and furans, benzene, chloroform, carbon tetrachloride) as well as data for PICs that are not suspected carcinogens and are considered to be relatively nontoxic (e.g., methane, and other C_1 as well as C_2 pure hydrocarbons, i.e., containing only carbon and hydrogen). We adjusted the data base as follows to increase the conservatism of the calculated THC unit risk value: (1) We assumed that the carcinogen formaldehyde is emitted from hazardous waste combustion devices at the 95th percentile levels found to be emitted from municipal waste combustors;[5] and (2) we assumed that every carcinogenic compound in Appendix VIII of Part 261 for which we have health effects data but no emissions data is actually emitted at the level of detection of the test methods, 0.1 ng/l. Finally, we assigned a unit risk of zero to noncarcinogenic compounds (e.g., C_1–C_2 hydrocarbons such as methane, acetylene). The calculated unit risk value for THC is 1×10^{-5} m^3/μg, comparable to the value for carbon tetrachloride.[6]

To implement the health-based approach with minimum burden on permit writers and applicants, we have established conservative THC emission Screening Limits as a function of effective stack height, terrain, and land use. See appendix B. These Screening Limits were back-calculated from the acceptable ambient level for THC, 1.0 μg/m^3 (based on the unit risk value discussed above and an acceptable MEI risk of 10^{-5}), using conservative dispersion coefficients. (We also used those dispersion coefficients to develop alternative emissions and feed rate limits for metals and HCl, as discussed below. The basis for those dispersion coefficients is also discussed below.) If THC emissions measured during the trial burn do not exceed the THC emissions Screening Limits, the risk posed by THC emissions would be considered acceptable. If the Screening Limits are exceeded, the applicant would be required to conduct site-specific dispersion modeling using EPA's "Guidelines on Air Quality Models (Revised)" to demonstrate that the

[2] For example, CO can be generated from the trace levels of organic matter contained in the raw materials as the materials move down the kiln from the cold end to the hot end where the fuel and waste is fired. CO can also be generated by combustion of fossil fuel at the base of the precalciner, which takes combustion gases from the kiln and heats them further with fossil fuel to precalcine the raw materials before feeding into the kiln. Although hazardous waste may not be fired in a precalciner, inefficient combustion of the precalciner fuel will result in high flue gas CO levels.

[3] This two-tiered approach would supersede the approach proposed in 1987 whereby the waste feed would be cutoff within 10 minutes of exceeding a 100 ppmv hourly rolling average CO level and immediately when exceeding a 500 ppmv rolling 10 minute average. We believe that the approach proposed in today's notice is more environmentally conservative and supportable in light of commenters' concerns about the technical support for the dual range CO limits and averaging periods proposed in 1987.

[4] EPA's SAB reviewed the proposed PIC controls in the spring of 1989 and a final report is scheduled to be available in the fall of 1989.

[5] Because of its extremely high violatility, special stack sampling and analysis procedures are required to measure formaldehyde emissions. Such testing has not been successfully conducted during EPA's field testing of hazardous waste combustion devices.

[6] For additional technical support, see U.S. EPA, "Background Information Document for the Development of Regulations for PIC Emissions from Hazardous Waste Incinerators," December, 1988 (Draft Final Report).

(potential) MEI exposure level (i.e., the maximum annual average ground level concentration) does not exceed the acceptable THC ambient level.

2. *Technology-Based Approach.* Under this Tier II approach, the Tier I CO limit of 100 ppmv would be waived if THC levels in the stack gas do not exceed a good operating practice-based limit of 20 ppmv.

We have developed this technology-based approach because of concern about scientific limitations of the risk-based approach. In addition, the risk-based approach could allow THC levels of several hundred ppmv—levels that are clearly indicative of upset combustion conditions.

The Agency believes that risk assessment can and should be used to limit the application of technology-based controls—that is, to demonstrate that additional technology controls, even though available, may not be needed. However, we are sufficiently concerned that our proposed THC risk assessment methodology may have limitations particularly when applied to THC emitted during poor combustion conditions (i.e., situations where CO exceeds 100 ppmv) that we are considering a cap on THC emissions. Although we believe the development of a risk-based approach is a step in the right direction, we are concerned whether the risk-based approach is adequately protective given our limited data base on PIC emissions and understanding of what fraction of organic emissions would be detected by the THC monitoring system. Notwithstanding the limitations of the THC risk assessment methodology, however, we believe it is reasonable to use the methodology to predict whether a technology-based limit appears to be protective. We have used the risk assessment methodology to show that a 20 ppmv THC limit appears to be protective of public health.

We discuss below our concerns with the proposed THC risk-based approach and the basis for tentatively selecting 20 ppmv as the recommended THC limit (measured with a conditioned gas monitoring system, recorded on an hourly rolling average basis, reported as propane, and corrected to 7% oxygen).

a. *Concerns with the THC Risk Assessment Methodology.* Our primary concern with the risk assessment methodology is that, although it may be a reasonable approach for evaluating PIC emissions under good combustion conditions, it may not be adequate for poor combustion conditions—when CO exceeds 100 ppmv. The vast majority of our data on the types and concentrations of PIC emissions from incinerators, boilers, and industrial furnaces burning hazardous waste were obtained during test burns when the devices were operated under good combustion conditions. CO levels were often well below 50 ppmv. Under Tier II applications, CO levels can be 500 to 10,000 ppmv or higher (there is no upper limit on CO).[7] The concern is that we do not know whether the types and concentrations of PICs at these elevated CO levels, indicative of combustion upset conditions, are similar to the types and concentrations of PICs in our data base. It could be hypothesized that as combustion conditions deteriorate, the ratio of semi- and nonvolatile compounds to volatile compounds may increase. If so, this could have serious impacts on the proposed risk assessment methodology. First, the proposed generic unit risk value for THC may be understated when applied to THC emitted under poor combustion conditions. This is because semi- and nonvolatile compounds comprise only 1% of the mass of THC in our data base, but pose 80% of the estimated cancer risk. Thus, if the fraction of semi- and nonvolatile compounds increases under poor combustion conditions, the cancer risk posed by the compounds may also increase.

To put this concern in perspective, we note that the proposed THC risk value calculated from available data is 1×10^{-5} $m^3/\mu g$. This unit risk is 100 times greater (i.e., more potent) than the unit risk for the quantified PICs with the lowest unit risk (e.g., tetrachloroethylene), but 1000 times lower than the unit risk for PICs such as dibenzoanthracene, and 10,000 to 1,000,000 times lower than the unit risk for various chlorinated dioxins and furans.

Second, if the fraction of semi- and nonvolatile THC increases under poor combustion conditions, the fraction of THC in the vapor phase when entering the THC detector may be lower than the 75% assumed when operating under good combustion conditions.[8] If so, the correction factor for the so-called missing mass would be greater than the 1.33 factor proposed.

The Agency is currently conducting emissions testing to improve the data base in support of the proposed risk-based approach. We are concerned, however, that the testing that is underway and planned may not provide information adequate to fully address all the issues. In addition, we are concerned that our stack sampling and analysis procedures and our health effects data base are not adequate to satisfactorily characterize the health effects posed by Pics emitted under poor combustion conditions.

A final concern with the risk assessment methodology is that it does not consider health impacts resulting from indirect exposure. As explained above, the risk-based standards proposed today consider human health impacts only from direct inhalation. Indirect exposure via uptake through the food chain, for example, has not been considered because the Agency has not yet developed procedures for quantifying indirect exposure impacts for purposes of establishing regulatory emission limits.

b. *Basis for the THC Limit.* We request comment on a THC limit of 20 ppmv as representative of a THC level distinguishing between good and poor combustion conditions. Under this alternative approach, THC would be monitored continuously during the trial burn, recorded on an hourly average basis, reported as ppmv propane, and corrected to 7% oxygen. (See discussion below in section C.4 regarding performance specifications of the THC monitoring system.) We have tentatively selected a level of 20 ppmv because: (1) It is within the range of values reported in our data base for hazardous waste incinerators and boilers and industrial furnaces burning hazardous waste; and (2) the level appears to be protective of human health based on risk assessments using the proposed methodology for 30 incinerators.[9]

The available data appear to indicate that the majority of devices can meet a THC limit of 20 ppmv when operating under good combustion conditions (i.e., when CO is less than 100 ppmv). It appears, in fact, that many hazardous waste incinerators can typically achieve THC levels of 5 to 10 ppmv when operating generally at low CO levels. When incinerators emit higher THC levels, CO levels typically exceed 100 ppmv, indicative of poor combustion conditions. The available information on boilers and industrial furnaces is not quite as clear, however. Although the data base indicates that boilers burning hazardous waste can easily meet a THC limit of 20 ppmv, the Agency has obtained data on various types of

[7] Hazardous waste incinerators have operated at CO levels exceeding 13,000 ppmv during trial burns that achieved 99.99% distribution and removal efficiency.

[8] See discussions in U.S. EPA, "Background Information Document for the Development of Regulations for PIC Emissions from Hazardous Waste Incinerators", December, 1988 (Draft Final Report).

[9] Memorandum from Shiva Garg, EPA, to the Docket, entitled "Supporting Information for a GOP-Based THC Limit", dated October 20, 1988.

boilers burning various types of fossil fuels (not hazardous waste) that indicate that THC levels can exceed 20 ppmv when CO levels are less than 100 ppmv. See footnote 7. We are reviewing that data and obtaining additional information to determine if an alternative limit may be more appropriate for boilers. We specifically request comment on whether a THC concentration of 20 ppmv in fact represents good operating practice for boilers burning hazardous waste as the sole fuel or in combination with other fuels.

We also request comment on whether a THC concentration of 20 ppmv represents good operating practice for industrial furnaces. Preheater and precalciner cement kilns, for example, may not be able to readily achieve such a low THC concentration for the same reason that they typically cannot achieve CO levels below 100 ppmv. Normal raw materials such as limestone can contain trace levels of organic materials that oxidize incompletely as the raw material moves down the kiln from the feed end to the hot end where fuels are normally fired. Clearly, any THC (or CO) resulting from this phenomenon has nothing to do with combustion or hazardous waste fuel. Thus, an incinerator and a preheater or precalciner cement kiln with exactly the same quality of combustion conditions may have very different THC (and CO) levels. We request comment on: (1) The types of industrial furnaces for which a THC level of 20 ppmv is representative of good combustion conditions; (2) whether alternative THC limits may be more appropriate for certain industrial furnaces; and (3) whether an approach to identify a site-specific THC limit representative of good operating practices may be feasible (e.g., where THC levels when burning hazardous waste would be limited to baseline THC levels without burning hazardous waste). In support of comments, we request data on emissions of CO and THC under baseline and hazardous waste burning conditions, including characterization of the type and concentration of individual organic compounds emitted.

As mentioned previously, some data on CO and THC levels from industrial boilers burning fossil fuels (not hazardous waste) appear to indicate that THC levels can far exceed levels considered to be representative of good combustion conditions (20 ppmv) even though CO levels are less than 100 ppmv. See footnote 7. If it appears that this situation can, in fact, occur for particular devices burning particular fuels, we would consider requiring both CO and THC monitoring for all such facilities irrespective of whether CO levels were less than 100 ppmv during the trial burn. Thus, under this scenario, the two-tiered CO controls proposed today would be replaced with a requirement to continuously monitor CO and THC for those particular facilities. We specifically request information on the types of facilities where THC levels may exceed 20 ppmv even though CO levels are less than 100 ppmv, and the need to continuously monitor THC for those facilities irrespective of the CO level achieved during the trial burn.

C. Implementation of Tier I and Tier II PIC Controls

1. *Oxygen and Moisture Correction.* The CO limits specified for either format are on a dry gas basis and corrected to 7 percent oxygen. The oxygen correction normalizes the CO data to a common base, recognizing the variation among the different technologies as well as modes of operation using different quantities of excess air. In-system leakage, the size of the facility and the type of waste feed are other factors that cause oxygen concentration to vary widely in flue gases. Seven percent oxygen was selected as the reference oxygen level because it is in the middle of the range of normal oxygen levels for hazardous waste combustion devices and it also is the reference level for the existing particulate standard for hazardous waste incinerators under § 264.343(c). The correction for humidity normalizes the CO data from the different types of CO monitors (e.g., extractive vs. in situ). Our evaluation indicates that the above two corrections, when applied, could change the measured CO levels by a factor of two in some cases.

Measured CO levels should be corrected continuously for the amount of oxygen in the stack gas according to the formula:

$$CO_c = CO_m \times \frac{14}{21-Y}$$

where CO_c is this corrected concentration of CO in the stack gas, CO_m is the measured CO concentration according to guidelines specified in appendix C, and Y is the measured oxygen concentration on a dry basis in the stack. Oxygen should be measured at the same stack location that CO is measured.

2. *Formats of the CO Limit.* The CO limits under Tier I and Tier II would be implemented under two alternative formats. The applicant would select the preferred approach on a case-by-case basis. Under Format A, CO would be measured and recorded as an hourly rolling average. Under Format B, called the time-above-a-limit format, three parameters would be specified—a never-to-exceed CO limit, and a base CO limit not to be exceeded for more than a specified time in each hour.

In developing these alternative formats, EPA considered three alternate methods:

- A level never to be exceeded;
- A level to be exceeded for an accumulated specified time within a determined time frame; and
- An average level over a specified time that is never to be exceeded.

The first alternative is the simplest and requires immediate hazardous waste feed cutoff when the limit is exceeded, regardless of how long the CO levels remain high. Short-term CO excursions or peaks (a few minutes duration) are typical of combustion operations and can occur during routine operations; e.g., when a burner is adjusted. It is possible that during shutdown and start-up, the device may momentarily have high CO emissions. Since the total mass emissions under such momentary CO excursions is not high, a never-to-exceed limit would impede operations while providing little reduction in health risk.

The second alternative, allowing the CO level to exceed the limit for a specified accumulative time within a determined time frame (e.g., x minutes in an hour), solves the problem associated with the first alternative. The hazardous waste feed would not be cut off by a single CO peak of high intensity yet they would be restricted from operation with several short interval CO peaks, or a single long duration peak.

The third alternative, allowing the CO level never to exceed an average level determined over a specified time, also avoids the problem of shutting off the waste feed each time an instantaneous CO peak occurs. A time-weighted average value (i.e., integrated area under the CO peaks over a given time period) also provides a direct quantitative measure of mass emissions of CO. For this reason, the use of a rolling average is EPA's preferred format. A combination of the first and second alternatives, with provisions to limit mass CO emissions per unit time, its also proposed as an alternative format. This alternative CO format has been proposed to reduce the cost of instrumentation from that required to provide continuous rolling average CO values corrected for oxygen. This format may be particularly attractive to operators of small or intermittently

operated boilers. The CO monitoring system needed for the first alternative requires continuous measurement and adjustment of the oxygen correction factor and continuous computation of hourly rolling averages. The instrumentation costs of such a system, consisting of continuous CO and oxygen monitors with back-up systems, a data logger and microprocessor, could be up to $91,000 and would require increased sophistication and operating costs over simpler systems. The only instrumentation needed for the alternative time-above-the-limit format is a CO monitor and a timer that can indicate cumulative time of exceedances in every clock hour, at the end of which it is recalibrated (manually or electronically) to restart afresh. Oxygen also would not have to be measured continuously in this format; instead, an oxygen correction value can be determined from operating data collected during the trial burn. Subsequently, oxygen correction values would be determined annually or at more frequent intervals specified in the facility permit.[10] We have not limited the use of this alternative CO format to any size or to any type or class of device since we consider that this alternative format provides an equal degree of control of CO emissions to the rolling average format.

The alternative format would require dual CO levels to be established in the permit, the first as a never to exceed limit and the second a lower limit for cumulative exceedances of no more than a specified time in an hour. These limits and the time duration of exceedance would be established on a case-by-case basis by equating the mass emissions (peak areas) in both the formats so that the regulation is equally stringent in both cases. The PIC Background Document [11] for the incinerator rules provides the methodology and mathematical formulae showing how this can be done.

3. *Monitoring CO and Oxygen.* Compliance with the Tier I CO limit would require: (1) Continuous monitoring of CO during the trial burn and after the facility is permitted; (2) continuous monitoring of oxygen during the trial burn and, under the 60-minute rolling average format, after the facility is permitted; and (3) measurement of moisture during the trial burn and annually (or as specified in the permit) thereafter. Compliance with the Tier II CO limits would require all the Tier I measurements and measurement of THC during the trial burn. Methods for measurements of CO and oxygen, (and THC) must be in accordance with the 3rd edition of SW–846, as amended. The methods are summarized in Appendix C and are discussed in more detail in "Proposed Methods for Stack Emissions Measurements of CO, O_2, THC, HCl, and Metals at Hazardous Waste Incinerators", U.S. EPA, July, 1989 (Draft Final Report). If compliance with the CO standard is not demonstrated during the DRE trial burn, the CO test burn must be under conditions identical to the DRE trial burn.

4. *Monitoring THC.* Under Tier II, THC would be monitored during the trial burn to ensure that the highest hourly average level does not exceed 20 ppmv. An exceedance of the THC limit would be linked to automatic waste feed cutoff. We believe that continuous THC monitoring should also be required over the life of the permit. This is because at high CO levels (e.g., greater than 100 ppmv) THC levels may or may not be high (e.g., greater than 20 ppmv). The concern is that, although THC levels during the trial burn may be less than 20 ppmv when CO exceeds 100 ppmv, operations over the life of the permit within the envelope allowed by the permit conditions may result in THC levels exceeding 20 ppmv. This concern was expressed by EPA's Science Advisory Board during its critique of the proposed PIC controls in the spring of 1989. EPA specifically requests comments on whether continuous monitoring of THC should be required over the life of the permit under Tier II.

EPA had developed specifications for THC monitoring (see appendix D) that would have required heated gas sampling lines and a heated flame ionization detector (FID) to keep as much of the THC in the vapor phase as possible. EPA reasoned that heated sampling lines were needed because the FID can detect THC only in the vapor phase—condensed organic compounds are not measured. Preliminary results of field testing of a hazardous waste incinerator conducted in July 1988 indicate that detected THC levels were 3 to 27 times greater with a heated FID system compared to an unheated system when CO levels ranged from 100 ppmv to 2760 ppmv.[12] The total mass of volatile, semivolatile, and nonvolatile organic compounds was also quantified during those tests using the Level I screening procedure.[13] The results indicate that the THC levels detected by an unheated FID were much lower than the levels determined by the Level I screening procedure.

Based on cursory discussions in October of 1988 with several hazardous waste incinerator operators, we had believed that such heated systems were in use at some facilities. A follow-up written survey [14] indicated, however, that all of the six incinerator facilities surveyed that use a FID to monitor THC used a system that incorporated gas conditioning—condensate traps accompanying gas cooling systems. Thus, the Agency has not been able to document operating experiences with a heated (i.e., not conditioned) gas sampling system. Further, we understand that, based on EPA tests using a heated FID at an incinerator (see footnote 11) and comments made during the SAB review of the PIC controls, a heated FID system can pose a number of problems: (1) The sample extraction lines may plug due to heavy particulate loadings and condensed organic compounds; and (2) semi and nonvolatile compounds may adsorb on the inside of the extraction lines causing unknown effects on measurements.

Given these concerns about the technical feasibility of requiring the use of heated FIDs at this time, we are proposing that gas conditioning be allowed. Such conditioning could involve gas cooling to a level between 32 °F and the dew point of the gas and the use of condensate traps. To reduce operation and maintenance problems, the extraction lines and FID should probably still be heated.

Allowing gas conditioning in the interim until unconditioned systems can be shown to be practicable virtually precludes the use of the health-based alternative to assess THC emissions under the Tier II controls. This is because a large, undetermined fraction of THC emissions will be condensed to the trap and will not be reported by the FID. This is another reason that the

[10] We believe that annual determinations of the oxygen correction factor will be appropriate in most cases because the concern is whether duct in-leakage has substantially changed over time. The fact that excess oxygen levels also change with waste type and feed rate should be considered in establishing the correction factor initially.

[11] U.S. EPA, "Background Information Document for the Development of Regulations for PIC Emissions from Hazardous Waste Incinerators," December, 1988 (Draft Final Report).

[12] U.S. EPA, "Measurement of Particulates, Metals, and Organics at a Hazardous Waste Incinerator", November, 1988, (Draft Final Report).

[13] The Level I screening procedure is described in "IERL-RTP Procedure Manual: Level I—Environmental Assessment," 2nd Edition, October 1978 (EPA 600/7–78–201). That procedure uses gravimetric and total chromatographical organic procedures to quantify the mass of semi and nonvolatile organic compounds.

[14] U.S. EPA, "THC Monitor Survey", June, 1989 (Draft Final Report).

Agency prefers the technology-based, 20 ppmv limit on THC as the Tier II standard.

Although a FID system monitoring a conditioned gas will detect only the volatile fraction of organic compounds (and, in some cases, only the nonwater-soluble volatile fraction), the Agency believes this is adequate for the purpose of determining whether the facility is operating under good operating conditions.[15] Available data indicate that when emissions of semi and nonvolatile organic compounds increase, volatile compounds also increase.[16] Thus, volatile compounds appear to be a good indicator for the semi and nonvolatile compounds that are often of greater concern because of their health effects. Given, however, that the good operating practice-based THC limit of 20 ppmv was based primarily on test burn data using heated (i.e., unconditioned gas) FID systems, the Agency considered whether to lower the recommended THC limit when an unheated system is used for compliance monitoring. As discussed above, limited available field test data indicated that a heated system would detect two to four times the mass of organic compounds than a conditioned system. We believe, however, that the 20 ppmv THC limit is still appropriate when a conditioned system is used because: (1) The data correlating heated vs conditioned systems are very limited; (2) the data on THC emissions are limited (and there apparently is confusion in some cases as to whether the data were taken with a heated or conditioned system); and (3) the risk methodology is not sophisticated enough to demonstrate that a THC limit of 5 to 10 ppmv using a conditioned system rather than a limit of 20 ppmv is needed to adequately protect public health.

The THC monitoring method proposed in Appendix D will be modified to allow an unheated, conditioned system and use of condensate trap(s) and other conditioning methods. The revised method will specify, however, that the sample gas may not be cooled below 32 °F.

5. *Compliance with Tier I CO Limit.* There are a number of alternative approaches to evaluate CO readings during the trial burn to determine compliance with the 100 ppmv limit including: (1) The time-weighted average CO level (or the average of the hourly rolling averages); (2) the average of the highests hourly rolling averages for all trial burn runs; of (3) the highest hourly rolling averge. The time-weighted average alternative provides the lowest CO level that could reasonably be used to determine compliance, and the highest hourly rolling average alternative provides the highest CO level that could reasonably be used. There may be other reasonable alternatives between these two extremes in addition to the one listed above.

We are proposing to use the most conservative approach to interpret trial burn CO emissions for compliance with the 100 ppmv Tier I limit—the highest hourly rolling average. (This approach is conservative because we are comparing the trial burn CO level to the maximum CO allowed under Tier I—100 ppmv.) We believe this conservative approach is reasonable given that compliance with Tier I allows the applicant to avoid the Tier II requirement to evaluate THC emissions to provide the additional assurance (or confirmation) that THC emissions do not exceed levels representative of good operating practice.

6. *Establishing Permit Limits for CO under Tier II.* The alternatives discussed above for interpreting CO trial burn data also apply to specifying the permit limit for CO under Tier II. For purposes of specifying a Tier II CO limit, however, the time-weighted average approach would be more conservative than the highest hourly average approach because it would result in a lower CO limit. We are proposing the conservative, time-weighted average approach for Tier II compliance because we are concerned that the highest hourly average approach may not be adequately protective. Although the highest hourly average (HHA) approach would be protective in theory because the applicant must demonstrate that the highest hourly average THC emissions do not exceed good operating practice-based levels, the HHA approach would allow the facility to operate continuously over the life of the permit at the highest CO levels that occurred during one hour of the trial burn.

We specifically request comments on how to interpret trial burn CO data to establish Tier II CO limits.

7. *Compliance with THC Limit of 20 ppmv.* The alternative approaches for determining compliance with the 20 ppmv THC limit under Tier II are identical to those discussed above for compliance with the Tier I CO limit. Again, we are proposing the most conservative approach—the highest hourly rolling average THC level during the (at a minimum) three test burns must not exceed 20 ppmv.

8. *Waste Feed Cutoffs.* In 1987, EPA proposed that if a device exceeded the CO limits an aggregate of 10 times per month, then the owner or operator must cease burning hazardous waste, notify the Regional Administrator, and not resume burning hazardous waste until reauthorized by the Regional Administration. Commenters complained that this proposed requirements was overly conservative. In response, EPA is considering deleting this restriction. We do not have data that indicate, nor are we aware of a good argument that would support, the need to limit cutoffs provided that combustion chamber temperatures are maintained at the levels that occurred during the trial burn for the duration of time that waste remains in the combustion chamber. We believe that maintaining temperatures will ensure that hydrocarbons emanating from the waste remaining in the combustion chamber after a cutoff are destroyed to levels that would pose acceptable health risk. To comply with this requirement, the permit must specify the minimum combustion chamber temperature occurring during the trial burn for devices that may leave a waste residue in the combustion chamber after waste feed cutoff (e.g., devices burning wastes that are solids). We note that, to comply with this requirement, owners and operators of boilers that comply with the proposed special operating conditions requisite to automatic waiver of the trial burn may be required to document minimum combustion chamber temperatures while complying with those special operating conditions. Moreover, we specifically request comment on the need to specify in the permit for all boilers and industrial furnaces, the minimum allowable combustion chamber temperatures based on the trial burn.

We note that adequate auxiliary burner capacity may be needed to maintain the temperature in the combustion chamber and allow destruction of the waste materials and associated combustion gases left in the

[15] We request comment on whether it would be practicable to develop a site-specific correction factor for monitoring with a conditioned gas system by monitoring with an unconditioned system as well during the trial burn. The ratio of the unconditioned system THC level to the conditioned system THC level could then be used to correct the conditioned system THC values over the life of the permit. This approach may not be practicable, however, for reasons including the fact that the waste burned during the trial burn for some facilities (e.g., facilities handling multiple wastes) may not represent, with respect to THC emissions, the waste that will be burned over the life of the permit.

[16] U.S. EPA, "Measurement of Particulates, Metals, and Organics at a Hazardous Waste Incinerator," November, 1988 (Draft Final Report).

system after the waste feed is automatically cutoff. The safe start-up of the burners using auxiliary fuel requires approved burner safety management systems for prepurge, pilot lights, and induced draft fan starts. If these safety requirements preclude immediate start-up of auxiliary fuel burners and such start-up is needed to maintain temperatures (i.e., if the combustion chamber temperatures drop precipitously after waste feed cutoff), the auxiliary fuel may have to be burned continuously on "low fire" during nonupset conditions. After an automatic cutoff, hazardous waste should not be used as auxiliary fuel unless the waste is hazardous solely because it is ignitable, corrosive, or reactive, or it contains insignificant levels of toxic constituents.

We request comment on several alternative approaches to allow restart of the waste feed: (1) Restart after the hourly rolling average no longer exceeds the permit limit; (2) restart after an arbitrary 10 minute time period to enable the operator to stabilize combustion conditions; or (3) restart after the *instantaneous* CO level meets the hourly rolling average limit. This third alternative (i.e., basing restarts on the instantaneous CO levels) may be appropriate because it may take quite a while for the hourly rolling average to come within the permit limit while the event that caused the exceedance may well be over even before the CO monitor reports the exceedance. Under this alternative, the rolling average could be "re-set" when the hazardous waste feed is restarted either by: (1) basing the hourly rolling average on the CO level for the first minute after the restart (the same approach that would be used any time the waste feed is restarted for reasons other than a CO exceedance); or (2) assuming more conservatively given that CO levels may exceed the permit limit after the waste feed cutoff while residues continue to burn, that the hourly rolling average is equivalent to the permit limit (e.g., 100 ppmv) prior to the waste feed restart. A final refinement to this third alternative of allowing restarts after instantaneous CO levels fall below the permit limit would be not to reset the rolling average CO level and to require that the instantaneous CO level not exceed the (rolling average) permit limit (e.g., 100 ppmv) for the period after the restart and until the rolling average falls below the permit limit. Again, we specifically request comment on these alternative approaches to allow waste feed restarts.

When the automatic waste feed cutoff is triggered by a THC exceedance, we propose to allow a restart only after the hourly rolling average THC level has been reduced to 20 ppmv or less. We are not considering the options discussed above for restarts after a CO exceedance given that THC is a better surrogate for toxic organic emissions than CO. Thus, we believe that a more conservative waste feed restart policy is appropriate after a THC exceedance.

D. Miscellaneous Issues

1. *PIC Controls for Nonflame Industrial Furnaces.* We note that the PIC controls discussed above may not adequately control THC emissions from nonflame furnaces such as some electric arc smelters (in situations where, in fact, controls for emissions of organic compounds would apply (see discussion in section IX)). In nonflame devices where combustion is neither the primary mode of destruction of organic compounds in the waste, nor is used in an afterburner to burn hydrocarbon-laden off-gases from the thermal cracking of the waste, CO may not be an adequate surrogate to control THC emissions. That is, in nonflame devices, when CO emissions are low, THC emissions may be *high*. Thus, the Tier I CO limit of 100 ppmv may not be adequate to ensure that THC concentrations are low. Accordingly, we request comment on requiring continuous THC monitoring for nonflame devices to ensure that THC concentrations do not exceed the good operating practice-based level of 20 ppmv.

2. *Measuring CO and THC in Preheater and Precalciner Cement Kilns.* EPA has received comments that preheater and precalciner cement kilns typically have bypass ducts that by-pass the preheater or precalciner and carry kiln off-gases directly to the stack. Measuring CO and THC in the bypass duct rather than in the stack would provide data unaffected by CO and THC produced in the preheater or precalciner by coal combustion (in the precalciner) or by volatilizing trace levels of organic compounds present in the raw material. Testing of bypass gases in lieu of stack gases would be acceptable for compliance with the CO and THC controls provided that the CO and THC levels in the bypass gases are representative of the kiln off-gases (i.e., provided that CO and THC in the kiln off-gases are not stratified before entering the bypass).

3. *Feeding Waste in Cement Kilns by Methods Other Than Dispersion in the Flame at the Hot End.* The Agency is aware that several cement companies are investigating the feasibility of feeding solid hazardous waste into cement kilns and some facilities are already engaging in the practice. The solid materials are fed into the kiln system at locations other than the "hot" end of the kiln where liquid hazardous waste fuels and fossil fuels are normally fired. These practices may be an effective approach to both beneficially use the heating value in solid hazardous wastes and provide needed treatment capacity for such wastes. The Agency has not, however, conducted emission testing of cement kiln systems when burning solid hazardous wastes. Depending on the kiln system, location of the firing port, and type and quantity of hazardous waste fired, there is a potential concern for incomplete combustion of organic compounds in the waste. Conceivably, the waste may be fired into the systems at a point where adequate temperatures and residence time may not be provided to ensure adequate destruction. In addition, if a kiln system is equipped with a by-pass duct, combustion gases from burning the hazardous waste may be "short-circuited" and routed to the stack before adequate destruction can occur.

The proposed controls will effectively control emissions irrespective of how solid hazardous waste may be fired into kiln systems because the standards would apply to stack emissions. The question is, given that the Agency has not yet tested such operations, whether special requirements should be applied during interim status. We specifically request comment on the need for special controls during interim status when cement kiln systems feed hazardous waste at locations other than the hot end. Commenters should provide information on such practice, including data on organic emissions (e.g., DRE results, CO and THC concentration), and suggestions on appropriate interim status controls, if any are considered necessary (i.e., in addition to the interim status standards that would be applicable to all boilers and industrial furnaces, as discussed elsewhere in today's notice).

E. Implementation of PIC Controls During Interim Status

1. *Preferred Option.* We believe that the PIC controls can and should be applied as soon as possible for facilities in interim status. Thus, we are requesting comment on whether the following compliance schedule is reasonable. Within 12 months of promulgation of the final rule, boilers and industrial furnaces operating under interim status must install CO monitoring equipment meeting the performance specifications presented in

today's notice and determine compliance with the Tier I standard of 100 ppmv during a test burn representative of worst-case combustion conditions that will occur during interim status.[17] (Irrespective of which CO format is selected (i.e., hourly rolling average or time-above-a-limit) the maximum hourly average CO level during the test burn cannot exceed 100 ppmv under Tier I.) If CO levels do not exceed 100 ppmv, CO levels are limited during interim status to 100 ppmv.

If the maximum hourly average CO level exceeds 100 ppmv during the test burn, the owner or operator must, within 15 months of promulgation of the final rule, demonstrate that the maximum hourly average THC concentration does not exceed 20 ppmv during a test burn equivalent to the Tier I test burn, using THC monitoring equipment meeting the performance specifications presented in today's notice. If the THC concentration does not exceed 20 ppmv during the test burn, then, during the period of interim status, continuous monitoring of THC would be required to ensure that THC does not exceed 20 ppmv, and continuous monitoring of CO would be required to ensure that CO does not exceed the time-weighted average CO level that occurred during the test burn.

If the maximum hourly average THC level exceeds 20 ppmv during the test burn, the owner or operator must, within 18 months of promulgation of the final rule, modify operations as necessary and demonstrate in a subsequent test burn that THC concentrations do not exceed 20 ppmv, or cease burning hazardous waste and complete closure requirements.

We are considering an exception to the 20 ppmv THC limit, however, for cement kilns that can demonstrate that fuel-derived THC levels do not exceed the 20 ppmv limit even though stack gas concentrations may exceed the limit. The concern is that trace levels of organic compounds in the raw materials (e.g., limestone) can produce THC as the materials are gradually heated as they travel from the cold (i.e., feed) end of the kiln to the hot (i.e., fuel firing) end of the kiln. We specifically request comment on whether only fuel-derived THC should be considered for purposes of compliance with the proposed THC limits. If so, we further request comment on whether the following approach is reasonable to identify fuel-derived THC. For cement kiln systems that burn or feed fuels only in the hot end of the kiln where the clinker product exits, the fuel-derived THC concentration could be determined by increasing excess oxygen levels much beyond normal levels (e.g., to 10%) and noting the minimum hourly average THC concentration that occurs. This is based on an assumption that, at high excess oxygen levels, fuel combustion efficiency will be maximized and fuel-derived THC will be virtually zero. Thus, residual THC would be attributable to organic matter in the raw materials. Accordingly, the allowable THC concentration would be 20 ppmv greater than the baseline nonfuel THC (i.e., the lowest hourly average concentration during the high excess oxygen tests). It is important to note that we are suggesting two limitations to this test: (1) only fossil fuel would be burned during the demonstration of nonfuel THC; and (2) the approach would be applicable to only those kiln systems that burn or feed fuels during the subject test in the hot end of the kiln (i.e., precalciner kilns and kilns feeding coal along with raw material in a preheater during the high excess oxygen test would not be eligible because incomplete combustion of the fuel could occur even at high excess oxygen levels).

Extensions of time may be allowable by the Regional Administrator on a case-by-case basis if circumstances beyond the owner or operator's control affect the facility's ability to comply with the above schedule.

2. *Alternate Option.* EPA is considering the following alternative approach to expedite implementation of the substantive PIC controls. Under this option, the owner or operator would be required within 18 months of promulgation of the final rule either to submit a complete Part B RCRA Permit Application, or to cease burning hazardous waste and complete closure requirements. This option has at least two major disadvantages. First, substantive controls on PIC emissions would not be applied until the Part B permit is issued. Second, the State or EPA permit officials may have higher priority facilities to handle and, thus, may not be able to process the applications for some time after they are submitted. The information provided in the permit may, in fact, become outdated before the permit officials start to process the application. In those situations, applicants may be required to submit revised, updated permit applications.

III. Alternative Toxic Metal Standards

A. Overview

The 1987 proposed rule would have established a four-tiered standard to control emissions of arsenic, cadmium, hexavalent chromium, and lead. Tiers I through III would have established hazardous waste concentration, feed rate, and emission rate screening limits as a function of device type and thermal capacity. Tier IV would have provided for site-specific dispersion modeling to demonstrate that, when the screening limits were exceeded, emissions would, nevertheless, not pose unacceptable health risk. Although available data indicate that only the four metals specified of the 12 toxic metals listed in appendix VIII of part 261 are likely to be present in hazardous wastes burned in boilers and industrial furnaces at levels that pose unacceptable health risk, the permit writer would have to determine on a case-by-case basis that the other toxic metals were, in fact, not present at levels that could pose unacceptable risk.

Based on comments on the proposed rule and additional evaluation of the risk assessment approach, we are considering the following changes to the metals controls: (1) Expand the list of controlled metals to include all those toxic metals listed in appendix VIII of part 261 (except, for reasons discussed later, nickel and selenium); (2) establish the screening limits as a function of effective stack height, terrain, and land use rather than as a function of device type and capacity; and (3) provide the screening limit values in the Risk Assessment Guideline for Permitting Hazardous Waste Thermal Treatment Devices (RAG) rather than in the rule itself. The basis for these changes is discussed below.

B. Expanded List of Metals

Commenters noted that EPA's data base on the metals composition of hazardous waste is both limited and out of date in light of the Agency's efforts—and the statutory command—to require pretreatment of wastes that heretofore have been directly land disposed. Pretreatment is likely often to involve combustion. Thus, the other toxic metals could be found increasingly in hazardous wastes that are burned in boilers and industrial furnaces. In addition, if more toxic metal standards were included in the rule, the burden on permit writers would actually be reduced because explicit standards would be provided for all metals of

[17] A single test burn consisting of 3 runs should be conducted to demonstrate compliance with all emissions standards—CO/THC, particulates, metals, and HCl. If simultaneous compliance testing is not practicable, however, the operating conditions of the test burns must be identical. We propose the CO and, if necessary THC, be monitored continuously for a minimum of 4 hours for each of three runs to provide a valid test burn. This time period is typical of that required for testing of destruction and removal efficiency.

potential concern. The length of permit proceedings would thus be shortened relieving to some extent regulatory burden as well.

We, therefore, are considering expanding the list of controlled metals to include: antimony, arsenic, barium, beryllium, cadmium, chromium (VI), lead, mercury, silver, and thallium. Thus, of the 12 metals listed in Appendix VIII, only selenium and nickel would not be controlled. We are not considering controls for selenium because the Agency has inadequate health data to establish a reference air concentration. Nickel would not be controlled because the two nickel compounds suspected at this time of being potential human carcinogens, nickel carbonyl and subsulfide, are not likely to be emitted from combustion devices, given the highly oxidizing conditions that exist in combustion devices. We note, however, that some industrial furnaces (e.g., electric arc smelters) do not use combustion to provide heat to drive process reactions. Such furnaces could conceivably emit the reduced, carcinogenic forms of nickel if present in the hazardous waste feed. We specifically request information on emissions of nickel carbonyl and subsulfide from such furnaces and suitable stack sampling and analysis procedures.

C. Revised Format for Screening Limits

In developing the proposed amendments to the incineration standards that the Agency plans to propose shortly, we developed Screening Limits for metals (and HCl and THC) as a function of effective stack height, terrain, and land use. As discussed above, we believe that basing limits on these parameters more directly ties the controls to the key parameters that affect dispersion of emissions and, ultimately, ambient levels. When developing the proposed Tier I through Tier III screening limits for boilers and industrial furnaces in 1987, we made a simplifying assumption that effective stack height correlated with thermal capacity (e.g., if the thermal capacity of one device was 10 percent greater than the thermal capacity of another, then the effective stack height was also 10 percent greater). This is not always true. Stack height is often more a function of the height of nearby buildings and surrounding terrain than the heat input capacity of the device. Thus, we are considering establishing for boilers and industrial furnaces the identical feed rate and emission rate Screening Limits we plan to propose for incinerators. The Screening Limits are presented in Appendix E, and the technical support for the Limits is summarized in appendix F. We would also implement the metals controls for boilers and furnaces as we plan to propose in the incinerator amendments (i.e., risk from carcinogenic metals must be summed; risk from all on-site hazardous waste combustion facilities must be considered). See appendix G.

We note that, under this approach, screening limits provided by Tier I of the proposed rule would be deleted. Tier I established metals concentrations limits for hazardous waste in units of pounds of metal per million BTU of heat input to the device. Under that tier, the device was conservatively assumed to burn 100 percent hazardous waste (i.e., metals levels in hazardous waste burned in these devices are most always higher than in cofired fossil fuels). Under such a conservative assumption, we believe that few facilities burn hazardous waste with metals levels low enough to meet the Tier I limits. Note also that the feed rate Screening Limits provided by Appendices B–1 through B–4 of the proposed incinerator amendments would replace the Tier II limits originally proposed for boilers and industrial furnaces. The risk assessment methodology remains basically the same as proposed in 1987. EPA will, however, continue to accept comments on this methodology.

D. Screening Limits Provided by the Risk Assessment Guideline

We are considering providing the Screening Limits in the Risk Assessment Guidelines for Permitting Hazardous Waste Thermal Treatment Devices (RAG) rather than in the rule (i.e., the Code of Federal Regulations). This is consistent with the approach the Agency plans to propose for the incinerator amendments and would enable the Agency to update the limits as health effects data are revised and EPA's dispersion models evolve. Revisions to the RAG would be noticed in the **Federal Register** with the current edition noted.

However, EPA solicits comment on this and an alternative approach whereby the Agency would promulgate Screening Limits in the rule, as originally proposed for boilers and industrial furnaces. Providing the Screening Limits in the RAG has limitations. Our concern is that guidance documents do not carry the weight of a regulation—permit writers would be free to accept or reject the guidance (e.g., Screening Limits RACs, RSDs) and would be obligated to justify use and appropriateness of the guidance on a case-by-case basis. This could place a substantial burden on the permit writer and result in inconsistent, and, perhaps, inappropriate permit conditions. If the Screening Limits are promulgated in the rule, EPA would then revise them by rulemaking if warranted by new information. In the interim, permit writers could apply stricter limits than contained in the rule (if the facts justify it) pursuant to the omnibus permit authority in section 3005(c)(3) (with notice and comment provided on the potential change during the permit proceeding).

E. Implementation of Metals Controls During Interim Status

1. *Preferred Option.* We are considering a significant modification to the proposed compliance schedule. Under this alternative, interim status sources would determine compliance with metal (and HC1) Screening Limits within 12 months of promulgation of the final rule. If a source cannot comply with the Screening Limits within the initial 12 months, then the owner or operator must: (1) Within 15 months of promulgation, demonstrate compliance with the reference air concentrations for noncarcinogenic metals and the 10^{-5} risk level for carcinogenic metals using dispersion modeling; or (2) within 24 months of promulgation, either modify the facility and demonstrate compliance or complete closure requirements with respect to hazardous waste burning. The Regional Administrator could extend the compliance period if the owner or operator can show inability to make required modifications because of situations beyond its control (e.g., unavailability of equipment).

2. *Alternative Options.* In addition, EPA is considering the following alternative interim status requirements, similar to those for particulates, to bring sources into compliance with the metals (and HCL) standards. The first would require facilities that cannot demonstrate compliance within 12 months of promulgation to submit a compliance plan within 15 months of promulgation which assures expedient compliance (i.e., within 12 months of EPA approval). The last alternative would require the source to submit a complete Part B RCRA Permit Application, draft trial burn plan, and site-specific risk assessment as applicable, within 18 months of promulgation; or implement closure requirements within 18 months of promulgation. EPA is requesting comments on all three alternatives for implementing metals and HCl standards.

IV. Alternative Hydrogen Chloride Standards

EPA is also considering an alternative approach to the proposed hydrogen chloride (HCl) standards. As discussed above for the metals standards, we are considering: (1) Establishing the screening limits as a function of effective stack height, terrain, and land use rather than device type and capacity; and (2) providing the screening limit values in the RAG rather than in the rule itself. (The HCl controls would also be implemented during interim status like the metals controls.) The bases for these changes are identical to those discussed above for metals.

V. Revisions to the Proposed Small Quantity Burner Exemption

A. Summary

EPA proposed to exempt facilities that burn de minimis quantities of their own hazardous waste because, absent regulatory control, the health risk posed by such burning would not be significant. Eligibility for the exemption would be based on the quantity of waste burned per month, established as a function of device type and thermal capacity. In order to be exempt, in addition to restrictions on quantity of waste burned, facilities would be required to notify the Regional Administrator that they are a small quantity burner, the maximum instantaneous waste firing rate would be limited to one percent of total fuel burned, and dioxin-containing acutely toxic wastes could not be burned. See proposed § 266.34–1(b).

We are considering several revisions to this proposed provision. Rather than establishing exemption quantities as a function of device type and capacity, we are considering using effective stack height. Also, several improvements could be made in the risk assessment methodology and the procedures for handling multiple devices could be made less arbitrary to reduce over-regulation. The basis for these changes is discussed below.

B. Revised Format for Exempt Quantities

Under this alternative approach, exempt quantities would be established as a function of effective stack height rather than device type and thermal capacity (see Table 1). We believe this approach is preferable for the reasons discussed above. We note that we are not suggesting to include the two variables used for the metals and HCl limits, terrain type and land use classification, in establishing revised exempt quantities. Rather, the revised quantities are based on assumptions of terrain and land use that result in the lowest (i.e., most conservative) exempt quantities. We believe that this conservative approach is appropriate given that there would be no EPA or State agency oversight of an operator's determination of his terrain and land use classification.

TABLE 1.—EXEMPT QUANTITIES FOR SMALL QUANTITY BURNER EXEMPTION

Terrain-adjusted effective stack height of device (meters)	Allowable hazardous waste burning rates (gallons/month)
0 to 3.9	0
4.0 to 5.9	13
6.0 to 7.9	18
8.0 to 9.9	27
10.0 to 11.9	40
12.0 to 13.9	48
14.0 to 15.9	59
16.0 to 17.9	69
18.0 to 19.9	76
20.0 to 21.9	84
22.0 to 23.9	93
24.0 to 25.9	100
26.0 to 27.9	110
28.0 to 29.9	130
30.0 to 34.9	140
35.0 to 39.9	170
40.0 to 44.9	210
45.0 to 49.9	260
50.0 to 54.9	330
55.0 to 59.9	400
60.0 to 64.9	490
65.0 to 69.9	610
70.0 to 74.9	680
75.0 to 79.9	760
80.0 to 84.9	850
85.0 to 89.9	960
90.0 to 94.9	1,100
95.0 to 99.9	1,200
100.0 to 104.9	1,300
105.0 to 109.9	1,500
110.0 to 114.9	1,700
Greater than 115.0	1,900

C. Improvements in the Risk Assessment Methodology

The changes in the risk assessment methodology used to develop the revised exempt quantities presented in Table 1 include: (1) Consideration of the risk from emissions of total hydrocarbons (THC) rather than only those products of incomplete combustion (PICs) quantified during EPA's field testing program; and (2) a carcinogenic potency of $Q_1^* = 0.07$ (that translates to a unit risk of 2.0×10^{-5}) was assumed for the THC rather than a Q_1^* of 1.0 for PICs. The revised Q_1^* is based on the average weighted unit risk developed to control THC emissions (see discussion above under alternative CO standards) which was doubled to account for the fact that THC emissions will likely be more toxic at the conservatively assumed 99 percent DRE than at the 99.99 percent DRE measured during the tests.

We are considering this change because we are concerned about a nonconservative feature of the PIC/POHC ratio used to estimate the risk from PIC emissions in establishing the proposed exempt quantities. The PIC/POHC ratio considers only those PICs for which emissions have been quantified. As discussed elsewhere in this Notice, organic compounds, other than those specifically quantified to date, are emitted from these combustion devices, and some of those compounds are undoubtedly toxic. Thus, we believe it is prudent (conservative) to consider THC rather than just quantified PICs in this analysis.

A detailed description of the methodology used to calculate the revised exempt quantities is available in the docket for public review and comment.[18]

[18] U.S. EPA, "Analysis for Calculating a *de Minimis* Exemption for Burning Small Quantities of Waste in Combustion Devices", August 1989.

The revised approach uses the following equation to calculate exempt quantities:

$$\text{Allowable THC Mass Emission Rate} = \text{THC Emis. Conc.} \left(\text{Waste quantity} \times \frac{\text{Volume of combustion gas}}{\text{Mass of waste}} \right)$$

where:

Allowable THC Mass Emission Rate means the back-calculated, risk-based THC emission rate in grams/second, assuming an acceptable MEI risk of 10^{-5} and a THC unit risk of 2.0×10^{-5} ($Q^* = 0.07$), and using the conservative dispersion coefficients discussed above.

THC Emission Concentration means the THC emissions concentration in grams/liter (g/l) for an assumed destruction and removal efficiency of 99 percent. The value used is 15,000 ppm converted to g/l based on field data that show THC concentrations range from 0 to 142 ppm when devices achieve 99.99 percent DRE and an assumption that the levels would be 100 times higher at 99 percent DRE.

Waste Quantity means maximum allowable waste quantity in pounds/second.

Volume of Combustion Gas/Mass of Waste means the empirically-derived relationship between combustion gas volumes and quantity of waste burned. That value is 200 dscf/lb of wastes.

The above equation was solved for waste quantity per unit of time for a range of Allowable THC Mass Emission Rates corresponding to the range of effective stack heights. Those values were then converted to gallons/month assuming the waste has a density of 8 lb/gallon.

D. Multiple Devices

Under this revised approach, the exempt quantities for a facility with multiple stacks from boilers or industrial furnaces burning hazardous waste would be limited according to the following equation:

$$\sum_{i=1}^{n} \frac{\text{Actual Quantity Burned}_i}{\text{Allowable Quantity Burned}_i} \leq 1$$

where:

N means the number of stacks

Actual Quantity Burned$_i$ means the waste quantity per month burned in device with "i"

Allowable Quantity Burned$_i$ means the maximum allowable exempt quantity for stack "i" from Table 1.

For example if a site had two devices with effective stack heights (ESH) of 30 and 10 meters, the following equation would hold:

$$\frac{X}{130} + \frac{Y}{33} < 1$$

Where:

130 and 33 are the exempt quantities from Table 1 for stack heights of 30 and 10 meters, respectively

X is the waste quantity burned in the device with the 30 meter stack

Y is the waste quantity burned in the device with the 10 meter stack

In this example, if Y is burning 15 gallons/month, then X could burn no more than 84 gallons/month.

VI. Definition of Indigenous Waste That Is Reclaimed

In the May 6, 1987, notice, the Agency solicited comment on the issue of when a hazardous waste that was burned exclusively for material recovery might be considered to be "indigenous" to the industrial furnace in which it was being burned. See 52 FR 16990–991. The significance of being indigenous is that the material would cease being a solid and hazardous waste upon being inserted into the industrial furnace. At that point, it would be an in-process material and no longer discarded. The industrial furnace thus would not be subject to the proposed emission standards. In addition, any residues from burning would not be subject to the derived-from rule in § 261.3(c)(2) because such residues would not derive from management of a hazardous waste.

The Agency proposed that a waste be considered indigenous if it was generated and burned in the same type of industrial furnace. In addition, scrap metal would be considered indigenous to any secondary smelting furnace, and lead acid battery plates and grids would have been considered to be indigenous to secondary lead smelting furnaces.

Commenters almost unanimously favored some type of indigenous test, but disagreed on its precise scope, offering a variety of suggestions. After analyzing these comments, the Agency solicits comment on a different option which incorporates features from the Agency's initial proposal, as well as proposals received from previous public comments.

As summarized below, the test for when a waste is indigenous to an industrial furnace would vary according to the source of the waste, and, in some cases, whether the industrial furnace is a primary or secondary furnace (whether it processes chiefly ores or secondary materials such as scrap metal).

A. Industrial (Smelting) Furnaces in the Standard Industrial Code (SIC) 33 Burning Wastes From SIC 33 Processes

Standard Industrial Code 33 encompasses all Primary Metal Industries including iron and steel manufacturing and processing, and iron and steel foundries; and primary and secondary nonferrous metal manufacturing and processing according to the 1972 Edition of the SIC. Commenters suggested and the Agency tentatively agrees, that these processes are sufficiently interrelated that secondary materials going from one process to another within this SIC code (33) should be generally considered indigenous.

However, situations may arise where wastes from SIC 33 processes are burned in SIC 33 furnaces for the objective of waste treatment by destroying unrecyclable toxic constituents (that would be "discarded materials" within the meaning of RCRA 1004(27)). Therefore, to be considered indigenous, the only unrecyclable toxic constituents (i.e., compounds listed in Appendix VIII 40 CFR part 261) the waste could contain are those that are found in the virgin material customarily processed (provided that the concentration in the waste is not significantly higher than concentrations in the raw material), and those that are present only in insignificant amounts if not normally found in the virgin material customarily processed in industrial furnaces. In the Agency's opinion, an insignificant amount of unrecyclable constituents would be 500 ppm of total nonindigenous toxic organics or 500 ppm of total nonindigenous toxic metals (or inorganic toxics) above the levels of those toxic constituents found in the virgin material customarily processed. In the EPA's judgment, this concentration level represents a concentration of material far exceeding minimal trace levels (generally measured in single digit parts per million (ppm) or tens of ppm). This level of a hazardous constituent could create an incremental health risk if burned inefficiently, or with inadequate

emission controls, and, moreover, indicates that the objective of burning is waste treatment as opposed to reclamation.

The following example illustrates this test as to whether a waste is indigenous:

• A steel production facility sends its electric arc furnace emission control dust (Hazardous Waste K061) to a zinc smelting furnace for zinc recovery. This waste contain 500 ppm and 2,100 ppm of cadmium and lead respectively. Assume for purposes of this example, lead and cadmium are also found in zinc ore concentrates at levels of 200 ppm and 2,000 ppm respectively. Lead and cadmium are not recycled—they do not partition primarily to a product.

As a result, K061 would be considered to be indigenous because steel production and zinc smelting are both SIC 33 activities, and these dusts are high in zinc content, indicating that legitimate material recovery is occurring. This is true even though the waste contains unrecyclable toxic constituents in significant concentrations.[19] However, these constituents are also present in significant concentrations in virgin ore concentrates customarily processed by zinc smelting facilities. The waste contains a total of 400 ppm (300 ppm lead and 100 ppm cadmium) of toxic metals above the virgin material, and, thus, does not exceed the 500 ppm limit.

B. SIC Code 33 Industrial Furnaces Burning Wastes Generated by Process Other Than SIC 33

When an SIC Code 33 industrial furnace burns a material generated by a process other than SIC 33, there is no longer such similarity of process and material that transfer of wastes should be considered *prima facie* indigenous. There is also a greater likelihood that the purpose of burning really is waste treatment. This is because the materials being burned are more likely to contain high concentrations of unrecyclable, nonindigenous toxic constituents (i.e., toxic constituents not found in the virgin material customarily burned in the industrial furnace) because of the dissimilarity of the generating and recovery processes. Consequently, the Agency is tentatively of the view that a material generated by a non-SIC code 33 process burned in an SIC 33 code furnace would only be indigenous to that furnace if it contained unrecovered toxic constituents present in the waste in insignificant concentrations, i.e., less than 500 ppm for total Appendix VIII toxic organic compounds and 500 ppm for total unreclaimed Appendix VIII toxic metals.

The following example illustrates operation of this principle. An electroplating facility sends its wastewater treatment sludge (Hazardous waste F006) to a primary copper smelter for recovery of copper. The electroplating sludge also contains thousands of parts per million each of cyanide, cadmium and lead which are not beneficially recovered in the smelting process. The electroplating sludge would not be considered indigenous to the primary copper smelter. The sludge is not from a SIC 33 process and contains substantial concentrations of unrecovered toxic constituents which are discarded by the process. The environmental concern is that, due to the presence of these nonindigenous toxics, the waste poses risks—in the transport, storage and burning phase as well as residuals—that are different than those posed by the raw materials customarily burned in the devices.

C. Secondary Smelting Furnaces

As the Agency noted at proposal, a somewhat broader notion of indigenous material is needed for secondary smelting furnaces because these furnaces normally accept secondary materials (principally scrap metal) as their principal feed material. Thus, the Agency would consider any scrap metal indigenous to a secondary smelter. Further, the Agency would consider any material with recoverable metal values indigenous to a secondary smelter providing that the materials do not contain high concentrations of nonrecovered organics or significant concentrations of metals or inorganics not found in the non-hazardous secondary materials utilized as feed by secondary smelting furnaces. To be considered indigenous, these materials need not be generated by an SIC 33 process. This type of comparison, rather than a comparison just with virgin ore concentrate utilized by primary smelters, could be appropriate given that secondary smelting furnaces are different types of furnaces than primary furnaces, and given further that secondary smelters have traditionally processed a wider range of materials than primary smelters.

In addition, for secondary lead furnaces, the Agency would view items listed in Table 2 as indigenous. These are normal feed materials to secondary lead furnaces. Also, any lead-bearing waste from manufacture of batteries would be considered indigenous to a secondary lead smelter. These materials are likewise routinely sent to lead smelters for lead recovery and are within any normal contemplation of the term indigenous. EPA is specifically requesting comment as to whether this list is complete.

TABLE 2—MATERIALS INDIGENOUS TO SECONDARY LEAD FURNACES WHEN GENERATED BY PRIMARY AND SECONDARY LEAD FURNACE OR LEAD BATTERY MANUFACTURING OPERATIONS

Acid dump/fill solids
Baghouse dusts
Scrap grids
Scrap batteries
Scrap lead oxide
Dross
Scrap plates
Slurry and slurry screenings
Sump mud
Lead acetate from laboratory analyses
Acid filters
Baghouse bags
Scrap battery cases, covers, vents
Charging jumpers and clips
Disposable clothing (coveralls, aprons, hats, gloves)
Floor sweepings
Air filters
Pasting belts
Platen abrasive
Respirator cartridge filters
Shop abrasives
Stacking boards
Waste shipping containers (cartons, plastic bags, drums)
Water filter media
Paper hand towels
Cheesecloth from pasting rollers
Pasting additive bags
Wiping rags
Contaminated pallets

VII. Conforming Requirements

EPA is considering a proposal to amend to the incinerator standards of subpart O, part 264 and part 270. Many of the boiler and furnace requirements proposed in 1987 were taken, from the planned changes to the incinerator standards. Thus, all revisions that ultimately are proposed to such incinerator standards also will be proposed, as part of that notice, to apply to boilers and industrial furnaces.

VIII. Halogen Acid Furnaces

On March 31, 1986, Dow Chemical Company petitioned EPA, in accordance with the provisions of 40 CFR 260.20, requesting EPA to designate their halogen acid furnaces (HAFs) as industrial furnaces under 40 CFR 260.10. EPA then proposed to grant the petition in the May 6, 1987, proposal.

[19] Note: Some zinc smelters may be capable of also recovering cadmium and lead.

EPA received comments and additional information on the petition and, as a result, plans to repropose this rule change as part of the proposed amendments to the hazardous waste incinerator standards. A detailed discussion will be provided in that preamble. However, a brief summary of the changes EPA is considering are listed below:

1. The halogen acid concentration of the halogen acid solutions produced will be lowered to three percent from six percent.
2. Fifty percent of the acid must be used onsite. This condition did not appear in the original proposal.
3. EPA proposes to allow the burning of offsite waste providing it is indigenous to Chemical Production (i.e., generated by Standard Industrial Classification 281 or 286).
4. The waste being burned must contain at least 20 percent halogens by weight.
5. Waste fed to HAFs would be listed as inherently waste-like under 40 CFR 261.2(d) to ensure they remain regulated.

EPA is considering the imposition of some or all of the above changes, and, although we will not consider comments on these issues received in response to today's notice, we will request comments on these alternatives when they are proposed as a part of the amendments to the incinerator standards.

IX. Regulation of Smelting Furnaces Involved in Materials Recovery

In the May 6, 1986, proposal, EPA proposed regulatory standards for smelting furnaces burning metal-bearing hazardous waste to recover metals that were the same as the standards for furnaces and boilers burning hazardous wastes for energy recovery. As discussed in section VI above, smelters burning nonindigenous waste would be subject to full regulation.

We have reconsidered how the proposed rules should apply when permitting smelters and request comment on the following approach. We do not believe it is appropriate to apply the organic emissions controls (i.e., destruction and removal efficiency (DRE), and carbon monoxide emissions standards) to smelters that burn waste containing *de minimis* levels of toxic organic constituents. We believe that such *de minimis* levels could be based on the quantity levels established for the small quantity burner exemption. See table 1 of section V of this notice. To establish *de minimis* feed rates of total organic constituents for smelters, the small quantity burner exemption quantities in gallons per month could be converted to pounds per month assuming a waste density of 8 lb/gallon. Burning/processing these feed rates of toxic organic constituents absent the DRE and CO controls should be protective given that the exempt quantities were calculated assuming a 99% DRE and considered the health risk from total hydrocarbon emissions (i.e., unburned organic compounds in the waste and products of incomplete combustion). In order to simplify compliance monitoring and assure adequate conservatism when not making a DRE determination, we believe total organic carbon (TOC) could be used as an indicator for toxic organic constituents. A TOC measurement is conservative because it measures all organic compounds, not just toxic (appendix VIII) constituents.

We do not believe a similar, purely health-based approach is appropriate to determine when the proposed metals controls should apply when permitting smelters. Rather, we believe that the metals controls should apply only when the hazardous waste significantly affects emissions of toxic (appendix VIII) metals. If we were to regulate metals emissions when burning/processing hazardous waste even though those emissions are not adversely affected, we would create an economic disincentive to smelting hazardous waste. Smelters burning hazardous wastes could be regulated more stringently with respect to the same metals than smelters processing ores even though metals emissions were identical. In that situation, ores could displace the hazardous waste with no environmental benefit. To determine if the hazardous waste significantly affects toxic metals emissions, the applicant would need to demonstrate that either: (1) The concentration of each regulated toxic metal in the hazardous waste is not significantly greater than the average level of the metal in normal, nonhazardous waste feedstocks; or (2) the emissions of each regulated toxic metal present in the hazardous waste is not significantly greater than baseline emissions when hazardous waste is not processed. An appropriate statistical test would be used in either case to determine if an increase were significant. The proposed metals controls would apply to each metal for which the applicant could not make a successful or significant increase demonstration.

We specifically invite comment on these approaches to determine the applicability of the proposed controls on organic and metals emissions.

X. Status of Residues from Burning Hazardous Waste

Under the Agency's existing regulations, wastes that are derived from the treatment of listed hazardous wastes are also considered to be hazardous unless and until they are delisted. See 40 CFR 261.3 (c)(2) and (d)(2). Thermal combustion of hazardous waste, no matter the type of device in which it occurs or the purpose of burning, is a type of treatment. Accordingly, under the Agency's existing rules, residues from thermal combustion of listed hazardous waste are considered to remain the listed hazardous waste until delisted.

When the device burning hazardous waste is a boiler burning primarily coal or other fossil fuels, an industrial furnace processing ores or minerals (e.g., light-weight aggregate kilns), or a cement kiln, a further consideration enters: the applicability of the so-called Bevill amendment (which requires a special study before subtitle C regulations can be imposed). (See RCRA section 3001(b)(3)(A) (i)–(iii).) The Agency has stated previously that when these devices burn hazardous waste fuels: (1) Residues of industrial and utility boilers burning at least 50 percent coal remain within the Bevill amendment; (2) residues of boilers burning oil or gas with other materials are not within the Bevill amendment; and (3) residues of industrial furnaces (processing ores or minerals) and cement kilns burning hazardous waste fuel remain within the Bevill amendment. See generally 50 FR 49190 and n. 87–89 (Nov. 29, 1985). The underlying principle for these determinations was that residues would remain within the Bevill amendment if the character of the residual is determined by the Bevill material (i.e., coal, ores or minerals, or cement aggregate) being burned or processed. Thus, any residues that come from burning or processing the Bevill material requires a special study before it could come under Subtitle C regulation and so would remain exempt.

In a later proposal, the Agency suggested a refinement of these positions to address residues from industrial furnaces processing ores or minerals and cement kilns burning nonindigenous hazardous waste for materials recovery. See 52 FR 17012–013 (May 6, 1987). Under that proposal, such residues would remain within the Bevill Amendment provided that at least 50 percent of the raw material feed to the device was a virgin ore or mineral. In addition, residues from devices burning

hazardous waste for the purpose of destruction (i.e., for neither energy nor materials recovery) would be outside of the Bevill amendment.

We have further evaluated these interpretations in light of our stated principle: residues from coburning hazardous waste and Bevill raw materials should remain within the Bevill amendment provided that the character of the residues is determined by the Bevill material (i.e., the residue is not significantly affected by burning the hazardous waste). (We explain below more precisely what we mean by these terms.) We believe that our present data base for making these interpretations is not sufficient to ensure that, in every case, the residue would not be significantly affected by the hazardous waste.[20] [21] Further, we have reconsidered whether the May 6, 1987, proposed interpretation that residues generated by the subject devices when burning waste for destruction are not within the Bevill amendment is consistent with the stated principle.

Thus, we are today taking two steps to address these issues. We are specifically requesting data on the levels of Appendix VIII toxic compounds in residues from Bevill devices generated with and without burning or processing hazardous waste. If adequate data are available, we may be able to make generic determinations in some situations that the cogenerated residue is not significantly affected by burning or processing the hazardous waste, and thus, remains within the Bevill amendment. Given that the effect of the hazardous waste on the cogenerated residue may be a function of site-specific factors (see discussion below), it may be difficult to make generic determinations in many cases. At a minimum, however, we would like to be able to establish generic baseline levels of toxic compounds in the residues that reflect the composition of residues *without* burning or processing hazardous waste. If baseline levels can be established, each owner or operator would need only to determine the levels of toxic compounds in the cogenerated residue and compare them to the established baseline levels.

In addition, in the absence of data at this time to make supportable determinations, we are proposing to require case-by-case determinations of the effect of coburning on residuals. We believe that today's proposed approach is preferable to that proposed on May 6, 1987, because today's approach would focus on the residues actually generated rather than on the purpose for which the hazardous waste is burned. A drawback to the May 6 proposal is that it would not ensure that the residues generated continue to have the character that was the basis for the statutory exclusion pending completion of the Section 8002 studies. In addition, the Agency's historic approach to the issue of cogenerated residues has been to focus on the character of the residues to ascertain what determines their character—the Bevill material or the hazardous waste being burned. See 50 FR 49190, n. 87 (November 29, 1987). The Agency also solicited comment on this approach— focused on what actually is in the residues—in the May 6 proposal. See 52 FR 17013. The statute itself does not directly specify that the purpose of the burning is a relevant criterion, but rather states that certain types of waste are excluded from subtitle C pending completion of studies. The approach we are proposing today is designated to ensure that the residues remain these types of wastes in order for the exclusion to continue to apply. Accordingly, assuming that it is feasible to implement on a case-by-case basis an approach that focuses on the type of residue generated by coburning situations, we believe that this is the preferable approach. We elaborate below on how this determination could be made.

As a preliminary matter, however, we note that it may be cumbersome to make case-by-case determinations on the effect of coburning (and coprocessing) on residues. As discussed below, sufficient sampling and analyses would be required of large volume residuals that often have levels of constituents that vary widely on a daily (or hourly) basis. Thus, we would prefer to obtain the data necessary to make generic determinations. Many factors, however, could have an impact on whether the residues from a particular device (e.g., cement kiln, light-weight aggregate kiln, boiler) are affected by coburning. For example, the following factors could affect partitioning of metals to residues rather than to product or flue gases:[22] (1) Waste feed rate; (2) levels and volatility of metals in the waste; (3) physical form of the waste (liquid versus solid); and (4) waste feed system. Similarly, the following factors could affect levels of organic constituents in the residues attributable to burning hazardous waste: (1) Waste feed rate: (2) levels and types (e.g., difficulty of destruction, by-products formed) of toxic organics in the hazardous waste; (3) physical form of the waste; and (4) waste feed system. In the absence of a sufficient data base, and due to the cost of developing the extensive data base needed to make a generic determination, we believe we must rely on case-by-case determinations. We believe that, in the interim and absent documentation on impacts of coburning and coprocessing on residuals, the alternative to case-by-case determinations could be to exclude such residuals from the Bevill Amendment.

We discuss below how we propose to implement the stated principle on application of the Bevill amendment—coburning residues should remain within the exclusion provided that the character of the residues is not significantly affected by the hazardous waste.

A. The Device Must Be a Bevill Device

Congress intended to exclude, until further studies were completed, residues from: (i) Devices that burn primarily fossil fuel; (ii) industrial furnaces processing ores or minerals; and (iii) cement kilns. Thus, to be eligible for exclusion from subtitile C regulation under the Bevill amendment, the residue must be generated from a boiler burning primarily coal,[23] an industrial furnace processing primarily ores or minerals (since otherwise residues could not be said to come from processing ores and minerals, but rather from processing some other material), or a cement kiln processing primarily raw materials. To implement objectively the provision that, to be eligible for the Bevill exclusion of residues, the device must

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[20] As noted above, the Agency also found that residues from cofiring oil and gas with hazardous waste fuel were not within the scope of the Bevill amendment because te residues' character would be determined by firing hazardous waste. 50 FR 49190. Thus, all residuals from burning hazardous waste with gas in a boiler and bottom ash and fly ash from burning hazardous waste with oil in a boiler are outside of the Bevill amendment. This is because gas-fired boilers generate virtually no residues and oil-fired boilers generate little bottom or fly ash. In words of the statute, such residues result primarily from burning hazardous waste fuel, not from burning fossil fuels. This determination is not being reopened for public comment and the Agency is mentioning it only to accurately describe its past actions.

[21] See Memorandum to the Docket from Dwight Hlustick, EPA, dated March 11, 1988 summarizing available data on levels of toxic compounds in cogenerated cement kiln dust, light-weight aggregate kiln emissions control scrubber water and settling pond residue, and coal-fired boiler collected fly ash, and baseline (without burning/processing hazardous waste) levels in cement kiln dust, and coal-fired boiler collected fly ash.

[22] We note that flue gases would be subject to regulation irrespective of the applicability of the Bevill Amendment to residues, unless the device is an industrial furnace processing indigenous waste solely for reclamation.

[23] Residues from gas and oil fired boilers are not within the scope of the Bevill amendment as discussed above in the text.

burn primarily Bevill material, we would require that a boiler must burn at least 50 percent coal, an industrial furnace [24] must process at least 50 percent ores or minerals, and at least 50 percent of the feedstock to a cement kiln must be raw materials. This requirement also confirms the Agency's long-standing interpretation that the Bevill amendment applies only to primary facilities and not to secondary facilities such as, for example, secondary smelters.[25]

B. Determining if the Residue's Character is Influenced by the Burning of Hazardous Waste

As discussed above, residues from cofiring hazardous waste with gas or oil in a boiler would remain outside of the Bevill amendment. For cogenerated residues in other situations, we are proposing to require a case-by-case determination as to whether the hazardous waste burning or processing significantly affects the character of the residue with respect to inorganic and organic toxic (i.e., appendix VIII) contaminants.[26]

To determine whether there is a significant increase in the level of an appendix VIII compound in the cogenerated residue compared to the baseline residue generated without burning or processing hazardous waste, a number of questions must be addressed, including: (1) What constitutes a representative baseline residue (e.g., considering type, sources, and feed rates of normal—i.e., nonwaste—feedstocks and fuels): (2) what constitutes a representative cogenerated residue (e.g., considering composition, physical form, and feed rate of hazardous waste); (3) what sampling scheme is needed to ensure representative samples for comparison between baseline and cogenerated residues; and, ultimately, (4) what constitutes a significant increase in contaminant levels. We believe that the Agency needs to answer the first and fourth questions, as discussed below. The second and third questions, however, are typically site-specific and, thus, can best be addressed by the owner or operator. The owner and operator should use their best judgment to obtain analyses of representative samples. The approach should be based on, and be consistent with, representative sampling protocols in SW-846, and must be documented by recordkeeping. The Agency solicits comment on how frequently and under what conditions residues should be retested over time.

We note that it may not be necessary to obtain data on a site-specific bases. Rather, owners and operators may choose to use data from other representative facilities to make generic determinations for particular devices under particular conditions (see discussion above on factors that can affect generic determinations).

We discuss next how we believe the other two questions should be addressed: How to establish baseline concentrations, and what constitutes a significant increase in contaminant levels.

1. *Baseline Concentrations.* As discussed above, we prefer to establish generic baseline residue concentrations of toxic (appendix VIII) compounds. We would use the limited available data (primarily on coal-fired boiler ash and cement kiln dust) and additional data that may be forthcoming from the regulated community. If baseline concentrations were established on a site-specific basis, facilities cofiring with, for example, coal containing unusually high (for coal) levels of metals would be allowed to cogenerate residues (within the scope of the Bevill amendment) that had higher metals levels than residues cogenerated at another like facility cofiring coal with unusually low (for coal) metals levels. Thus, facilities burning relative "clean" fuels (and processing relatively clean raw materials) would be at a disadvantage.

We specifically request information on concentrations of appendix VIII toxic constituents in baseline (and cogenerated) residue. In addition, we request comments on how to established generic baseline concentrations considering such issues as what concentration for a given toxic constituent (within the range of values for a particular residue generated by a particular type of device) should be used as the generic value—for example, the mean value, 50th percentile value, or 90th percentile value.

2. *What Constitutes a Significant Increase.* To determine whether an increase is considered to be significant, we propose to use a two part test. First, the increase must be statistically significant. We could use the student's "t" test, "F" test, or some other statistical test as appropriate, at a 95 percent confidence level for the statistical test. We specifically request comment on whether this type of statistical test is appropriate.

Second, if the cogenerated residue has statistically significant high levels of appendix VIII compounds, we propose that a second test be considered to determine whether the residue has been significantly affected—does the cogenerated residue pose a significantly increased health risk. We believe that consideration of health risk posed by these compounds is appropriate because Congress excluded residues from the subject devices based on their presumed high volume and low toxicity pending completion of the section 8002 studies. Thus, we believe that the test of applicability of the Bevill exclusion should consider whether the compounds present at statistically significant higher levels in the cogenerated residue are present at levels of concern from a conservative human health perspective. An alternative reading on the applicability of the Bevill amendment, on which we also request comment, would be to measure whether an increase is statistically significant without regard to the health-based significance of the increase (which could be viewed as a decision relating to whether the wastes warrant regulation, rather than whether they are properly withing the scope of the Bevill amendment).

We specifically request comment on whether it is appropriate to consider a health-based *de minimis* level of concern when determining applicability of the Bevill amendment in these cogeneration situations, and, if so, how such *de minimis* levels could be established. For example, the following approach could be used. For metals for which EP Toxicity (see § 261.24) levels have been established, those levels could be used as *de minimis* levels. Under this approach, the cogenerated residue would not be within the scope of the Bevill amendment if the levels of EP Toxic metals are significantly higher in the cogenerated residue than in the baseline residue and the cogenerated residue exhibited EP Toxicity.

For appendix VIII compounds other than the metals covered by EP Toxicity, we could use an alternative approach. This would include other metals (i.e., antimony, beryllium, nickel, and thallium), other inorganics that could reasonably be expected to be in the waste, and organic compounds that could reasonably be expected to be in the waste or that could result from

[24] Specific residues subject to the Bevill exclusion (i.e., Mining Waste Exclusion) are listed in the April 17, 1989, Federal Register at 15316.

[25] In support of this reading, one court has held that residues from a secondary lead smelter are not covered by the Bevill amendment. Ilco Co. v. EPA (W.D. Ala. 1986).

[26] We note that the issue of the applicability of the Bevill amendment does not pertain to smelters processing indigenous waste. In such cases, the smelter is not coburning hazardous waste.

incomplete destruction during the burning or processing.[27]

For these compounds, we could apply the Toxicity Characteristic Leaching Procedure (TCLP) codifed in appendix I, 40 CFR part 268 to obtain an extract or leachate from the residue.[28] We could then conservatively assume that an individual actually drinks the leachate as his sole source of drinking water over a lifetime to determine acceptable concentrations of toxic compounds. For noncarcinogenic compounds, we could establish *de minimis* levels based on the RfD. For carcinogenic compounds, we could establish *de minimis* levels as those that could not result in an incremental lifetime cancer risk greater than 10^{-5}.[29]

We also solicit comment on whether less conservative approaches should be adopted. Our concern is that any such approaches-for example, involving site-specific modeling—would not be self-implementing. The virtue of the approach outline above is easy implementability plus a clear way of showing whether the residue's character results from burning hazardous waste of Bevill materials.

C. Regulatory Impact of Today's Proposal

The foregoing discussion is not intended to change automatically at this time the regulatory status of residues from Bevill devices that burn or process hazardous waste. In most cases, EPA expects that these wastes' character is indeed determined by processing or burning the Bevill raw material. Thus, in the absence of data indicating otherwise, the policies regarding applicability of the Bevill amendment to cogenerated residues provided by the November 29, 1985, final rule and the May 6, 1987, proposed rule, as discussed above, remain in effect. EPA intends today's discussion to begin to gather the necessary data and to obatin comment on alternative approaches on which to base a more precise and workable test for determining whether a cogenerated residue remains within the scope of the Bevill amendment. Based on comment on today's discussion and additional Agency analysis, we hope to be in a position to develop a definitive test of Bevill applicability. Ideally, the Agency will establish a final rule on Bevill applicability when the boiler and industrial furnace standards are promulgated.

XI. Applicability of the Sham Recycling Policy

On March 16, 1983, EPA published an Enforcement Guidance (FR 11157) which provided guidance on burning low energy hazardous waste, ostensibly for energy recovery, in boilers and industrial furnaces. This guidance has been referred to as EPA's Sham Recycling Policy. This policy stated that when hazardous waste having a heating value less than 5,000 Btu/lb is burned in boilers or industrial furnaces, EPA generally considers the practice to be burning for destruction (i.e., incineration) rather than exempt burning for energy recovery. The proposed rules for boilers and industrial furnaces burning hazardous waste would apply to those devices irrespective of the purpose of burning. Thus, the proposed rules would supersede the sham recycling policy. A question has been raised regarding the status of the sham recycling policy in the interim between the time the rules are ultimately promulgated and a facility is issued a Part B permit.

The Agency is considering three options in this case. The first option is to rescind the sham recycling policy on the effective date of the final boiler/furnace regulations. As a result, industrial furnaces and boilers could begin burning low heating value hazardous waste at that time. The second alternative is to rescind the sham recycling policy when a facility comes into compliance with the interim status emission standards. In this case, the facility could commence burning low heating value hazardous waste during interim status once it complies with the emissions standards.

The last alternative is to have the sham recycling policy remain in effect until a Part B permit is issued. The Part B permit would address final emission and other standards, and the facility would have completed any trial burn or other emission testing requirements in conjunction with permit writer oversight.

EPA specifically requests comments on these alternatives for rescinding the sham recycling policy.

Regardless of which alternative EPA selects, the sham recycling policy would not apply during the trial burn required to receive a Part B permit or during test burns conducted specifically in preparation for the trial burn. This exclusion is needed to ensure that the facility has the opportunity to conduct a successful trial burn using the wastes for which it wishes to be permitted. The permitting authority will have final approval of the waste types, waste quantities, and facility operating conditions when low heating value (less than 5,000 BTU/lb) wastes are burned in preparation for, and during, the trial burn.

XII. Regulation of Direct Transfer of Hazardous Waste from a Transport Vehicle to a Boiler or Industrial Furnace

Some permitting authorities have expressed concern about the practice of feeding hazardous waste fuels directly from transport vehicles (e.g., 6,000 gallon tankers) to industrial furnaces such as cement kilns. Although these operations may be exempt under § 261.6(c)(2) from the storage standards provided by parts 264 and 265, some permit authorities are concerned about: (1) The potential for fires, explosions, and spills during transfer operations; and (2) the potential for waste fuel flow interruptions and stratification of waste in the transport container which, in turn, could affect the ability of the burner to consistently provide efficient combustion of the waste. Approaches to address these issues are discussed below.

In situations where permit writers believe that such transfer operations pose a substantial risk of fires, explosions, or spills that is not adequately addressed by applicable regulatory controls, the permit writer should use the omnibus authority under section 3005(c)(3) of RCRA codified at § 270.32(b)(2) to provide additional permit conditions as may be necessary to protect human health and the environment.

With respect to the concern about fuel flow interruptions and waste stratification and the resultant effects on combustion efficiency, we request comment on whether blending and surge storage tanks should be required at all facilities burning hazardous waste. This is common practice at the vast majority of facilities. In fact, it could be argued that the primary reason that the practice of direct transfer from the transport vehicle to the burner is used at some cement kiln facilities in lieu of using a fixed blending/storage tank is to avoid the need to obtain a permit for the storage tank. (Hazardous waste fuel storage operations not "in existence" on May 29, 1986, and thus, not eligible for

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[27] See Midwest Research Institute, "Background Information Document for the Development of Regulations for PIC Emissions from Hazardous Waste Incinerators," December, 1988.

[28] We also request comment on whether, for organic compounds, the total concentration of the compound is the residue rather than the extract concentration should be used for the health-based test given that the purpose of burning toxic organic compounds in these devices should be to destroy the compounds.

[29] A draft compilation of health-based concentrations for use in determining applicability of the Bevill exclusion has been made for approximately 150 compounds based on EP Toxicity levels, maximum concentration levels, RfDs, and RSDs. See memorandum to the Docket from Dwight Hlustick, EPA, dated June 6, 1989.

interim status, must obtain a part 264, part B permit before they can operate.)

XIII. Updated Health Effects Data

In the 1987 proposal, appendices A & B presented reference air concentrations for noncarcinogens and unit risk values for carcinogens for those compounds in appendix VIII, part 261 for which the Agency had sufficient health effects data to establish such values. Since May 1987, several values have been revised based on new health effects data or evaluations. For the convenience of the reader, we are providing those entire appendices, incorporating the revised values, in today's notice as appendices I and J.

Dated: October 13, 1989.

William K. Reilly,

Administrator.

Appendix A: Background Support for PIC Controls

Hazard Posed by Emissions of Products of Incomplete Combustion (PICs)

The burning of hazardous waste containing toxic organic compounds listed in appendix VIII of 40 CFR part 261 under poor combustion conditions can result in substantial emissions of compounds that result from the incomplete combustion of constituents in the waste, as well as emissions of the original compounds which were not burned. The quantity of toxic organic compounds emitted depends on the concentration of the compounds in the waste, and the combustion conditions under which the waste is burned.

Data on typical PIC emissions from hazardous waste combustion sources were compiled and assessed in recent EPA studies.[30, 31] These studies identified 37 individual compounds in the stack gas of the eight full-scale hazardous waste incinerators tested, out of which 17 were volatile compounds and 20 semivolatile compounds. Eight volatile compounds (benzene, toluene, chloroform, trichloroethylene, carbon tetrachloride, tetrachloroethylene, chlorobenzene, and methylene chloride), and one semivolatile compound (naphthalene) were identified most frequently in over 50 percent of the tests. It was found that PIC emission rates vary widely from site-to-site which may be due, in part, to variations in waste feed composition and facility size. The median values of the nine compounds mentioned above range from 0.27 to 5.0 mg/min. Using a representative emission rate of 1 mg/min, the stack gas concentration of PICs in a medium-sized facility (250 m^3/min combustion gas flow rate) would be 4 μg/m3 (0.004 μg/l).

The health risk posed by PIC emissions depends on the quantity and toxicity of the individual toxic components of the emissions, and the ambient levels to which persons are exposed. Estimates of risk to public health resulting from PICs, based on available emissions data, indicate that PIC emissions do not pose significant risks when incinerators are operated under optimum conditions. However, limited information about PICs is available. PIC emissions are composed of thousands of different compounds, some of which are in very minute quantities and cannot be detected and quantified without very elaborate and expensive sampling and analytical (S&A) techniques. Such elaborate S&A work is not feasible in trial burns for permitting purposes and can only be done in research tests. In addition, reliable S&A procedures simply do not exist for some types of PICs (e.g., water-soluble compounds). The most comprehensive analysis of PIC emissions from a hazardous waste incinerator identified and quantified only approximately 70 percent of organic emissions. Typical research-oriented field tests identify a much lower fraction—from 1–60 percent. Even if all the organic compounds emitted could be quantified, there are inadequate health effects data available to assess the resultant health risk. EPA believes that, due to the above limitations, additional testing will not, in the foreseeable future, be able to prove quantitatively whether PICs do or do not pose unacceptable health risk. Considering the uncertainties about PIC emissions and their potential risk to public health, it is therefore prudent to require that boilers and industrial furnaces operate at a high combustion efficiency to minimize PIC emissions. Given that carbon monoxide (CO) is the best available indicator of combustion efficiency, and a conservative indicator of combustion upset, we are proposing to limit the flue gas CO levels to levels that ensure PIC emissions are not likely to pose unacceptable health risk. In cases where CO concentrations exceed the proposed *de minimis* limit, higher CO levels would be allowed under two alternative approaches: (1) If total hydrocarbon (THC) concentrations in the stack gas do not exceed a good operating practice-based limit of 20 ppmv; or (2) if the applicant demonstrates that THC emissions are not likely to pose unacceptable health risk using conservative, prescribed risk assessment procedures. Although we prefer the technology-based approach for reasons discussed in the text, we are requesting comment on the health-based alternative as well.

Use of CO Limits to Ensure Good Combustion Conditions

By definition, low CO flue gas levels are indicative of a boiler or industrial furnace (or any combustion device) operating at high combustion efficiency. Operating at high combustion efficiency helps ensure minimum emissions of unburned (or incompletely burned) organics.[32] In a simplified view of combustion of hazardous waste, the first stage is immediate thermal decomposition of the POHCs in the flame to form other, usually smaller, compounds, also referred to as PICs. These PICs are generally rapidly decomposed to form CO.

The second stage of combustion involves the oxidation of CO to CO_2 (carbon dioxide). The CO to CO_2 step is the slowest (rate controlling) step in the combustion process because CO is considered to be more thermally stable (difficult to oxidize) than other intermediate products of combustion of hazardous waste constituents. Since fuel is being fired continuously, both combustion stages are occurring simultaneously.

Using this view of waste combustion, CO flue gas levels cannot be correlated to DRE for POHCs and may not correlate well with PIC destruction. As discussed below, test data shown no correlation between CO and DRE, but do show a slight apparent correlation between CO and chlorinated PICs, and a fair correlation between CO and total unburned hydrocarbons. Low CO is an indicator of the status of the CO to CO_2 conversion process, the last, rate-limiting oxidation process. Since

[30] Wallace, D. et al., "Products of Incomplete Combustion from Hazardous Waste Combustion," Draft Final Report. EPA Contract No. 68-03-3241, Acurex Corporation, Subcontractor No. ES 59689A, Work Assignment 5, Midwest Research Institute Project No. 8371-L(1), Kansas City, MO, June 1988.

[31] Trenholm, A., and C.C. Lee, "Analysis of PIC and Total Mass Emissions from an Incinerator," Proceedings of the Twelfth Annual Research Symposium on Land Disposal, Remedial Action, Incineration, and Treatment of Hazardous Waste, Cincinnati, OH, April 21-23, 1986, EPA/600-9-86/022, pp. 376-381, August 1986.

[32] Given that CO is a gross indicator of combustion performance, limiting CO may not absolutely minimize PIC emissions. This is because PICs can result from small pockets within the combustion zone where adequate time, temperature, and turbulence have not been provided to oxidize completely the combustion products of the POHCs. Available data, however, indicate that PIC emissions do not pose significant risk when combustion devices are operated at high combustion efficiency. EPA is conducting additional field and pilot scale testing to address this issue.

oxidation of CO to CO_2 occurs after destruction of the POHC and its (other) intermediates (PICs), the absence of CO is a useful indication of POHC and PIC destruction. The presence of high levels of CO in the flue gas is a useful indication of inefficient combustion and, at some level of elevated CO flue gas concentration, an indication of failure of the PIC and POHC destruction process. We believe it is necessary to limit CO levels to levels indicative of high combustion efficiency because we do not know the precise CO level that is indicative of significant failure of the PIC and POHC destruction process. It is possible that the critical CO level may be dependent on site-specific and event-specific factors (e.g., fuel type, air-to-fuel ratios, rate and extent of change of these and other factors that affect combustion efficiency). We believe limiting CO levels is prudent because: (1) It is a widely practiced approach to improving and monitoring combustion efficiency; and (2) most well designed and operated boilers and industrial furnaces can easily be operated in conformance with the proposed Tier I CO limit of 100 ppmv.

The Tier I CO limit of 100 ppmv would be specified in the permit even when (though) the CO levels during the trial burn were lower. EPA considered this issue carefully and the proposal is based on three considerations. First, permitting a CO level of 100 ppmv will not cause destruction and removal efficiencies to be less than the required 99.99 percent. Second, many combustion devices run very efficiently during a trial burn and achieve CO emissions under 10 ppmv. It may be difficult to achieve that high degree of efficiency on a consistent basis and specifying such low trial burn CO values may result in numerous unnecessary hazardous waste feed cut-offs due to CO exceedances. Third, the emission of PICs from incinerators has not been shown to increase linearly at such low CO levels. In fact, the trial burn data indicate that total organic emissions are consistently low (i.e., at levels that pose acceptable health risk) when CO emission levels are less than 100 ppmv. Two studies show that no measurable change in DRE is likely to occur for CO levels up to 100 ppmv. The first study generated data from combustion of a 12 component mixture in a bench scale facility.[33] The CO levels ranged from 15 to 522 ppm without a significant correlation to the destruction efficiency for the compounds investigated. The second study was conducted on a pilot scale combustor.[34] Test runs were conducted with average CO concentrations ranging from 30 to 700 ppmv. When the concentration was less than 220 ppmv, no apparent decrease in DRE was noticed, but higher CO concentrations showed a definite decrease in DRE. EPA specifically invites comments on whether the permit should limit CO according to actual trial burn values in lieu of the limits specified here.

Supporting Information on CO as a Surrogate for PICs

Substantial information is available that indicate CO emissions may relate to PIC emissions.

Combustion efficiency is directly related to CO by the following equation:

$$\text{Combustion Efficiency (CE)} = \frac{\text{percent } CO_2}{\text{percent } CO_2 + \text{percent CO}} (100)$$

[33] Hall D.L. et al, "Thermal Decomposition Properties of a Twelve Component Organic Mixture", Hazardous Wastes & Hazardous Materials, Vol. 3, No. 4 pp 441–449, 1986.

[34] Waterland, L.R. "Pilot-scale Investigation of Surrogate Means of Determining POHC Destruction" Final Report for the Chemical Manufacturers' Association, ACUREX Corporation, Mountain View, California, July 1983.

CE has been used as a measure of completeness of combustion.[35] EPA's regulations for incineration of waste PCBs at 40 CFR 761.70 require that combustion efficiency be maintained above 99.9 percent. As combustion becomes less efficient or less complete, at some point, the emission of total organics will increase and smoke will eventually result. It is probable that some quantity of toxic organic compounds will be present in these organic emissions. Thus, CE or CO levels provide an indication of the potential for total organic emissions and possibly toxic PICs. Data are not available, however, to correlate these variables quantitatively with PICs in combustion processes.

Several studies have been conducted to evaluate CO monitoring as a method to measure the performance of hazardous waste combustion. Though correlations with destruction efficiency of POHCs have not been found, the data from these studies generally show that as combustion conditions deteriorate, both CO and total hydrocarbon emissions increase. These data support the relation between CO and increased organic emissions discussed above. In one of these studies,[36] an attempt was made to correlate the concentrations of CO with the concentrations of four common PICs (benzene, toluene, carbon tetrachloride, and trichloroethylene) in stack gases of full scale incinerators. For a plot of CO versus benzene, one of the most common PICs, there is considerable scatter in the data indicating that parameters other than CO affect the benzene levels. However, there is a trend in the data that suggests that when benzene levels are high, CO levels also are high. The converse has not been found to be true; when benzene levels are low, CO levels are not always low. Similar trends were observed for toluene and carbon tetrachloride, but not for trichloroethylene. In the pilot-scale study by Waterland cited earlier, similar trends were observed for chlorobenzene and methylene chloride and in another study [37] similar trends were observed for total chlorinated PICs. These data support the conclusion that when the emission rates of some commonly identified PICs are sufficiently high, it is likely that CO emissions will also be higher than typical levels.

More importantly, however, available data indicate that when CO emissions are low (e.g., under 100 ppmv), PIC emissions are always low (i.e., at levels that pose acceptable health risk). The converse may not be true: when CO is high, PIC levels may or may not be high. Thus, the Agency believes that CO is a conservative indicator of potential PIC emissions and, given that CO monitoring is already required in the present regulations, the emission levels should be limited to low levels indicative of high combustion efficiency. (For those facilities where CO emissions may be high but PIC emissions low, we are providing an opportunity under Tier II of the proposed rule to demonstrate that, in fact, PIC emissions pose acceptable health risks at elevated CO levels.)

Appendix B: Emission Screening Limits for Total Hydrocarbons (mg/s)

Terrain adjusted effective stack height (meters)	Noncomplex terrain		Complex terrain
	Urban land use	Rural land use	
4	5.4E+01	2.8E+01	1.3E+01
6	6.1E+01	3.2E+01	1.9E+01
8	6.9E+01	3.6E+01	2.7E+01
10	7.7E+01	4.2E+01	4.0E+01
12	8.8E+01	5.1E+01	4.9E+01
14	9.9E+01	6.2E+01	6.0E+01
16	1.1E+02	7.7E+01	6.9E+01
18	1.3E+02	8.6E+01	7.7E+01
20	1.4E+02	1.2E+02	8.5E+01
22	1.6E+02	1.5E+02	9.4E+01
24	1.8E+02	1.9E+02	1.0E+02
26	2.0E+02	2.5E+02	1.2E+02
28	2.3E+02	3.1E+02	1.3E+02
30	2.6E+02	4.0E+02	1.4E+02
35	3.4E+02	6.3E+02	1.8E+02
40	4.3E+02	9.6E+02	2.2E+02
45	5.4E+02	1.3E+03	2.7E+02
50	7.0E+02	1.8E+03	3.3E+02
55	8.8E+02	2.3E+03	4.1E+02
60	1.1E+03	3.1E+03	5.0E+02
65	1.3E+03	4.1E+03	6.2E+02
70	1.5E+03	4.9E+03	6.9E+02
75	1.7E+03	5.8E+03	7.7E+02
80	1.9E+03	6.9E+03	8.6E+02
85	2.2E+03	8.2E+03	9.7E+02
90	2.5E+03	9.7E+03	1.1E+03
95	2.8E+03	1.2E+04	1.2E+03
100	3.2E+03	1.4E+04	1.4E+03
105	3.6E+03	1.6E+04	1.5E+03
110	4.1E+03	2.0E+04	1.7E+03
115	4.6E+03	2.3E+04	1.9E+03
120	5.3E+03	2.8E+04	2.1E+03

Appendix C: Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen in Hazardous Waste Incinerators, Boilers, and Industrial Furnaces

1.0 Applicability and Principle

1.1 *Applicability.* This specification is to be used for evaluating the acceptability of carbon monoxide (CO) and oxygen (02) continuous emission monitoring systems (CEMS) installed on hazardous waste incinerators, boilers, and industrial furnaces.

This specification is intended to be used in evaluating the acceptability of the CEMS at the time of or soon after installation and at other times as specified in the regulations. This specification is not designed to evaluate the CEMS performance over an extended period of time nor does it identify specific routine calibration techniques and other auxiliary procedures to assess CEMS performance. The source owner or operator, however, is responsible to calibrate, maintain, and operate the CEMS.

1.2 *Principle.* Installation and measurement location specifications, performance and equipment specifications, test procedures, and data reduction procedures are included in this specification. Relative accuracy (RA) tests, calibration error (Ec) tests, calibration drift (CD) tests, and response time (RT) tests are conducted to determine conformance of the CEMS with the specification.

2.0 Definitions

2.1 *Continuous Emission Monitoring System (CEMS).* The CEMS comprises all the equipment used to generate data and includes the sample extraction and

[35] We specifically request comments on whether combustion efficiency, as defined above in the text (i.e., considering both CO and CO_2 emissions) should be used to control PIC emissions rather than CO alone.

[36] Trenholm, A., P. Gorman, and G. Jungclaus, "Performance Evaluation of Full-Scale Hazardous Waste Incinerators, Vol. 2—Incinerator Performance Results." EPA–600/2–84–181b. NTIS No. PB 85–129518, November 1984.

[37] Chang, D. P. et al., "Evaluation of a Pilot-Scale Circulating Bed Combustor as a Potential Hazardous Waste Incinerator," APCA Journal, Vol. 37, No. 3, pp. 266–274, March 1987.

transport hardware, the analyzer(s), and the data recording/processing hardware (and software).

2.2 *Continuous.* A continuous monitor is one in which the sample to be analyzed passes the measurement section of the analyzer without interruption, and, which evaluates the detector response to the sample at least once each 15 seconds and which computes and records the results at least every 60 seconds.

2.2.1 *Hourly Rolling Average.* An hourly rolling average is the arithmetic mean of the 60 most recent 1-minute average values recorded by the continuous monitoring system.

2.3 *Monitoring System Types.* There are three basic types of monitoring systems: extractive, cross-stack, and in-situ. Carbon monoxide monitoring generally are extractive or cross-stack, while oxygen monitors are either extractive or in-situ.

2.3.1 *Extractive.* Extractive systems use a pump or other mechanical, pneumatic, or hydraulic means to draw a small portion of the stack or flue gas and convey it to the remotely located analyzer.

2.3.2 *In-situ.* In-situ analyzers place the sensing or detecting element directly in the flue gas stream and thus perform the analysis without removing a sample from the stack.

2.3.3 *Cross-stack.* Cross-stack analyzers measure the parameter of interest by placing a source beam on one side of the stack and either the detector (in single-pass instruments) or a retro-reflector (in double-pass instruments) on the other side and measuring the parameter of interest (e.g., CO) by the attenuation of the beam by the gas in its path.

2.4 *Span.* The upper limit of the gas concentration measurement range.

2.5 *Instrument Range.* The maximum and minimum concentration that can be measured by a specific instrument. The minimum is often stated or assumed to be zero and the range expressed only as the maximum. If a single analyzer is used, for measuring multiple ranges, (either manually or automatically), the performance standards expressed as a percentage of full scale apply to all ranges.

2.6 *Calibration Drift.* Calibration drift is the change in the response or output of an instrument from a reference value over time. Drift is measured by comparing the responses to a reference standard over time with no adjustment of instrument settings.

2.7 *Response Time.* The response time of a system or part of a system is the amount of time between a step change in the system input (e.g. change of calibration gas) until the data recorder displays 95 percent of the final value.

2.8 *Accuracy.* Accuracy is a measure of agreement between a measured value and an accepted or true value and is usually expressed as the percentage difference between the true and measured values relative to the true value. For this performance specification, the accuracy is checked by conducting a calibration error (Ec) test and a relative accuracy (RA) test.

2.8.1 *Calibration Error.* Calibration error is a measure of the deviation of a measured value at the analyzer mid range from a reference value.

2.8.2 *Relative Accuracy.* Relative accuracy is the comparison of the CEMS response to a value measured by a reference test method (RM). The applicable reference test methods are Method 10 (Determination of Carbon Monoxide from Stationary Sources) and Method 3 (Gas Analysis for Carbon Monoxide, Oxygen Excess Air, and Dry Molecular Weight). These methods are found in 40 CFR part 60, appendix A.

3.0 Installation and Measurement Location Specifications

3.1 *CEMS Measurement Location.* The best or optimum location of the sample interface for the monitoring system is determined by a number of factors, including ease of access for calibration and maintenance, the degree to which sample conditioning will be required, the degree to which it represents total emissions, and the degree to which it represents the combustion situation in the firebox. The location should be as free from in-leakage influences as possible and reasonably free from severe flow disturbances. The sample location should be at least two equivalent duct diameters downstream from the nearest control device, point of pollutant generation, or other point at which a change in the pollutant concentration or emission rate occurs and at least 0.5 diameters upstream from the exhaust or control device. The equivalent duct diameter is calculated as per 40 CFR part 60, appendix A, method 1, section 2.1.

The sample path of sample point(s) should include the concentric inner 50 percent of the stack or duct cross section. For circular ducts, this is 0.707 × diameter and a single-point probe, therefore, should be located between 0.141 × diameter and 0.839 × diameter from the stack wall and a multiple-point probe should have sample inlets in this region. A location which meets both the diameter and the cross-section criteria will be acceptable.

If these criteria are not achievable of if the location is otherwise less than optimum, the possibility of stratification should be investigated. To check for stratification, the oxygen concentration should also be measured as verification of oxygen in-leakage. For rectangular ducts, at least nine sample points located at the center of similarly shaped, equal area division of the cross section should be used. For circular ducts, 12 sample points (i.e., six points on each of the two perpendicular diameter) should be used, locating the points as described in 40 CFR part 60, appendix A, method 1. Calculate the mean value for all sample points and select the point(s) or path that provides a value equivalent to the mean. For these purposes, if no single value is more than 15 percent different from the mean and if no two single values are different from each other by more than 20 percent of the mean, then the gas can be assumed homogeneous and can be sampled anywhere. The point(s) or path should be within the inner 50 percent of the area.

Both the oxygen and CO monitors should be installed at the same location or very close to each other. If this is not possible, they may be installed at different locations if the effluent gases at both sample locations are not stratified and there is no in-leakage of air between sampling locations.

3.2 *Reference Method (RM) Measurement Location and Traverse Points.* Select, as appropriate, an accessible RM measurement point at least two equivalent diameters downstream from the nearest control device, the point of pollutant generation, or other point at which a change in the pollutant concentration or emission rate may occur, and at least a half equivalent diameter upstream from the effluent exhaust or control device. When pollutant concentration changes are due solely to oxygen in-leakage (e.g., air heater leakages) and pollutants and diluents are simultaneously measured at the same location, a half diameter may be used in lieu of two equivalent diameters. The CEMS and RM locations need not be the same. Then select traverse points that assure acquisition of representative samples over the stack or duct cross section. The minimum requirements are as follows: Establish a "measurement line" that passes through the centroidal area and in the direction of any expected stratification. If this line interferes with the CEM measurements, displace the line up to 30 cm (or 5 percent of the equivalent diameter of the cross section, whichever is less) from the centroidal area. Locate three traverse points at 16.7, 50.0, and 83.3

percent of the measurement line. If the measurement line is longer than 2.4 m and pollutant stratification is not expected, the tester may choose to locate the three tranverse points on the line at 0.4, 1.2, and 2.0 m from the stack or duct wall. This option must not be used at points where two streams with different pollutant concentrations are combined. The tester may select other traverse points, provided that they can be shown to the satisfaction of the Administrator to provide a representative sample over the stack or duct cross section. Conduct all necessary RM tests within 3 cm (but not less than 3 cm from the stack or duct wall) of the traverse points.

4.0 Monitoring System Performance Specifications

Table C–1 summarizes the performance standards for the continuous monitoring systems. Each of the items is discussed in the following paragraphs. Two sets of standards for CO are given—one for low range measurement and another for high range measurement since the proposed CO limits are dual range. The high range standards relate to measurement and quantification of short duration high concentration peaks, while the low range standards relate to the overall average operating condition of the incinerator. The dual-range specification can be met either by using two separate analyzers, one for each range, or by using dual range units which have the capability of meeting both standards with a single unit. In the latter case, when the reading goes above the full scale measurement value of the lower range, the higher range operation will be started automatically.

TABLE C–1.—PERFORMANCE SPECIFICATIONS OF CO AND OXYGEN MONITORS

Parameter	CO monitors		Oxygen monitors
	Low range	High range	
Calibration drift 24 h.	<5% FS [1]	<5% FS	<0.5% O2.
Calibration error [2].	<5% FS	<5% FS	<0.5% O2.
Response time.	<1.5 min	<1.5 min	<1.5 min.
Relative accuracy.	<The greater of 10% of RM or 20ppm.		<The greater of 20% of RM or 1.0% O2.

[1] FS means full scale measurement range.
[2] Expressed as the sum of the mean absolute value plus the 95% confidence interval of a series of measurements.

4.1 *CEMS Span Values.* The span values shown below in Table C–2 are to be established for the continuous emission monitoring systems.

TABLE C–2.—CEMS SPAN VALUES FOR CO AND OXYGEN MONITORS

	CO monitors		Oxygen monitors (%)
	Low range (ppm)	High range (ppm)	
Tier 1 rolling average format.	200	3,000	25
Tier 1 alternate format.	200	3,000	25
Tier 2 rolling average format.	2×permit limit.	3,000	25
Tier 2 alternate format.	2×permit limit.	1.1×permitted peak value.	25

4.2 *System Measurement Range.* In order to measure both the high and low concentrations consistently with the same or similar degree of accuracy, system measurement range maximum span specifications are given for both the low and high range monitors. The system measurement range chosen is based upon the permitted level and the span value presented in section 4.1.

The owner or operator must choose a measurement range that includes zero and a high-level value. The high-level value is chosen by the source owner and operator as follows:

1. For the low range CO measurement, the high level value is set between 1.5 times the permit limit and the span value specified in section 4.1.

2. For the high range CO measurements, except for Tier 2, alternate format, the high level value is set between 2000 ppm as a minimum and the span value specified in section 4.1.

3. For the high range CO measurement under Tier 2 using the alternate format, the high level value is set at the span value specified in section 4.1.

4. For oxygen, the high level value is set between 1.5 times the highest level measured during the trial burn and the span value specified in section 4.1.

The calibration gas, or gas cell values used to establish the data recorder scale should produce the zero and high level values.

4.3 *Response Time.* The mean response time for the CO monitor(s) should not exceed 1.5 minutes to achieve 95 percent of the final stable value. For the oxygen monitor, the mean response time should not exceed 15 min to achieve 95 percent of the final stable value.

4.4 *Calibration Drift.* The CEMS calibration must not drift or deviate from the reference value of the gas cylinder or gas cell by more than 5 percent full scale in 24 hr for the CO low range and the CO high range. For oxygen the calibration drift must be less than 0.5 percent O_2 in 24 hr. The calibration drift specification must not be exceeded for six out of the seven test days required during the test (see Section 5 for the test procedures).

4.5 *Calibration Error.* The calibration error specification evaluates the system accuracy at the midpoint of the measurement range by the calibration error test described in Section 6. The test determines the difference between the measured value and the expected value at this midpoint.

The calibration error of the CEMS must not exceed 5 percent full scale for CO. The calibration error of the oxygen CEMS must not exceed 0.5 percent O_2.

4.6 *Relative Accuracy.* The relative accuracy (RA) of the carbon monoxide CEMS must not exceed 10 percent of the mean value of the reference method (RM) test data or 20 ppm CO, whichever is greater. Note that during the relative accuracy test, the CO level may exceed the full scale of the low range monitor. When this occurs, the mean CEMS measurement value should be calculated using the appropriate data from both the low range and high range monitors.

The relative accuracy of the oxygen CEMS must not exceed 20 percent of the mean value of the RM test data or 1 percent oxygen, whichever is greater.

5.0 Performance Specification Test Period

5.1 *Pretest Preparation.* Install the CEMS, prepare the RM test site according to the specifications in Section 3, and prepare the CEMS for operation according to the manufacturer's written instructions.

5.2 *Calibration Drift Test Period.* Prior to initiating the calibration drift tests conduct the calibration error test and the response time test according to the test procedures established in Section 6. The carbon monoxide and oxygen (if applicable) monitoring systems must be evaluated separately.

5.3 *Calibration Drift Test Period.* The monitoring system should be operated for some time before attempting drift checks because most systems need a period of equilibration and adjustment before the performance is reasonably stable. At least one week (168 hr) of continuous operation is recommended before attempting drift tests.

While the facility is operating at normal conditions, determine the magnitude of the calibration drift (CD) once each day (at 24-hr intervals) for

seven consecutive days according to the procedure given in section 6. The carbon monoxide and oxygen (if applicable) monitoring systems must be evaluated separately.

5.4 *RA Test Period.* Conduct the RA test according to the procedure given in section 6 while the facility is operating at normal conditions. The RA test may be conducted during the CD test period. The RA test may be conducted separately for each of the monitors (carbon monoxide and oxygen, if applicable) or may be conducted as a combined test so that the results are calculated only for the corrected CO concentration (i.e., CO corrected to 7 percent oxygen); the latter approach is preferred.

6.0 Performance Specification Test Procedures.

6.1 *Response Time.* The response time tests apply to all types of monitors, but will generally have significance only for extractive systems. The entire system is checked with this procedure including sample extraction and transport (if applicable), sample conditioning (if applicable), gas analyses, and the data recording.

Introduce zero gas into the system. For extractive systems, the calibration gases should be introduced at the probe as near to the sample location as possible. For in-situ systems, introduce the zero gas at the sample interface so that all components active in the analysis are tested. When the system output has stabilized (no change greater than 1 percent of full scale for 30 s), switch to monitor stack effluent and wait for a stable value. Record the time (upscale response time) required to reach 95 percent of the final stable value. Next, introduce a high level calibration gas and repeat the above procedure (stable, switch to sample, stable, record). Repeat the entire procedure three times and determine the mean upscale and downscale response times. The slower or longer of the two means is the system response time.

6.2 *Calibration Error Test*

6.2.1 *Procedure.* The procedure for testing calibration error is to set the instrument zero and span with the appropriate standards and then repeatedly measure a standard in the middle of the range. In order to minimize bias from previous analyses, the sequence of standard introduction should alternate between high and low standards prior to the mid-level standard (e.g., high, mid, low, mid, high, mid, low, mid, etc.) until six analyses of the mid-level standard are obtained, with three values obtained from upscale approach and three values obtained from downscale approach.

The differences between the measured instrument output and the expected output of the reference standards are used as the data points.

62.2 *Calculations.* Summarize the results on a data sheet. For each of the six measurements made, calculate the arithmetic difference between the midpoint reference value and the measured value. Then calculate the mean of the difference, standard deviation, confidence coefficient, and calibration error using Equations 2–1, 2–2, 2–3, and 2–4 presented in Section 7.

6.3 *Zero and Span Calibration Drift.* The purpose of the calibration drift (CD) checks is to determine the ability of the CEMS to maintain its calibration over a specified period of time. The performance specifications establish a standard related to span drift. Each drift test is conducted seven times and the system(s) are allowed to exceed the limit once during the test.

During the drift tests, no adjustment of the system is permitted except those automatic internal adjustments which are part of the automatic compensation circuits integral to the analyzer. If periodic automatic adjustments are made to the CEMS zero and calibration settings, conduct the daily CD test immediately before these adjustments, or conduct it in such a way that the CD can be determined (calculated). Subsequent CEMS operation must include the same system configuration as used during the performance testing.

Select a reference gas with a CO or O_2 concentration between 80 and 100 percent of the full-scale measurement range of the analyzer; ambient air (20.9 percent O_2) may be used as the reference gas for oxygen. The zero gas should contain the lowest concentration recommended by the manufacturer. Prior to the test, calibrate the instrument. At the beginning of the test, introduce the selected zero and span reference gases (or cells or filters). After 24 hr and at 24-hr intervals thereafter, alternately introduce both the zero and span reference gases, wait until a stable reading is obtained and record the values reported by the system. Subtract the recorded CEMS response from the reference value. Repeat this procedure for 7 days, obtaining eight values of zero and span gas measurements (the initial values and seven 24-hr readings). The difference between the established or reference value for the span and the measured value may not exceed the specifications in Table 4.1 more than once, and the average value must not exceed the specification.

6.4 *Relative Accuracy Test Procedure*

6.4.1 *Sampling Strategy for RM Test.* Conduct the RM tests in such a way that they will yield results representative of the emissions from the source and can be correlated to the CEMS data. Although it is preferable to conduct the oxygen, moisture (if needed), and CO measures simultaneously, the diluent and moisture measurements that are taken within a 30- to 60-min period which includes the pollutant measurements, may be used to calculate dry pollutant concentration corrected to 7 percent O_2. For each run, make a sample traverse of at least 21 min, sampling for 7 min per point.

6.4.2 *Correlation of RM and CEMS Data.* Correlate the CEMS and the RM test data as to the time and duration by first determining from the CEMS final output (the one used for reporting) the integrated average pollutant concentration during each pollutant RM test period. Consider system response time, if important, and confirm that the pair of results are on a consistent moisture, temperature, and diluent concentration basis. Then, compare each integrated CEMS value against the corresponding average RM value. Make a direct comparison of the RM results and CEMS integrated average value. When oxygen monitoring is required by the regulation to calculate carbon monoxide normalized to 7 percent O_2, the RM test results should be calculated and compared on this basis. This is, the CO concentrations normalized to 7 percent O_2 measured by the CEMS.

6.4.3 *Number of RM Tests.* Conduct a minimum of nine sets of all necessary RM tests. The tester may choose to perform more than nine sets of RM tests. If this option is chosen, the tester may, at his discretion, reject a maximum of three sets of the test results so long as the total number of test results used to determine the RA is greater than or equal to nine, but they must report all data including the rejected data.

6.4.4 *Calculations.* Summarize the results on a data sheet. Calculate the mean of the RM values. Calculate the arithmetic differences between the RM and the CEMS output sets. Then calculate the mean of the difference, standard deviation, confidence coefficient, and CEMS RA, using Equations 2–1, 2–2, 2–3, and 2–5.

7.0 Equations

7.1 *Arithmetic Mean.* Calculate the arithmetic mean of the difference, d, of a data set as follows:

$$d_{av.} = \frac{1}{n} \times \sum_{i=1}^{n} d_i \qquad \text{(Eq. 2-1)}$$

Where n = number of data points

$\sum_{i=1}^{n} d_i$ = algebraic sum of the individual differences d_i

When the mean of the differences of pairs of data is calculated, be sure to correct the data for moisture, if applicable.

7.2 *Standard Deviation.* Calculate the standard deviation, Sd, as follows:

$$S_d = \left(\frac{\sum_{i=1}^{n} d_i^2 - \frac{\left(\sum_{i=1}^{n} d_i\right)^2}{n}}{n-1} \right)^{\frac{1}{2}} \qquad \text{(Eq.2-2)}$$

7.3 *Confidence Coefficient.* Calculate the 2.5 percent error confidence coefficient (one-tailed), CC, as follows:

$$CC = t_{0.975} \times \frac{S_d}{\sqrt{n}} \qquad \text{(Eq. 2-3)}$$

Where $t_{0.975}$ = t-value

TABLE 7-1.—VALUES

n[a]	$t_{0.975}$	n[a]	$t_{0.975}$	n[a]	$t_{0.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

[a] The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of individual values.

7.4 *Calibration Error.* Calculate the calibration error (Ec) of a set of data as follows:

$$\text{For carbon monoxide: } E_c = \frac{|d_{av}| + |CC|}{FS} \times 100 \text{ (Eq. 2-4)}$$

For oxygen[38]: $E_c = |d_{av}| + |CC|$

where: $|d_{av}|$ = absolute value of the mean of differences (from Equation 2-1)

$|CC|$ = absolute value of the confidence coefficient (from Equation 2-3)

FS = full scale span of monitoring system (for calculation of CO calibration error only)

7.5 *Relative Accuracy.* Calculate the relative accuracy (RA) of a set of data as follows:

$$RA = \frac{|d_{av}| + |CC|}{RM} \times 100 \text{ (Eq. 2-5)}$$

where: $|d_{av}|$ = absolute value of the mean of differences (from Equation 2-1)

$|CC|$ = absolute value of the confidence coefficient (from Equation 2-3)

RM = average value indicated by the Reference Method.

8.0 Quality Assurance

It is the responsibility of the owner/operator to assure proper calibration, maintenance, and operation of the CEMS on a continual basis. The owner/operator should establish a QA program to evaluate and monitor CEMS performance on a continual basis. The following QA guidelines are presented:

1. Conduct a daily calibration check for each monitor. Adjust the calibration if the check indicates the instrument's calibration drift exceeds the specification established in Paragraph 4.4.

2. Conduct a daily system audit. During the audit, review the calibration check data, inspect the recording system, inspect the control panel warning lights, and inspect the sample transport/interface system (e.g., flowmeters, filters), as appropriate.

3. Conduct a quarterly calibration error test at the span midpoint.

4. Repeat the entire performance specification test every second year.

9.0 Reporting

At a minimum (check with the appropriate regional office, or State, or local agency for additional requirements, if any), summarize in tabular form, the results of the response time tests, calibration error tests, calibration drift tests, and the relative accuracy tests. Include all data sheets, calculations, charts (records of CEMS responses), cylinder gas concentration certifications, and calibration cell response certifications (if applicable), necessary to substantiate that the performance of the CEMS met the performance specifications.

10.0 References

10.1. Jahnke, james A. and G. J. Aldina, "Handbook: Continuous Air Pollution Source Monitoring Systems," U.S. Environmental Protection Agency Technology Transfer, Cincinnati, Ohio 45268, EPA–625/6–79–005, June 1979.

10.2. "Gaseous Continuous Emission Monitoring Systems—Performance Specification Guidelines for SO_2, NO_x, CO_2, O_2, and TRS." U.S. Environmental Protection Agency OAQPS/ESED, Research Triangle Park, North Carolina, 27711, EPA–450/3–82–026, October 1982.

10.3. "Quality Assurance Handbook for Air Pollution Measurement Systems: Volume I. Principles," U.S. Environmental Protection Agency ORD/EMSL, Research Triangle Park, North Carolina, 27711 EPA–600/9–76–006, December 1984.

10.4. Michie, Raymond, M. Jr. et al., "Performance Test Results and Comparative Data for Designated Reference Methods for Carbon Monoxide," U.S. Environmental Protection Agency ORD/EMSL, Research Triangle Park, North Carolina, 27711, EPA–600/S4–83–013, September 1982.

10.5. Ferguson, B.B., R.E. Lester and W. J. Mitchell, "Field Evaluation of Carbon Monoxide and Hydrogen Sulfide Continuous Emission Monitors at an Oil Refinery," U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, EPA–600/4–82–054, August 1982.

Appendix D: Performance Specifications for Continuous Emissions Monitoring of Total Hydrocarbons in Hazardous Waste Incinerators, Boilers and Industrial Furnaces

Note: This proposed method may be revised to allow gas conditioning including cooling to between 40 °F and 64 °F and the use of condensate traps to reduce the moisture content of sample gas entering the FID to less than 2%. The gas conditioning system, however, should not allow the

[38] For oxygen, the calibration error is expressed as % O_2 and the term [|d| + |C|[is not divided by FS or multiplied by 100.

sample gas to be bubbled through a water column as this would remove water-soluble organic compounds. Further, although heating the sampling line and FID may be advisable to reduce operation and maintenance problems, it may not be required in the final procedure. Comments on the gas conditioning system are encouraged.

1.0 Applicabiltiy and Principle

1.1 *Applicability.* This method applies to the measurement of total hydrocarbons as a surrogate measure for the total gaseous organic concentration of the combustion gas stream. The concentration is expressed in terms of propane.

1.2 *Principle.* A gas sample is extracted from the source through a heated sample line and heated glass fiber filter to a flame ionization detector (FID). Results are reported as volume concentration equivalents of the propane.

2.0 Definitions

2.1 *Measurement System.* The total equipment required for the determination of the gas concentration. The system consists of the following major subsystems:

2.1.1 *Sample Interface.* That portion of the system that is used for one or more of the following: sample acquisition, sample transportation, sample conditioning, or protection of the analyzer from the effects of the stack effluent.

2.1.2 *Organic Analyzer.* That portion of the system that senses organic concentration and generates an output proportional to the gas concentration.

2.1.3 *Data Recorder.* That portion of the system that records a permanent record of the measurement values.

2.2 *Span Value.* For most incinerators a 50 ppm propane span is appropriate. Higher span values may be necessary if propane emissions are significant. For convenience, the span value should correspond to 100 percent of the recorder scale.

2.3 *Calibration Gas.* A known concentration of a gas in an appropriate diluent gas.

2.4 *Zero Drift.* The difference in the measurement system response to a zero level calibration gas before and after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

2.5 *Calibration Drift.* The difference in the measurement system response to a mid-level calibration gas before and after a stated period of operation during which no unscheduled maintenance, repair or adjustment took place.

2.6 *Response Time.* The time interval from a step change in pollutant concentration at the inlet to the emission measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the recorder.

2.7 Calibration Error. The difference between the gas concentration indicated by the measurement system and the known concentration of the calibration gas.

3.0 Apparatus

An acceptable measurement system includes a sample interface system, a calibration valve, gas filter and a pump preceding the analyzer. THC measurement systems are designated HOT or COLD systems based on the operating temperatures of the system. In HOT systems, all components in contact with the sample gas (probe, calibration valve, filter, and sample lines) as well as all parts of the flame ionization analyzer between the sample inlet and the flame ionization detector (FID) must be maintained between 150–175 °C. This includes the sample pump if it is located on the inlet side of the FID. A condensate trap may be installed, if necessary, to prevent any condensate entering the FID.

The essential components of the measurement system are described below:

3.1 *Organic Concentration Analyzer.* A flame ionization detector (FID) capable of meeting or exceeding the specifications in this method.

3.2 *Sample Probe.* Stainless steel, or equivalent, three-hole rake type. Sample holes shall be 4 mm in diameter or smaller and located at 16.7, 50, and 83.3 percent of the equivalent stack diameter. Alternatively, a single opening probe may be used so that a gas sample is collected from the centrally located 10 percent area of the stack cross-section.

3.3 *Sample Line.* Stainless steel or Teflon [39] tubing to transport the sample gas to the analyzer. The sample line should be heated to between 150° and 175°C for a heated probe.

3.4 *Calibration Valve Assembly.* A heated three-way valve assembly to direct the zero and calibration gases to the analyzers is recommended. Other methods, such as quick-connect lines, to route calibration gas to the analyzers are applicable.

3.5 *Particulate Filter.* An in-stack or an out-of-stack glass fiber filter is recommended if exhaust gas particulate loading is significant. An out-of-stack filter must be heated.

3.6 *Recorder.* A strip-chart recorder, analog computer, or digital recorder for recording measurement data. The minimum data recording requirement is one measurement value per minute.

Note: This method is often applied in highly explosive areas. Caution and care should be exercised in choice of equipment and installation.

4.0 Calibration and Other Gases

Gases used for calibration, fuel, and combustion air (if required) are contained in compressed gas cylinders. Preparation of calibration gases shall be done according to the procedure in Protocol No. 1, listed in reference 9.2. Additionally, the manufacturer of the cylinder should provide a recommended shelf life for each calibration gas cylinder over which the concentration does not change more than ±2 percent from the certified value.

4.1 *Fuel.* A 40 percent hydrogen and 60 percent helium or 40 percent hydrogen and 60 percent nitrogen gas mixture is recommended to avoid an oxygen synergism effect that reportedly occurs when oxygen concentration varies significantly from a mean value.

4.2 *Zero Gas.* High purity air with less than 0.1 parts per million by volume (ppm) of organic material methane or carbon equivalent or less than 0.1 percent of the span value, whichever is greater.

4.3 *Low-level Calibration Gas.* Propane calibration gas (in air or nitrogen) with a concentration equivalent to 20 to 30 percent of the applicable span value.

4.4 *Mid-level Calibration Gas.* Propane calibration gas (in air or nitrogen) with a concentration equivalent to 45 to 55 percent of the applicable span value.

4.5 *High-level Calibration Gas.* Propane calibration gas with a concentration equivalent to 80 to 90 percent of the applicable span value.

5.0 Measurement System Performance Specifications

5.1 *Zero Drift.* Less than ±3 percent of the span value.

5.2 *Calibration Drift.* Less than ±3 percent of the span value.

5.3 *Calibration Error.* Less than ±5 percent of the calibration gas value.

6.0 Pretest Preparations

6.1 *Selection of Sampling Site.* The location of the sampling site is generally specified by the applicable regulation or purpose of the test, i.e., exhaust stack, inlet line, etc. The sample port shall be located at least 1.5 meters or 2 equivalent diameters upstream of the gas discharge to the atmosphere.

[39] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

6.2 *Location of Sample Probe.* Install the sample probe so that the probe is centrally located in the stack, pipe, or duct and is sealed tightly at the stack port connection.

6.3 *Measurement System Preparation.* Prior to the emission test, assemble the measurement system following the manufacturer's written instructions in preparing the sample interface and the organic analyzer. Make the system operable.

6.4 *Calibration Error Test.* Immediately prior to the test series, (within 2 hours of the start of the test) introduce zero gas and high-level calibration gas at the calibration valve assembly. Adjust the analyzer output to the appropriate levels, if necessary. Calculate the predicted response for the low-level and mid-level gases based on a linear response line between the zero and high-level responses. Then introduce low-level and mid-level calibration gases successively to the measurement system. Record the analyzer responses for low-level and mid-level calibration gases and determine the differences between the measurement system responses and the predicted responses. These differences must be less than 5 percent of the respective calibration gas value. If not, the measurement system is not acceptable and must be replaced or repaired prior to testing. No adjustments to the measurement system shall be conducted after the calibration and before the drift check (Section 7.3). If adjustments are necessary before the completion of the test series, perform the drift checks prior to the required adjustments and repeat the calibration following the adjustments. If multiple electronic ranges are to be used, each additional range must be checked with a mid-level calibration gas to verify the multiplication factor.

6.5 *Response Time Test.* Introduce zero gas into the measurement system at the calibration valve assembly. When the system output has stabilized, switch quickly to the high-level calibration gas. Record the time from the concentration change to the measurement system response equivalent to 95 percent of the step change. Repeat the test three times and average the results.

7.0 Emission Measurement Test Procedure

7.1 *Organic Measurement.* Begin sampling at the start of the test period, recording time and any required process information as appropriate. In particular, note on the recording chart periods of process interruption or cyclic operation.

7.2 *Drift Determination.* Immediately following the completion of the test period and hourly during the test period, reintroduce the zero and mid-level calibration gases, one at a time, to the measurement system at the calibration valve assembly. (Make no adjustments to the measurement system until after both the zero and calibration drift checks are made.) Record the analyzer response. If the drift values exceed the specified limits, invalidate the test results preceding the check and repeat the test following corrections to the measurement system. Alternatively, recalibrate the test measurement system as in Section 6.4 and report the results using both sets of calibration data (i.e., data determined prior to the test period and data determined following the test period).

8.0 Organic Concentration Calculations

Determine the average organic concentration in terms of ppmv propane. The average shall be determined by the integration of the output recording over the period specified in the applicable regulation.

9.0 Quality Assurance

It is the responsibility of the owner/operator to assure proper calibration, maintenance, and operation of the CEMS on a continual basis. The owner/operator should establish a QA program to evaluate and monitor performance on a continual basis. The following checks should routinely be done.

1. Conduct a daily calibration check for each monitor. Adjust the calibration if the check indicates the instrument's calibration drift exceeds the specification established in paragraph 5.0.

2. Conduct a daily system audit. During the audit, review the calibration check data, inspect the recording system, inspect the control panel warning lights, and inspect the sample transport/interface system (e.g., flowmeters, filters), as appropriate.

3. Conduct a quarterly calibration error test at the span midpoint.

4. Repeat the entire performance specification test every second year.

10.0 Reporting of Total Hydrocarbon Levels

THC levels from the trial burn will be reported as ppm propane. Under the health-based alternative approach to assess THC emissions, the THC levels would need to be converted to mg/s. This conversion is accomplished with the following equation:

$$\text{THC, mg/s} = (\text{THC ppm propane}) \times (\text{Stack gas Flow}) \times 2.8 \times 10^{-2}$$

Where:

- THC ppm propane is the total hydrocarbon concentration as actually measured by this method in ppm of propane,
- Stack gas flow is in dry standard cubic meters per minute measured by EPA Reference Method 5 (or Modified EPA Method 5) during the DRE trial burn, and
- 2.8×10^{-2} is a constant to account for the conversion of units, differences in FID response to various compounds and weighted average molecular weights.

11.0 References

11.1 Measurement of Volatile Organic Compounds—Guideline Series. U.S. Environmental Protection Agency. Research Triangle Park, N. C. Publication No. EPA–450/2–78–041. June 1978. p. 46–54.

11.2 Traceability Protocol for Establishing True Concentrations of Gases Used for Calibration and Audits of Continuous Source Emission Monitors (Protocol No. 1). U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. Research Triangle Park, N. C. June 1978.

11.3 Gasoline Vapor Emission Laboratory Evaluation—Part 2. U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards. Research Triangle Park, N. C. EMB Report No. 75–GAS–6. August 1975.

Appendix E: Feed Rate and Emission Rate Screening Limits for Metals and HCL

TABLE E–1.—FEED RATE SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for urban areas					
	Antimony (lb/hr)	Barium (lb/hr)	Lead (lb/hr)	Mercury (lb/hr)	Silver (lb/hr)	Thallium (lb/hr)
4m	1.3E−01	2.2E+01	4.0E−02	1.3E−01	1.3E+00	1.3E−01
6m	1.5E−01	2.5E+01	4.5E−02	1.5E−01	1.5E+00	1.5E−01
8m	1.7E−01	2.8E+01	5.1E−02	1.7E−01	1.7E+00	1.7E−01
10m	1.9E−01	3.2E+01	5.8E−01	1.9E−01	1.9E+00	1.9E−01

TABLE E-1.—FEED RATE SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN—Continued

Terrain-adjusted effective stack height	Values for urban areas					
	Antimony (lb/hr)	Barium (lb/hr)	Lead (lb/hr)	Mercury (lb/hr)	Silver (lb/hr)	Thallium (lb/hr)
12m	2.2E−01	3.6E+01	6.5E−02	2.2E−01	2.2E+00	2.2E−01
14m	2.4E−01	4.1E+01	7.3E−02	2.4E−01	2.4E+00	2.4E−01
16m	2.8E−01	4.6E+01	8.3E−02	2.8E−01	2.8E+00	2.8E−01
18m	3.1E−01	5.2E+01	9.4E−02	3.1E−01	3.1E+00	3.1E−01
20m	3.5E−01	5.9E+01	1.1E−01	3.5E−01	3.5E+00	3.5E−01
22m	4.0E−01	6.6E+01	1.2E−01	4.0E−01	4.0E+00	4.0E−01
24m	4.5E−01	7.5E+01	1.4E−01	4.5E−01	4.5E+00	4.5E−01
26m	5.1E−01	8.5E+01	1.5E−01	5.1E−01	5.1E+00	5.1E−01
28m	5.7E−01	9.6E+01	1.7E−01	5.7E−01	5.7E+00	5.7E−01
30m	6.5E−01	1.1E+02	1.9E−01	6.5E−01	6.5E+00	6.5E−01
35m	8.3E−01	1.4E+02	2.5E−01	8.3E−01	8.3E+00	8.3E−01
40m	1.1E+00	1.8E+02	3.2E−01	1.1E+00	1.1E+01	1.1E+00
45m	1.4E+00	2.3E+02	4.1E−01	1.3E+00	1.4E+01	1.4E+00
50m	1.7E+00	2.9E+02	5.2E−01	1.7E+00	1.7E+01	1.7E+00
55m	2.2E+00	3.6E+02	6.5E−01	2.2E+00	2.2E+01	2.2E+00
60m	2.7E+00	4.5E+02	8.0E−01	2.7E+00	2.7E+01	2.7E+00
65m	3.3E+00	5.5E+02	9.9E−01	3.3E+00	3.3E+01	3.3E+00
70m	3.7E+00	6.2E+02	1.1E+00	3.7E+00	3.7E+01	3.7E+00
75m	4.2E+00	7.0E+02	1.3E+00	4.2E+00	4.2E+01	4.2E+00
80m	4.8E+00	8.0E+02	1.4E+00	4.8E+00	4.8E+01	4.8E+00
85m	5.4E+00	9.1E+02	1.6E+00	5.4E+00	5.4E+01	5.4E+00
90m	6.2E+00	1.0E+03	1.9E+00	6.2E+00	6.2E+01	6.2E+00
95m	7.0E+00	1.2E+03	2.1E+00	7.0E+00	7.0E+01	7.0E+00
100m	8.0E+00	1.3E+03	2.4E+00	7.9E+00	8.0E+01	8.0E+00
105m	9.0E+00	1.5E+03	2.7E+00	9.0E+00	9.0E+01	9.0E+00
110m	1.0E+01	1.7E+03	3.1E+00	1.0E+01	1.0E+02	1.0E+01
115m	1.2E+01	1.9E+03	3.5E+00	1.2E+01	1.2E+02	1.2E+01
120m	1.3E+01	2.2E+03	4.0E+00	1.3E+01	1.3E+02	1.3E+01

TABLE E-1.—FEED RATE SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for rural areas					
	Antimony (lb/hr)	Barium (lb/hr)	Lead (lb/hr)	Mercury (lb/hr)	Silver (lb/hr)	Thallium (lb/hr)
4m	6.9E−02	1.1E+01	2.1E−02	6.9E−02	6.9E−01	6.9E−02
6m	7.9E−02	1.3E+01	2.4E−02	7.9E−02	7.9E−01	7.9E−02
8m	9.0E−02	1.5E+01	2.7E−02	9.0E−02	9.0E−01	9.0E−02
10m	1.0E−01	1.7E+01	3.1E−02	1.0E−01	1.0E+00	1.0E−01
12m	1.3E−01	2.1E+01	3.8E−02	1.3E−01	1.3E+00	1.3E−01
14m	1.5E−01	2.6E+01	4.6E−02	1.5E−01	1.5E+00	1.5E−01
16m	1.9E−01	3.2E+01	5.7E−02	1.9E−01	1.9E+00	1.9E−01
18m	2.4E−01	4.0E+01	7.1E−02	2.4E−01	2.4E+00	2.4E−01
20m	2.9E−01	4.9E+01	8.8E−02	2.9E−01	2.9E+00	2.9E−01
22m	3.8E−01	6.3E+01	1.1E−01	3.7E−01	3.8E+00	3.8E−01
24m	4.8E−01	8.0E+01	1.4E−01	4.8E−01	4.8E+00	4.8E−01
26m	6.1E−01	1.0E+02	1.8E−01	6.1E−01	6.1E+00	6.1E−01
28m	7.7E−01	1.3E+02	2.3E−01	7.7E−01	7.7E+00	7.7E−01
30m	9.8E−01	1.6E+02	2.9E−01	9.8E−01	9.8E+00	9.8E−01
35m	1.6E+00	2.6E+02	4.7E−01	1.6E+00	1.6E+01	1.6E+00
40m	2.4E+00	4.0E+02	7.1E−01	2.4E+00	2.4E+01	2.4E+00
45m	3.3E+00	5.5E+02	9.9E−01	3.3E+00	3.3E+01	3.3E+00
50m	4.4E+00	7.3E+02	1.3E+00	4.4E+00	4.4E+01	4.4E+00
55m	5.8E+00	9.6E+02	1.7E+00	5.8E+00	5.8E+01	5.8E+00
60m	7.6E+00	1.3E+03	2.3E+00	7.6E+00	7.6E+01	7.6E+00
65m	1.0E+01	1.7E+03	3.0E+00	1.0E+01	1.0E+02	1.0E+01
70m	1.2E+01	2.0E+03	3.6E+00	1.2E+01	1.2E+02	1.2E+01
75m	1.4E+01	2.4E+03	4.3E+00	1.4E+01	1.4E+02	1.4E+01
80m	1.7E+01	2.8E+03	5.1E+00	1.7E+01	1.7E+02	1.7E+01
85m	2.0E+01	3.4E+03	6.1E+00	2.0E+01	2.0E+02	2.0E+01
90m	2.4E+01	4.0E+03	7.2E+00	2.4E+01	2.4E+02	2.4E+01
95m	2.9E+01	4.8E+03	8.6E+00	2.9E+01	2.9E+02	2.9E+01
100m	3.4E+01	5.7E+03	1.0E+01	3.4E+01	3.4E+02	3.4E+01
105m	4.1E+01	6.8E+03	1.2E+01	4.1E+01	4.1E+02	4.1E+01
110m	4.8E+01	8.1E+03	1.5E+01	4.8E+01	4.8E+02	4.8E+01
115m	5.8E+01	9.6E+03	1.7E+01	5.8E+01	5.8E+02	5.8E+01
120m	6.9E+01	1.1E+04	2.1E+01	6.9E+01	6.9E+02	6.9E+01

TABLE E-2.—FEED RATE SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN COMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for use in urban and rural areas					
	Antimony (lb/hr)	Barium (lb/hr)	Lead (lb/hr)	Mercury (lb/hr)	Silver (lb/hr)	Thallium (lb/hr)
4m	3.1E−02	5.2E+00	9.4E−03	3.1E−02	3.1E−01	3.1E−02
6m	4.6E−02	7.7E+00	1.4E−02	4.6E−02	4.6E−01	4.6E−02
8m	6.7E−02	1.1E+01	2.0E−02	6.7E−02	6.7E−01	6.7E−02
10m	9.9E−02	1.7E+01	3.0E−02	9.9E−02	9.9E−01	9.9E−02
12m	1.2E−01	2.0E+01	3.6E−02	1.2E−01	1.2E+00	1.2E−01
14m	1.5E−01	2.5E+01	4.4E−02	1.5E−01	1.5E+00	1.5E−01
16m	1.7E−01	2.9E+01	5.2E−02	1.7E−01	1.7E+00	1.7E−01
18m	1.9E−01	3.2E+01	5.7E−02	1.9E−01	1.9E+00	1.9E−01
20m	2.1E−01	3.5E+01	6.3E−02	2.1E−01	2.1E+00	2.1E−01
22m	2.3E−01	3.9E+01	7.0E−02	2.3E−01	2.3E+00	2.3E−01
24m	2.6E−01	4.3E+01	7.7E−02	2.6E−01	2.6E+00	2.6E−01
26m	2.9E−01	4.8E+01	8.6E−02	2.9E−01	2.9E+00	2.9E−01
28m	3.2E−01	5.3E+01	9.5E−02	3.2E−01	3.2E+00	3.2E−01
30m	3.5E−01	5.8E+01	1.0E−01	3.5E−01	3.5E+00	3.5E−01
35m	4.4E−01	7.3E+01	1.3E−01	4.3E−01	4.4E+00	4.4E−01
40m	5.4E−01	8.9E+01	1.6E−01	5.4E−01	5.4E+00	5.4E−01
45m	6.6E−01	1.1E+02	2.0E−01	6.6E−01	6.6E+00	6.6E−01
50m	8.1E−01	1.4E+02	2.4E−01	8.1E−01	8.1E+00	8.1E−01
55m	1.0E+00	1.7E+02	3.0E−01	1.0E−00	1.0E+01	1.0E−00
60m	1.2E+00	2.1E+02	3.7E−01	1.2E+00	1.2E+01	1.2E+00
65m	1.5E+00	2.5E+02	4.6E−01	1.5E+00	1.5E+01	1.5E+00
70m	1.7E+00	2.8E+02	5.1E−01	1.7E+00	1.7E+01	1.7E+00
75m	1.9E+00	3.2E+02	5.7E−01	1.9E+00	1.9E+01	1.9E+00
80m	2.1E+00	3.6E+02	6.4E−01	2.1E+00	2.1E+01	2.1E+00
85m	2.4E+00	4.0E+02	7.2E−01	2.4E+00	2.4E+01	2.4E+00
90m	2.7E+00	4.5E+02	8.0E−01	2.7E+00	2.7E+01	2.7E+00
95m	3.0E+00	5.0E+02	9.0E−01	3.0E+00	3.0E+01	3.0E+00
100m	3.4E+00	5.6E+02	1.0E+00	3.4E+00	3.4E+01	3.4E+00
105m	3.8E+00	6.3E+02	1.1E+00	3.8E+00	3.8E+01	3.8E+00
110m	4.2E+00	7.0E+02	1.3E+00	4.2E+00	4.2E+01	4.2E+00
115m	4.7E+00	7.9E+02	1.4E+00	4.7E+00	4.7E+01	4.7E+00
120m	5.3E+00	8.8E+02	1.6E+00	5.3E+00	5.3E+01	5.3E+00

TABLE E−3. FEED RATE SCREENING LIMITS FOR CARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for use in urban areas				Values for use in rural areas			
	Arsenic (lb/hr)	Cadmium (lb/hr)	Chromium (lb/hr)	Beryllium (lb/hr)	Arsenic (lb/hr)	Cadmium (lb/hr)	Chromium (lb/hr)	Beryllium (lb/hr)
4m	1.0E−03	2.5E−03	3.7E−04	1.9E−03	5.3E−04	1.3E−03	1.9E−04	9.5E−04
6m	1.2E−03	2.8E−03	4.2E−04	2.1E−03	6.1E−04	1.5E−03	2.2E−04	1.1E−03
8m	1.3E−03	3.2E−03	4.7E−04	2.4E−03	7.0E−04	1.7E−03	2.5E−04	1.3E−03
10m	1.5E−03	3.6E−03	5.3E−04	2.7E−03	8.0E−04	1.9E−03	2.9E−04	1.4E−03
12m	1.7E−03	4.0E−03	6.0E−04	3.0E−03	9.8E−04	2.3E−03	3.5E−04	1.8E−03
14m	1.9E−03	4.5E−03	6.8E−04	3.4E−03	1.2E−03	2.9E−03	4.3E−04	2.1E−03
16m	2.1E−03	5.1E−03	7.7E−04	3.8E−03	1.5E−03	3.5E−03	5.3E−04	2.6E−03
18m	2.4E−03	5.8E−03	8.7E−04	4.3E−03	1.8E−03	4.4E−03	6.6E−04	3.3E−03
20m	2.7E−03	6.5E−03	9.8E−04	4.9E−03	2.3E−03	5.5E−03	8.2E−04	4.1E−03
22m	3.1E−03	7.4E−03	1.1E−03	5.5E−03	2.9E−03	6.9E−03	1.0E−03	5.2E−03
24m	3.5E−03	8.3E−03	1.3E−03	6.3E−03	3.7E−03	8.8E−03	1.3E−03	6.6E−03
26m	3.9E−03	9.4E−03	1.4E−03	7.1E−03	4.7E−03	1.1E−02	1.7E−03	8.4E−03
28m	4.5E−03	1.1E−02	1.6E−03	8.0E−03	6.0E−03	1.4E−02	2.1E−03	1.1E−02
30m	5.0E−03	1.2E−02	1.8E−03	9.0E−03	7.6E−03	1.8E−02	2.7E−03	1.4E−02
35m	6.5E−03	1.5E−02	2.3E−03	1.2E−02	1.2E−02	2.9E−02	4.3E−03	2.2E−02
40m	8.2E−03	2.0E−02	2.9E−03	1.5E−02	1.8E−02	4.4E−02	6.6E−03	3.3E−02
45m	1.0E−02	2.5E−02	3.8E−03	1.9E−02	2.6E−02	6.1E−02	9.2E−03	4.6E−02
50m	1.3E−02	3.2E−02	4.8E−03	2.4E−02	3.4E−02	8.1E−02	1.2E−02	6.1E−02
55m	1.7E−02	4.0E−02	6.1E−03	3.0E−02	4.5E−02	1.1E−01	1.6E−02	8.0E−02
60m	2.1E−02	5.0E−02	7.4E−03	3.7E−02	5.9E−02	1.4E−01	2.1E−02	1.1E−01
65m	2.5E−02	6.1E−02	9.1E−03	4.6E−02	7.8E−02	1.9E−01	2.8E−02	1.4E−01
70m	2.9E−02	6.9E−02	1.0E−02	5.2E−02	9.3E−02	2.2E−01	3.3E−02	1.7E−01
75m	3.3E−02	7.8E−02	1.2E−02	5.9E−02	1.1E−01	2.6E−01	4.0E−02	2.0E−01
80m	3.7E−02	8.9E−02	1.3E−02	6.7E−02	1.3E−01	3.1E−01	4.7E−02	2.4E−01
85m	4.2E−02	1.0E−01	1.5E−02	7.6E−02	1.6E−01	3.7E−01	5.6E−02	2.8E−01
90m	4.8E−02	1.1E−01	1.7E−02	8.6E−02	1.9E−01	4.5E−01	6.7E−02	3.3E−01
95m	5.4E−02	1.3E−01	1.9E−02	9.7E−02	2.2E−01	5.3E−01	8.0E−02	4.0E−01
100m	6.2E−02	1.5E−01	2.2E−02	1.1E−01	2.6E−01	6.3E−01	9.5E−02	4.7E−01
105m	7.0E−02	1.7E−01	2.5E−02	1.3E−01	3.2E−01	7.5E−01	1.1E−01	5.6E−01
110m	7.9E−02	1.9E−01	2.8E−02	1.4E−01	3.7E−01	9.0E−01	1.3E−01	6.7E−01
115m	9.0E−02	2.2E−01	3.2E−02	1.6E−01	4.5E−01	1.1E+00	1.6E−01	8.0E−01
120m	1.0E−01	2.4E−01	3.7E−02	1.8E−01	5.3E−01	1.3E+00	1.9E−01	9.5E−01

TABLE E–4.—FEED RATE SCREENING LIMITS FOR CARCINOGENIC METALS FOR FACILITIES IN COMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for urban and rural areas			
	Arsenic (lb/hr)	Cadmium (lb/hr)	Chromium (lb/hr)	Beryllium (lb/hr)
4m	2.4E–04	5.8E–04	8.7E–05	4.4E–04
6m	3.6E–04	8.5E–04	1.3E–04	6.4E–04
8m	5.2E–04	1.2E–03	1.9E–04	9.4E–04
10m	7.7E–04	1.8E–03	2.8E–04	1.4E–03
12m	9.4E–04	2.2E–03	3.4E–04	1.7E–03
14m	1.1E–03	2.7E–03	4.1E–04	2.1E–03
16m	1.3E–03	3.2E–03	4.8E–04	2.4E–03
18m	1.5E–03	3.5E–03	5.3E–04	2.6E–03
20m	1.6E–03	3.9E–03	5.9E–04	2.9E–03
22m	1.8E–03	4.3E–03	6.5E–04	3.2E–03
24m	2.0E–03	4.8E–03	7.2E–04	3.6E–03
26m	2.2E–03	5.3E–03	7.9E–04	4.0E–03
28m	2.5E–03	5.9E–03	8.8E–04	4.4E–03
30m	2.7E–03	6.5E–03	9.7E–04	4.9E–03
35m	3.4E–03	8.1E–03	1.2E–03	6.0E–03
40m	4.2E–03	9.9E–03	1.5E–03	7.4E–03
45m	5.1E–03	1.2E–02	1.8E–03	9.2E–03
50m	6.3E–03	1.5E–02	2.3E–03	1.1E–02
55m	7.8E–03	1.9E–02	2.8E–03	1.4E–02
60m	9.6E–03	2.3E–02	3.4E–03	1.7E–02
65m	1.2E–02	2.8E–02	4.2E–03	2.1E–02
70m	1.3E–02	3.2E–02	4.7E–03	2.4E–02
75m	1.5E–02	3.5E–02	5.3E–03	2.7E–02
80m	1.7E–02	4.0E–02	5.9E–03	3.0E–02
85m	1.9E–02	4.4E–02	6.7E–03	3.3E–02
90m	2.1E–02	5.0E–02	7.4E–03	3.7E–02
95m	2.3E–02	5.6E–02	8.3E–03	4.2E–02
100m	2.6E–02	6.2E–02	9.3E–03	4.7E–02
105m	2.9E–02	7.0E–02	1.0E–02	5.2E–02
110m	3.3E–02	7.8E–02	1.2E–02	5.9E–02
115m	3.7E–02	8.7E–02	1.3E–02	6.5E–02
120m	4.1E–02	9.8E–02	1.5E–02	7.3E–02

TABLE E–5.—EMISSIONS SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for urban areas					
	Antimony (g/sec)	Barium (g/sec)	Lead (g/sec)	Mercury (g/sec)	Silver (g/sec)	Thallium (g/sec)
4m	1.7E–02	2.8E+00	5.1E–03	1.7E–02	1.7E–01	1.7E–02
6m	1.9E–02	3.2E+00	5.7E–03	1.9E–02	1.9E–01	1.9E–02
8m	2.1E–02	3.6E+00	6.4E–03	2.1E–02	2.1E–01	2.1E–02
10m	2.4E–02	4.0E+00	7.3E–03	2.4E–02	2.4E–01	2.4E–02
12m	2.7E–02	4.6E+00	8.2E–03	2.7E–02	2.7E–01	2.7E–02
14m	3.1E–02	5.1E+00	9.3E–03	3.1E–02	3.1E–01	3.1E–02
16m	3.5E–02	5.8E+00	1.0E–02	3.5E–02	3.5E–01	3.5E–02
18m	3.9E–02	6.6E+00	1.2E–02	3.9E–02	3.9E–01	3.9E–02
20m	4.4E–02	7.4E+00	1.3E–02	4.4E–02	4.4E–01	4.4E–02
22m	5.0E–02	8.4E+00	1.5E–02	5.0E–02	5.0E–01	5.0E–02
24m	5.7E–02	9.5E+00	1.7E–02	5.7E–02	5.7E–01	5.7E–02
26m	6.4E–02	1.1E+01	1.9E–02	6.4E–02	6.4E–01	6.4E–02
28m	7.2E–02	1.2E+01	2.2E–02	7.2E–.02	7.2E–01	7.2E–02
30m	8.2E–02	1.4E+01	2.5E–02	8.2E–02	8.2E–01	8.2E–02
35m	1.1E–01	1.8E+01	3.2E–02	1.1E–01	1.1E+00	1.1E–01
40m	1.3E–01	2.2E+01	4.0E–02	1.3E–01	1.3E+00	1.3E–01
45m	1.7E–01	2.8E+01	5.1E–02	1.7E–01	1.7E+00	1.7E–01
50m	2.2E–01	3.6E+01	6.5E–02	2.2E–01	2.2E+00	2.2E–01
55m	2.7E–01	4.6E+01	8.2E–02	2.7E–01	2.7E+00	2.7E–01
60m	3.4E–01	5.6E+01	1.0E–01	3.4E–01	3.4E+00	3.4E–01
65m	4.1E–01	6.9E+01	1.2E–01	4.1E–01	4.1E+00	4.1E–01
70m	4.7E–01	7.8E+01	1.4E–01	4.7E–01	4.7E+00	4.7E–01
75m	5.3E–01	8.9E+01	1.6E–01	5.3E–01	5.3E+00	5.3E–01
80m	6.0E–01	1.0E+02	1.8E–01	6.0E–01	6.0E+00	6.0E–01
85m	6.9E–01	1.1E+02	2.1E–01	6.9E–01	6.9E+00	6.9E–01
90m	7.8E–01	1.3E+02	2.3E–01	7.8E–01	7.8E+00	7.8E–01
95m	8.8E–01	1.5E+02	2.7E–01	8.8E–01	8.8E+00	8.8E–01
100m	1.0E+00	1.7E+02	3.0E–01	1.0E+00	1.0E+01	1.0E+00
105m	1.1E+00	1.9E+02	3.4E–01	1.1E+00	1.1E+01	1.1E+00
110m	1.3E+00	2.2E+02	3.9E–01	1.3E+00	1.3E+01	1.3E+00
115m	1.5E+00	2.4E+02	4.4E–01	1.5E+00	1.5E+01	1.5E+00
120m	1.7E+00	2.8E+02	5.0E–01	1.7E+00	1.7E+01	1.7E+00

TABLE E-5 (CONTINUED).-EMISSIONS SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for rural areas					
	Antimony (g/sec)	Barium (g/sec)	Lead (g/sec)	Mercury (g/sec)	Silver (g/sec)	Thallium (g/sec)
4m	8.7E−03	1.4E+00	2.6E−03	8.7E−03	8.7E−02	8.7E−03
6m	9.9E−03	1.7E+00	3.0E−03	9.9E−03	9.9E−02	9.9E−03
8m	1.1E−02	1.9E+00	3.4E−03	1.1E−02	1.1E−01	1.1E−02
10m	1.3E−02	2.2E+00	3.9E−03	1.3E−02	1.3E−01	1.3E−02
12m	1.6E−02	2.7E+00	4.8E−03	1.6E−02	1.6E−01	1.6E−02
14m	1.9E−02	3.2E+00	5.8E−03	1.9E−02	1.9E−01	1.9E−02
16m	2.4E−02	4.0E+00	7.2E−03	2.4E−02	2.4E−01	2.4E−02
18m	3.0E−02	5.0E+00	9.0E−03	3.0E−02	3.0E−01	3.0E−02
20m	3.7E−02	6.2E+00	1.1E−02	3.7E−02	3.7E−01	3.7E−02
22m	4.7E−02	7.9E+00	1.4E−02	4.7E−02	4.7E−01	4.7E−02
24m	6.0E−02	1.0E+01	1.8E−02	6.0E−02	6.0E−01	6.0E−02
26m	7.7E−02	1.3E+01	2.3E−02	7.7E−02	7.7E−01	7.7E−02
28m	9.7E−02	1.6E+01	2.9E−02	9.7E−02	9.7E−01	9.7E−02
30m	1.2E−01	2.1E+01	3.7E−02	1.2E−01	1.2E+00	1.2E−01
35m	2.0E−01	3.3E+01	5.9E−02	2.0E−01	2.0E+00	2.0E−01
40m	3.0E−01	5.0E+01	9.0E−02	3.0E−01	3.0E+00	3.0E−01
45m	4.2E−01	7.0E+01	1.3E−01	4.2E−01	4.2E+00	4.2E−01
50m	5.5E−01	9.2E+01	1.7E−01	5.5E−01	5.5E+00	5.5E−01
55m	7.3E−01	1.2E+02	2.2E−01	7.3E−01	7.3E+00	7.3E−01
60m	9.6E−01	1.6E+02	2.9E−01	9.6E−01	9.6E+00	9.6E−01
65m	1.3E+00	2.1E+02	3.8E−01	1.3E+00	1.3E+01	1.3E+00
70m	1.5E+00	2.5E+02	4.5E−01	1.5E+00	1.5E+01	1.5E+00
75m	1.8E+00	3.0E+02	5.4E−01	1.8E+00	1.8E+01	1.8E+00
80m	2.1E+00	3.6E+02	6.4E−01	2.1E+00	2.1E+01	2.1E+00
85m	2.6E+00	4.3E+02	7.7E−01	2.6E+00	2.6E+01	2.6E+00
90m	3.0E+00	5.1E+02	9.1E−01	3.0E+00	3.0E+01	3.0E+00
95m	3.6E+00	6.0E+02	1.1E+00	3.6E+00	3.6E+01	3.6E+00
100m	4.3E+00	7.2E+02	1.3E+00	4.3E+00	4.3E+01	4.3E+00
105m	5.1E+00	8.5E+02	1.5E+00	5.1E+00	5.1E+01	5.1E+00
110m	6.1E+00	1.0E+03	1.8E+00	6.1E+00	6.1E+01	6.1E+00
115m	7.3E+00	1.2E+03	2.2E+00	7.3E+00	7.3E+01	7.3E+00
120m	8.6E+00	1.4E+03	2.6E+00	8.6E+00	8.6E+01	8.6E+00

TABLE E-6.—EMISSIONS SCREENING LIMITS FOR NONCARCINOGENIC METALS FOR FACILITIES IN COMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for use in urban and rural areas					
	Antimony (g/sec)	Barium (g/sec)	Lead (g/sec)	Mercury (g/sec)	Silver (g/sec)	Thallium (g/sec)
4m	3.9E-03	6.6E-01	1.2E-03	3.9E-02	3.9E-02	3.9E-03
6m	5.8E-03	9.7E-01	1.7E-03	5.8E-03	5.8E-02	5.8E-03
8m	8.5E-03	1.4E+00	2.6E-03	8.5E-03	8.5E-02	8.5E-03
10m	1.2E-02	2.1E+00	3.7E-03	1.2E-02	1.2E-01	1.2E-02
12m	1.5E-02	2.5E+00	4.6E-03	1.5E-01	1.5E-01	1.5E-02
14m	1.9E-02	3.1E+00	5.6E-03	1.9E-02	1.9E-01	1.9E-02
16m	2.2E-02	3.6E+00	6.5E-03	2.2E-02	2.2E-01	2.2E-02
18m	2.4E-02	4.0E+00	7.2E-03	2.4E-02	2.4E-01	2.4E-02
20m	2.7E-02	4.4E+00	8.0E-03	2.7E-02	2.7E-01	2.7E-02
22m	2.9E-02	4.9E+00	8.8E-03	2.9E-02	2.9E-01	2.9E-02
24m	3.3E-02	5.4E+00	9.8E-03	3.3E-02	3.3E-01	3.3E-02
26m	3.6E-02	6.6E+00	1.2E-02	3.6E-02	3.6E-01	4.0E-02
28m	4.0E-02	6.6E+00	1.2E-02	4.0E-02	4.0E-01	4.0E-02
30m	4.4E-02	7.4E+00	1.3E-02	4.4E-02	4.4E-01	4.4E-02
35m	5.5E-02	9.1E+00	1.6E-02	5.5E-02	5.5E-01	5.5E-02
40m	6.8E-02	1.1E+01	2.0E-02	6.8E-02	6.8E-01	6,8E-02
45m	8.3E-02	1.4E+01	2.5E-02	8.3E-02	8.3E-01	8.3E-02
50m	1.0E-01	1.7E+01	3.1E-02	1.0E-01	1.0E+00	1.0E-01
55m	1.3E-01	2.1E+01	3.8E-02	1.3E-01	1.3E+00	1.3E-01
60m	1.6E-01	2.6E+01	4.7E-02	1.6E-01	1.6E+00	1.6E-01
65m	1.9E-01	3.2E+01	5.8E-02	1.9E-01	1.9E+00	1.9E-01
70m	2.2E-01	3.6E+01	6.5E-02	2.2E-01	2.2E+00	2.2E-01
75m	2.4E-01	4.0E+01	7.2E-02	2.4E-01	2.4E+00	2.4E-01
80m	2.7E-01	4.5E+01	8.1E-02	2.7E-01	2.7E+00	2.7E-01
85m	3.0E-01	5.0E+01	9.1E-02	3.0E-01	3.0E+00	3.0E-01
90m	3.4E-01	5.6E+01	1.0E-01	3.4E-01	3.4E+00	3.4E-01
95m	3.8E-01	6.3E+01	1.1E-01	3.8E-01	3.8E+00	3.8E-01
100m	4.2E-01	7.1E+01	1.3E-01	4.2E-01	4.2E+00	4.2E-01
105m	4.7E-01	7.9E+01	1.4E-01	4.7E-01	4.7E+00	4.7E-01
110m	5.3E-01	8.9E+01	1.6E-01	5.3E-01	5.3E+00	5.3E-01
115m	5.9E-01	9.9E+01	1.8E-01	5.9E-01	5.9E+00	5.9E-01
120m	6.7E-01	1.1E-02	2.0E-01	6.7E-01	6.7E+00	6.7E-01

TABLE E-7.—EMISSIONS SCREENING LIMITS FOR CARCINOGENIC METALS FOR FACILITIES IN NONCOMPLEX TERRAIN

Terrain-adjusted effective stack height	Values for use in urban areas				Values for use in rural areas			
	Arsenic (g/sec)	Cadmium (g/sec)	Chromium (g/sec)	Beryllium (g/sec)	Arsenic (g/sec)	Cadmium (g/sec)	Chromium (g/sec)	Beryllium (g/sec)
4m	1.3E-04	3.1E-04	4.7E-05	2.3E-04	6.7E-05	1.6E-04	2.4E-05	1.2E-04
6m	1.5E-04	3.5E-04	5.3E-05	2.6E-04	7.7E-05	1.8E-04	2.8E-05	1.4E-04
8m	1.7E-04	4.0E-04	6.0E-05	3.0E-04	8.8E-05	2.1E-04	3.2E-05	1.6E-04
10m	1.9E-04	4.5E-04	6.7E-05	3.4E-04	1.0E-04	2.4E-04	3.6E-05	1.8E-04
12m	2.1E-04	5.1E-04	7.6E-05	3.8E-04	1.2E-04	3.0E-04	4.4E-05	2.2E-04
14m	2.4E-04	5.7E-04	8.6E-05	4.3E-04	1.5E-04	3.6E-04	5.4E-05	2.7E-04
16m	2.7E-04	6.5E-04	9.7E-05	4.8E-04	1.9E-04	4.5E-04	6.7E-05	3.3E-04
18m	3.1E-04	7.3E-04	1.1E-04	5.5E-04	2.3E-04	5.5E-04	8.3E-05	4.2E-04
20m	3.4E-04	8.2E-04	1.2E-04	6.2E-04	2.9E-04	6.9E-04	1.0E-04	5.2E-04
22m	3.9E-04	9.3E-04	1.4E-04	7.0E-04	3.7E-04	8.8E-04	1.3E-04	6.6E-04
24m	4.4E-04	1.1E-03	1.6E-04	7.9E-04	4.7E-04	1.1E-03	1.7E-04	8.4E-04
26m	5.0E-04	1.2E-03	1.8E-04	8.9E-04	5.9E-04	1.4E-03	2.1E-04	1.1E-03
28m	5.6E-04	1.3E-03	2.0E-04	1.0E-03	7.6E-04	1.8E-03	2.7E-04	1.4E-03
30m	6.3E-04	1.5E-03	2.3E-04	1.1E-03	9.6E-04	2.3E-03	3.4E-04	1.7E-03
35m	8.2E-04	1.9E-03	2.9E-04	1.5E-03	1.5E-03	3.6E-03	5.4E-04	2.7E-03
40m	1.0E-03	2.5E-03	3.7E-04	1.9E-03	2.3E-03	5.5E-03	8.3E-04	4.2E-03
45m	1.3E-03	3.2E-03	4.7E-04	2.4E-03	3.2E-03	7.7E-03	1.2E-03	5.8E-03
50m	1.7E-03	4.0E-03	6.1E-04	3.0E-03	4.3E-03	1.0E-02	1.5E-03	7.7E-03
55m	2.1E-03	5.1E-03	7.6E-04	3.8E-03	5.7E-03	1.4E-02	2.0E-03	1.0E-02
60m	2.6E-03	6.2E-03	9.4E-04	4.7E-03	7.5E-03	1.8E-02	2.7E-03	1.3E-02
65m	3.2E-03	7.7E-03	1.2E-03	5.8E-03	9.9E-03	2.4E-02	3.5E-03	1.8E-02
70m	3.6E-03	8.7E-03	1.3E-03	6.5E-03	1.2E-02	2.8E-02	4.2E-03	2.1E-02
75m	4.1E-03	9.9E-03	1.5E-03	7.4E-03	1.4E-02	3.3E-02	5.0E-03	2.5E-02
80m	4.7E-03	1.1E-02	1.7E-03	8.4E-03	1.7E-02	4.0E-02	6.0E-03	3.0E-02
85m	5.3E-03	1.3E-02	1.9E-03	9.5E-03	2.0E-02	4.7E-02	7.1E-03	3.5E-02
90m	6.0E-03	1.4E-02	2.2E-03	1.1E-02	2.4E-02	5.6E-02	8.4E-03	4.2E-02
95m	6.9E-03	1.6E-02	2.5E-03	1.2E-02	2.8E-02	6.7E-02	1.0E-02	5.0E-02
100m	7.8E-03	1.9E-02	2.8E-03	1.4E-02	3.3E-02	8.0E-02	1.2E-02	6.0E-02
105m	8.8E-03	2.1E-02	3.2E-03	1.6E-02	4.0E-02	9.5E-02	1.4E-02	7.1E-02
110m	1.0E-02	2.4E-02	3.6E-03	1.8E-02	4.7E-02	1.1E-01	1.7E-02	8.5E-02
115m	1.1E-02	2.7E-02	4.1E-03	2.0E-02	5.6E-02	1.3E-01	2.0E-02	1.0E-01
120m	1.3E-02	3.1E-02	4.6E-03	2.3E-02	6.7E-02	1.6E-01	2.4E-02	1.2E-01

TABLE E-8.—EMISSIONS SCREENING LIMITS FOR CARCINOGENIC METALS FOR FACILITIES IN COMPLEX TERRAIN

	Terrain-adjusted effective stack height			
Values for use in urban and rural areas	Arsenic (g/sec)	Cadmium (g/sec)	Chromium (g/sec)	Beryllium (g/sec)
4m	3.1E-05	7.3E-05	1.1E-05	5.5E-05
6m	4.5E-05	1.1E-04	1.6E-05	8.1E-05
8m	6.6E-05	1.6E-04	2.4E-05	1.2E-04
10m	9.7E-05	2.3E-04	3.5E-05	1.7E-04
12m	1.2E-04	2.8E-04	4.2E-05	2.1E-04
14m	1.4E-04	3.5E-04	5.2E-05	2.6E-04
16m	1.7E-04	4.0E-04	6.0E-05	3.0E-04
18m	1.9E-04	4.4E-04	6.7E-05	3.3E-04
20m	2.1E-04	4.9E-04	7.4E-05	3.7E-04
22m	2.3E-04	5.4E-04	8.2E-05	4.1E-04
24m	2.5E-04	6.0E-04	9.0E-05	4.5E-04
26m	2.8E-04	6.7E-04	1.0E-04	5.0E-04
28m	3.1E-04	7.4E-04	1.1E-04	5.5E-04
30m	3.4E-04	8.2E-04	1.2E-04	6.1E-04
35m	4.3E-04	1.0E-03	1.5E-04	7.6E-04
40m	5.2E-04	1.3E-03	1.9E-04	9.4E-04
45m	6.5E-04	1.5E-03	2.3E-04	1.2E-03
50m	8.0E-04	1.9E-03	2.9E-04	1.4E-03
55m	9.8E-04	2.3E-03	3.5E-04	1.8E-03
60m	1.2E-03	2.9E-03	4.3E-04	2.2E-03
65m	1.5E-03	3.6E-03	5.3E-04	2.7E-03
70m	1.7E-03	4.0E-03	6.0E-04	3.0E-03
75m	1.9E-03	4.5E-03	6.7E-04	3.3E-03
80m	2.1E-03	5.0E-03	7.5E-04	3.7E-03
85m	2.3E-03	5.6E-03	8.4E-04	4.2E-03
90m	2.6E-03	6.3E-03	9.4E-04	4.7E-03
95m	2.9E-03	7.0E-03	1.1E-03	5.3E-03
100m	3.3E-03	7.8E-03	1.2E-03	5.9E-03
105m	3.7E-03	8.8E-03	1.3E-03	6.6E-03
110m	4.1E-03	9.8E-03	1.5E-03	7.4E-03
115m	4.6E-03	1.1E-02	1.7E-03	8.3E-03
120m	5.2E-03	1.2E-02	1.8E-03	9.2E-03

TABLE E-9.—FEED RATE SCREENING LIMITS FOR TOTAL CHLORINE

Terrain-adjusted effective stack height	Noncomplex	Complex
	Total chlorine (lb/hr)	Total chlorine (lb/hr)
4m	2.0E−01	2.6E−01
6m	2.5E−01	2.7E−01
8m	3.0E−01	2.8E−01
10m	3.7E−01	2.9E−01
12m	4.7E−01	3.3E−01
14m	6.1E−01	3.8E−01
16m	7.8E−01	4.4E−01
18m	9.8E−01	5.0E−01
20m	1.2E+00	5.7E−01
22m	1.6E+00	6.5E−01
24m	2.0E+00	7.4E−01
26m	2.5E+00	8.4E−01
28m	3.1E+00	9.6E−01
30m	3.9E+00	1.1E+00
35m	5.7E+00	1.5E+00
40m	8.0E+00	2.1E+00
45m	1.1E+01	3.0E+00
50m	1.5E+01	4.1E+00
55m	1.9E+01	5.7E+00
60m	2.3E+01	8.0E+00
65m	2.7E+01	1.1E+01
70m	3.0E+01	1.2E+01
75m	3.3E+01	1.3E+01
80m	3.6E+01	1.4E+01
85m	4.0E+01	1.5E+01
90m	4.4E+01	1.7E+01
95m	4.9E+01	1.8E+01
100m	5.4E+01	2.0E+01
105m	5.9E+01	2.1E+01
110m	6.5E+01	2.3E+01
115m	7.2E+01	2.5E+01
120m	7.9E+01	2.7E+01

TABLE E-10.—EMISSIONS SCREENING LIMITS FOR HYDROGEN CHLORIDE

Terrain-adjusted effective stack height	Noncomplex	Complex
	HCl (g/sec)	HCl (g/sec)
4m	2.6E−02	3.3E−02
6m	3.1E−02	3.4E−02
8m	3.8E−02	3.5E−02
10m	4.6E−02	3.7E−02
12m	6.0E−02	4.2E−02
14m	7.7E−02	4.8E−02
16m	9.9E−02	5.5E−02
18m	1.2E−01	6.3E−02
20m	1.6E−01	7.2E−02
22m	2.0E−01	8.2E−02
24m	2.5E−01	9.3E−02
26m	3.1E−01	1.1E−01
28m	3.9E−01	1.2E−01
30m	4.9E−01	1.4E−01
35m	7.2E−01	1.9E−01
40m	1.0E+00	2.7E−01
45m	1.4E+00	3.7E−01
50m	1.9E+00	5.2E−01
55m	2.4E+00	7.2E−01
60m	2.9E+00	1.0E+00
65m	3.4E+00	1.4E+00
70m	3.8E+00	1.5E+00
75m	4.2E+00	1.7E+00
80m	4.6E+00	1.8E+00
85m	5.1E+00	1.9E+00
90m	5.6E+00	2.1E+00
95m	6.1E+00	2.3E+00
100m	6.8E+00	2.5E+00
105m	7.5E+00	2.7E+00
110m	8.2E+00	2.9E+00
115m	9.1E+00	3.2E+00
120m	1.0E+01	3.5E+00

Appendix F: Technical Support for Tier I–III Metals and HCL Controls and THC Emissions Rate Screening Limits

This appendix summarizes the risk assessment approach the Agency used to develop the proposed Tier I and II Screening Limits for metals and HCl, and the emission rate Screening Limits for total hydrocarbons (THC) that would be used to assess THC emissions under the health-based Tier II alternative for PIC controls. In addition, the appendix summarizes how the metals and HCl controls would be implemented.

I. Overview of EPA's Risk Assessment

The risk assessment methodology is discussed in detail in the background document supporting the amendments EPA plans to propose shortly for hazardous waste incinerators—Technical Background Document: Controls for Metals and Hydrogen Chloride Emissions for Hazardous Waste Incinerators. As explained in the text of today's notice, the emissions standards, technical support, and risk assessment methodology for the boiler/furnace rules are identical to those the Agency plans to propose for incinerators. The methodology is summarized below for the convenience of the reader.

A. Overview of the Risk Assessment Approach

EPA's risk assessment approach involves: (1) Establishing ambient levels of pollutants (i.e., metals, hydrogen chloride (HCl), and total hydrocarbons (THC)) that pose acceptable health risk; and (2) developing conservative dispersion coefficients [40] for reasonable worst-case facilities as a function of key parameters (i.e., effective stack height,[41] terrain type, and land use classification). To establish the conservative Screening Limits for metals, HCl, and THC, we back-calculated from the acceptable ambient levels using the conservative dispersion coefficients.

Under today's proposal, applicants would be required to demonstrate that emissions of metals, HCl, and (when stack gas CO concentrations exceed 100 ppmv and under the health-based alternative approach to assess THC emissions) THC emissions do not result in an exceedance of the acceptable ambient levels. If the conservative Screening Limits are not exceeded, applicants need not conduct site-specific dispersion modeling to make this demonstration.

B. Development of Conservative Dispersion Coefficients

1. *Factors Influencing Ambient Levels of Pollutants.* Ambient levels of pollutants resulting from stack emissions are a function of the dispersion of pollutants from the source in question. Many factors influence the relationships between releases (emissions) and ground-level concentrations, including: (1) The rate of emission; (2) the release specifications of the facility (i.e., stack height, exit velocity, exhaust temperature and inner stack diameter, which together define the facility's "effective stack height"); (3) local terrain; and (4) local meteorology and (5) urban/rural classification.

2. *Selection of Facilities and Sites for Dispersion Modeling.*[42] Hazardous waste incinerators are known to vary widely in capacity, configuration, and design, making it difficult to identify typical parameters that affect dispersion of emissions (i.e., release parameters). For instance, stack heights of incinerators listed in the 1981 mail survey [43] vary from less than 15 feet to over 200 feet. Futhermore, many new facilities that are now in operation that are not listed on the survey, and EPA expects that a large number of additional facilities of various types of designs are likely to be constructed over the next several years.

For currently operating facilities, the worst-case dispersion situation would be a combination of release specifications, local terrain, urban/rural land use classification, and local meteorology that produces the highest ambient concentrations of hazardous pollutants per unit of pollutant released by a facility. This can be expressed, for any specific facility, as a dispersion coefficient, which, for purposes of this proposal, is the maximum annual average (or, as explained later, for HCl, maximum 3-minute) ground-level concentration for an emission of 1 g/s (a unit release); the units of the dispersion coefficient are, therefore, $\mu g/m^3/g/s$.[44]

Since dispersion coefficients are, as a general rule, inversely correlated with effective stack heights, worst-case facilities are most likely to be those with the shortest effective stack heights. No similar *a priori* judgment, however, should be made with respect to terrain or meteorology; evaluation of the influence of these factors requires individual site-by-site dispersion modeling. It was therefore not possible to screen facility locations in advance to select for probable worst-case situations simply by considering stack height.

Instead, out of a total number of 154 existing facilities for which data were available from the 1981 mail survey,[45] we roughly sorted the facilities into three terrain types based on broad-scale topographic maps: flat, rolling, and complex terrain. We then ranked the facilities by effective stack heights. Next, we evaluated terrain rise out to 50 km for each of the 24 facilities and ranked the facilities by maximum terrain rise. Finally, we subdivided the 24 facilities into three groups which are loosely defined as flat, rolling, and complex terrain. In addition, to enable us to determine conservative dispersion coefficients as a function of effective height, we developed 11 hypothetical incinerators and modeled each of these "incinerators" at the 24 sites. The hypothetical facilities were selected by dividing the range of facilities listed in the 1981 survey into 10 categories based on effective stack height. Then, within each stack height category, we selected a hypothetical effective stack height that approximated the 25th percentile of the range of heights that existed within the category. The 25th percentile was chosen in order to select a facility likely to reflect the higher end of dispersion coefficients (and ambient levels) in each height category. In addition, an eleventh hypothetical source was defined in order to represent facilities whose heights of release do not meet good engineering practice (see the discussion on good engineering practice in Section II of this appendix). Such devices will

[40] For purposes of this document, the term dispersion coefficient refers to the ambient concentration that would result from an emission rate of 1 gram/sec.

[41] Effective stack height is the height above ground level of a plume, based on summing the physical stack height plus plume rise.

[42] A survey of hazardous waste incinerators was used to identify the range of release parameters—stact height, plume rise—representative of the universe of incinerators. These release parameters were used to develop the conservative dispersion coefficients that were used to develop the Screening Limits. Given that the range of incinerator release parameters will also represent the range of release parameters for boilers and industrial furnaces, the Screening Limits will also be appropriated for boilers and furnaces (U.S. EPA, Draft Technical Background Document for Control of Metals and HCl Emissions from Hazardous Waste Incinerators, August 1989).

[43] DPRA, op. cit.

[44] Dispersion coefficients can be defined for any specific location surrounding a release. The maximum dispersion coefficient will, under the assumptions used in this regulation, be the dispersion coefficient for the MEI. It may occur at any distance and in any direction from the facility. However, locations within the property boundary of a facility would not be considered when implementing these proposed rules unless individuals reside on site.

[45] We note that the survey should be representative because it addressed over 50 percent of the 250 hazardous waste incinerators now in operation.

experience "building wake effects"—turbulence created by adjacent structures that immediately mixes the plume resulting in high ground level concentrations close to the stack.

Finally, we also included the site that resulted in the worst-case complex terrain conditions during development of the rule for boilers and industrial furnaces in 1987.[46] Although there is currently no hazardous waste incinerator at that site, we used the site as another theoretical location for the 11 hypothetical incinerators and merged the results into those from the actual incinerator sites. Under certain conditions, this site provided higher dispersion coefficients for some stacks.

In summary, 11 hypothetical incinerators and the actual incinerators were modeled at each of 24 sites evenly distributed among flat, rolling, and complex terrain. In addition, the 11 hypothetical incinerators were modeled at an additional complex terrain site.

3. *Development of Dispersion Coefficients.* Estimating the air impacts of the facilities required the use of five separate air dispersion models. We used the "*EPA Guideline on Air Quality Models (Revised),*"[47] and consulted with the EPA Office of Air Quality Planning and Standards to select the most appropriate model for each application.

For each of the 25 locations, five consecutive years of concurrent surface and twice-per-day upper air data (to characterize mixing height) were acquired. The data sets contained hourly records of surface observations for five years, or approximately 44,000 consecutive hours of meteorological data. The same five-year data set was used to estimate the highest hourly dispersion coefficient during the five-year period, and to estimate annual average concentrations based on a five year data set for all release specifications modeled at each location.

The actual incinerator release specifications at each location were used to select the appropriate model for short-term and long-term averaging periods. Once selected, the release specifications for the actual incinerator and the 11 hypothetical incinerators were modeled. Table F-1 lists the models selected.

TABLE F-1.—MODELS SELECTED FOR THE RISK ANALYSIS

Terrain classification	Urban/rural	Averaging period	Model selected
Flat or Rolling.	Urban or Rural.	Annual average.	ISCLT.
Flat or Rolling.	Urban or Rural.	Hourly	ISCST.
Complex	Urban	Annual average.	LONGZ.
Complex	Urban	Hourly	SHORTZ.
Complex	Rural	Hourly or annual.	COMPLEX I.

The Industrial Source Complex models (ISCLT and ISCST) were selected for flat and rolling terrain because they can address building downwash or elevated releases and can account for terrain differences between sources and receptors. The long-term mode (ISCLT) was used for annual averages, while the short-term mode (ISCST) was used to estimate maximum hourly concentrations.

To meet the EPA guidance on model selection, we used three different models to characterize dispersion over complex terrain. For urban applications, OAQPS recommends SHORTZ for short-term averaging periods and LONGZ for seasonal or annual averages. For rural sites located in complex terrain, OAQPS recommends the COMPLEX I model.

We used U.S. Geological Survey 7.5-minute topographic maps to document terrain rise out to 5 km from each stack. For purposes of this proposed rule, a facility is considered to be in flat terrain if the maximum terrain rise within 5 km of the stack is not greater than 10 percent of the physical stack height. The facility is in rolling terrain if terrain rise is greater than 10 percent but not greater than the physical stack height, and in complex terrain if terrain rise is greater than the physical stack height.[48]

We also used the topographic maps as the basis to classify land use as urban or rural. A simplified version of the Auer technique[49] based on the preferred land use approach (rather than population density) was used for this classification. If greater than 50 percent of the land was classified as urban, the models were executed in the urban mode for that facility. If greater than 50 percent was classified as rural, the rural modes were used.[50]

To identify conservative dispersion coefficients as a function of effective stack height, we graphically plotted for each terrain type (i.e., flat, rolling, and complex) and each land use classification (i.e., urban and rural) dispersion coefficients for the modeled facilities and locations as a function of effective stack height. The outer envelope representing the highest dispersion coefficients was drawn to enable us to identify conservative coefficients for any effective stack height within the range of those modeled (i.e., 4 m to 120 m).

We determined that there was no significant difference in dispersion coefficients (under the severe conditions modeled) betwen flat and rolling terrain. Thus, those terrain types were merged together and termed noncomplex terrain. In addition, a discontinuity was observed between the SHORTZ/LONGZ and Complex I[51] models, which resulted in our not distinguishing between land use classifications in complex terrain. Finally, we note that there was no significant difference in 3-minute exposures between urban and rural land used in either noncomplex or complex terrain. Thus, we have not distinguished between land use classifications in establishing the HCl Screening Limits. There is, however, a significant difference in maximum annual average dispersion coefficients between urban and rural land use in noncomplex terrain, and so we have established separate metals and THC Screening Limits for those situations.

We note that the dispersion coefficients used to establish the Screening Limits are designed to be conservative, but may, in fact, not be conservative in extremely poor dispersion conditions, or when the receptor (location (i.e., residence)) is close-in to the source. Under the

[46] See "Background Information Document for the Development of Regulations to Control the Burning of Hazardous Waste in Boilers and Industrial Furnaces, Volume III: Risk Assessment, Engineering-Sciences", February 1987. (Available from the National Technical Information Service, Springfield, VA. Order No. PB 87 173845.)

[47] USEPA. "*Guideline on Air Quality Models (Revised).*" U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. EPA-450/2/78-027R. July 1986.

[48] We note that EPA can consider terrain well past 5 km of a stack to define terrain type for some facilities. We believe, however, that a radius of 5 km is adequate because we are concerned with MEI exposures (as opposed to aggregate population exposures) and because the effective stack heights of concern are relatively low in comparison to facilities such as major power plants. Thus, MEI exposures for the conditions modeled will always occur within 5 km of the stack.

[49] Auer, August, H., Jr. "*Correlation of Land Use and Cover with Meteorological Anomalies. Journal of Applied Meteorology*"; Vol. 17, pp. 636-643, May 1978.

[50] OAQPS guidelines indicate that 50 percent is the cutoff point between urban and rural; however, to be conservative and to account for differences in the accuracy of different measurement methods, EPA is recommending that for permitting purposes land use be considered urban if greater than 75 percent is urban; that it be considered rural if land use is greater than 75 percent rural; and that if the land use is between 75 percent urban and 75 percent rural the more conservative Screening Limit of the two be used.

[51] Complex I was found to produce relatively low estimates of short-term concentrations.

situations identified below, the Screening Limits may not be protective and the permit writer should require site-specific dispersion modeling consistent with EPA's *"Guideline on Air Quality Models (Revised)"* to demonstrate that emissions do not pose unacceptable health risk:

- Facility is located in a narrow valley less than 1 km wide; or
- Facility has a stack taller than 20 m and is located such that the terrain rises to the stack height within 1 km of the facility; or
- Facility has a stack taller than 20 m and is located within 5 km of the shoreline of a large body of water (such as an ocean or large lake); or
- The facility property line is within 200 m of the stack and the physical stack height is less than 10 m; or
- Onsite receptors are of concern, and the stack height is less than 10 m.

In addition to the situations identified above, there is a probability, albeit small, that the combination of critical parameters, stack height, stack gas velocity, effluent temperature, meteorological conditions, etc., will result in higher ambient concentrations than resulted from the conservative modeling done to support this rule. As a result, the Agency is reserving the right to require that the owner or operator submit, as part of the permit proceeding, an air quality dispersion analysis consistent with EPA's *"Guideline on Air Quality Models (Revised)"* in order to ensure that acceptable ambient levels of pollutants are not exceeded irrespective of whether the facility meets the specific Screening Limits that would be established by this regulation.

Finally, we specifically request comment on whether less conservative assumptions, coupled with a safety factor then applied to assure that ambient levels are not underestimated, should be used to develop the Screening Limits. This alternative approach may have merit because the repeated use of conservative assumptions in an analysis may "multiply" the conservatism unreasonably. Comments are solicited on: (1) The extent to which less conservative assumptions would enable applicants to meet the Limits and, thus, how to reduce the conservatism of the Screening Limits while still ensuring that they are protective; and (3) how the reduced conservatism would affect the criteria discussed above that must be considered to determine if the Screening Limits are protective for a particular situation.

C. Evaluation of Health Risk

1. *Risk from Carcinogens.* EPA cancer risk policy suggests that any level of human exposure to a carcinogenic substance entails some finite level of risk. Determining the risk associated with a particular dose requires knowing the slope of the modeled dose-response curve. On this basis, EPA's Carcinogen Assessment Group (CAG) has estimated carcinogenic slope factors for humans exposed to known and suspected human carcinogens. Slope factors are estimated by a modeling process. The slope of the dose-response curve enables estimation of a unit risk. The unit risk is defined as the incremental lifetime risk estimated to result from exposure of an individual for a 70-year lifetime to a carcinogen in air containing 1 microgram of the compound per cubic meter of air. Both the slope factors and unit risks are reviewed by the Agency's Cancer Risk Assessment Validation Endeavor (CRAVE) workgroup for verification.

In setting acceptable risk levels to develop today's proposed rule, we considered the fact that not all carcinogens are equally likely to cause human cancers, as discussed in *"Guidelines for Carcinogenic Risk Assessment"* (51 FR 33992 (September 24, 1986)). The Guidelines have established a weight-of-evidence scheme reflecting the likelihood that a compound causes tumors in humans. The weight-of-evidence scheme categorizes carcinogens according to the quantity and quality of both human and animal data as known, probable, and possible human carcinogens. The proposed approach places a higher weight on cancer unit risk estimates that are based on stronger evidence of carcinogenicity. The proposed approach will provide for making fuller use of information by explicitly examining risk for different categories of carcinogens. In reaching the conclusion of the level of cancer risks to be used to support this proposal, we have considered available information on the constituents being emitted, the evidence associating these compounds with cancer risk, the quantities of emissions of these constituents, and the exposed populations.

For purposes of today's notice, we are proposing the following risk levels as acceptable incremental lifetime cancer risk levels to the hypothetical maximum exposed individual (MEI): (1) for Group A and B carcinogens, on the order of 10^{-6};[52] and (2) for Group C carcinogens, on the order of 10^{-5}. These risk levels are within the range of levels historically used by EPA in its hazardous waste and emergency response programs—10^{-4} to 10^{-7}.

Under the weight-of-evidence approach to assess carcinogenic risk for this proposed rule, we believe it is appropriate to add the risk from carcinogens *within* the category of those that are known or probable human carcinogens, the Group A and B carcinogens. Such a group is composed of certain metals which cause lung cancer (arsenic, beryllium, cadmium, and chromium).

Similarly, it is appropriate to add the risk from carcinogens within the category of those that are probable or possible human carcinogens, C carcinogens.

To implement this carcinogenic risk assessment approach, we are proposing to limit the aggregate risk to the MEI to 10^{-5}. Given that the carcinogenic metals that would be regulated in today's proposed rule are all Group A or B carcinogens, this approach would effectively limit the risk from individual carcinogenic metals to levels on the order of 10^{-6} but below 10^{-5}. We considered limiting the aggregate risk to the MEI to 10^{-6} but determined that it would result in setting risk levels for individual carcinogens to levels on the order of 10^{-7}, which has been judged (for purposes of this rule) to be unnecessarily conservative, considering the relatively low projected cancer incidence and relatively high cost per cancer reduced. Even though the cancer incidence is low, we do not consider a 10^{-4} risk level acceptable because: (1) The total annualized cost of the rule at a 10^{-5} aggregate risk level is not substantial; thus, the cost of the added margin of safety is reasonable; (2) indirect exposure has not yet been considered; and (3) toxic compounds not yet identified are not being controlled directly in this rulemaking. We believe that an aggregate MEI risk of 10^{-5} is appropriate because: (1) It provides adequate protection of public health; (2) it considers weight of evidence of human carcinogenicity; (3) it limits the risk from individual Group A and B carcinogens to risk levels on the order of 10^{-6}; and (4) It is within the range of risk levels the Agency has used for hazardous waste regulatory programs.

The Agency would like to use the weight-of-evidence approach in developing the health-based alternative approach to assessing THC emissions under the Tier II PIC controls. However, there a number of unidentified compounds in the mix of hydrocarbon

[52] A dose is calculated to correspond to a risk of causing cancer to one individual in one million exposed to that dose over a lifetime.

emissions. These unidentified compounds could be either carcinogens or noncarcinogens, or both. Of the compounds that may be carcinogens, the Agency does not know whether they would be classified as A, B1, B2, or C carcinogens. Since the Agency cannot classify these unknown carcinogens, the Agency is unable to use a weight-of-evidence approach to select an acceptable risk level for THC. In order to be conservative, the Agency is assuming that THC can be treated as a single compound for which a unit cancer risk is calculated. To derive this unit cancer risk value, the historical data base of THC emissions from hazardous waste incinerators, boilers, and industrial furnaces was used. For each organic compound identified in the emissions, the 95th percentile highest concentration value was taken as a reasonable worst-case value. (The highest concentration was often used because there were too few data to identify the 95th percentile value.) For organic compounds listed in Appendix VIII of Part 261 for which health effects data are adequate to establish an RSD or RAC, but which have not been detected in emissions from hazardous waste combustion, an arbitrary emission concentration of 0.1 ng/L was assumed. The data base was further adjusted to increase the conservatism of the calculated THC unit risk value by assuming that the carcinogen formaldehyde is emitted from hazardous waste combustion devices at the 95th percentile levels found to be emitted from municipal waste combustors. The proportion of the emission concentration of each compound to the total emission concentration for all compounds was then determined. This proportion, termed a proportional emission concentration, was them multiplied by the unit cancer risk developed by CAG to obtain a risk level for that compound. A unit risk of zero was used for noncarcinogens like methane. All the cancer risks were added together to derive a weighted average 95th percentile unit risk value for THC. This procedure for developing a THC unit risk value assumes that the proportion of the various hydrocarbons is the same for all incinerators, boilers and industrial furnaces burning hazardous waste. In addition, it weighs all carcinogens the same regardless of current EPA classification.

As explained in the text, we are proposing to limit hydrocarbon emissions—when stack gas carbon monoxide levels exceed 100 ppmv and under the health-based alternative—based on a 10^{-5} aggregate risk level. Thus, we are limiting each of the constituents to a risk level on the order of 10^{-6}.

Finally, in assessing the risk from facilities that emit both THC and carcinogenic metals, we are not proposing that the risk from THC emissions be added to the aggregate MEI risk from metals emissions. Adding the risk would be inappropriate because we do not know how all the THC would be classified according to weight of evidence. (We note again that we prefer the technology-based approach to assess THC emissions for reasons discussed in the text.)

We specifically request comment on this proposed approach to assess carcinogenic risk. We also welcome suggestions or alternative ways to account for additivity.

The Agency also requests comment on whether aggregate population risk or cancer incidence (i.e., cancer cases per year) should also be considered in developing the national emission limits and in site-specific risk assessments. This approach could, in some situations, be more conservative than considering only MEI risk because, even if the "acceptable" MEI risk level were not exceeded, large population centers may be exposed to emissions such that the increase in cancer cases could be significant. However, it would be difficult to develop acceptable aggregate cancer incidence rates. Nevertheless, it is likely that many facilities that perform a site-specific MEI exposure and risk analysis would also generate an aggregate population exposure and risk analysis that could be considered by the Agency. Based on public comment and further thought on how to implement this dual approach, the final rule could incorporate consideration of both the MEI and aggregate population risk. Alternatively, EPA could provide guidance to the permit writer on when and how to consider cancer incidence on a case-by-case basis under authority of section 3005(c)(3) of HSWA, as codified at § 270.32(b)(2).

2. *Risk from Noncarcinogens.* For toxic substances not known to display carcinogenic properties, there appears to be an identifiable exposure threshold below which adverse health effects usually do not occur. Noncarcinogenic effects are manifested when these pollutants are present in concentrations great enough to overcome the homeostatic, compensating, and adaptive mechanisms of the organism. Thus, protection against the adverse health effects of a toxicant is likely to be achieved by preventing total exposure levels from exceeding the threshold dose. Since other sources in addition to the controlled source may contribute to exposure, ambient concentrations associated with the controlled source should ideally take other potential sources into account. The Agency has therefore conservatively defined reference air concentrations (RACs) for noncarcinogenic compounds that are defined in terms of a fixed fraction of the estimated threshold concentration. The RACs for lead and hydrogen chloride, however, were established differently, as discussed below. The RACs are presented in Appendix H to this notice.

RACs have been derived from oral reference doses (RfDs) for those noncarcinogenic compounds listed in Appendix VIII of 40 CFR Part 261 (except for lead and hydrogen chloride) for which the Agency considers that it has adequate health effects data. An oral RfD is an estimate (with an uncertainty of perhaps an order of magnitude) of a daily exposure (via ingestion) for the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects even if exposure occurs daily for a lifetime. Since these oral-based RACs are subject to change, EPA contemplates publishing **Federal Register** notices if the RACs change in a way that affects the regulatory standard (see also the discussion of this issue in the **Federal Register** notice on boilers and furnaces published today).

The Agency is proposing RACs derived from oral RfDs because it believes that the development of the RfDs has been technically sound and adequately reviewed. Specifically:

1. EPA has developed verified RfDs and is committed to establishing RfDs for all constituents of Agency interest. The verification process is conducted by an EPA workgroup, and the conclusions and reasons for these decisions are publicly available.

2. The verification process ensures that the critical study is of appropriate length and quality to derive a health limit for long-term, lifetime protection.

3. RfDs are based on the best available information meeting minimum scientific criteria. Information may come from experimental animal studies or from human studies.

4. RfDs are designed to give long-term protection for even the most sensitive members of the population, such as pregnant women, children, and older men and women.

5. RfDs are designated by the Agency as being of high, medium, or low confidence depending on the quality of the information on which they are based

and the amount of supporting data. The criteria for the confidence rating are discussed in the RfD decision documents.

The Agency used the follwing strategy to derive the inhalation exposure limits proposed today:

1. Where a verified oral RfD has been based on an inhalation study, we will calculate the inhalation exposure limit directly from the study.

2. Where a verified oral RfD has been based on an oral study, we will use a conversion factor of 1 for route-to-route extrapolation in driving an inhalation limit.

3. Where appropriate EPA health documents exist, such as the Health Effects Assessments (HEAs) and the Health Effects and Environmental Profiles (HEEPs), containing relevant inhalation toxicity data, their data will be used in deriving inhalation exposure limits. We will also consider other agency health documents (such as NIOSH's criteria documents).

4. If RfDs or other toxicity data from agency health documents are not available, then we will consider other sources of toxicity information. Calculations will be made in accordance with the RfD methodology.

The Agency recognizes the limitations of route-to-route conversions used to derive the RACs and is in the process of examining confounding factors affecting the conversion, such as: (a) The appropriateness of extrapolating when a portal of entry is the critical target organ; (b) first pass effects; and (c) effect of route on dosimetry.

The Agency, through its Inhalation RfD Workgroup, is developing reference dose values for inhalation exposure, and additional values are expected to be available this year. The Agency will use the available inhalation RfDs—after providing appropriate opportunity for public comment—when this rule is promulgated. Certainly, if the workgroup develops inhalation reference doses prior to promulgation of today's rule that are substantially different from the RACs proposed today, and if the revised inhalation reference dose could be expected to have a significant adverse impact on the regulated community, the Agency will take public comment on the revised RACs after notice in the **Federal Register.**

EPA proposed this same approach for deriving RACs on May 6, 1987 (52 FR 16993) for boilers and industrial furnaces burning hazardous waste. We received a number of comments on the proposed approach of deriving reference air concentrations (RACs) from oral RfDs. As stated in today's proposal and the May 6, 1987, proposal, we would prefer to use inhalation reference doses. Some comments suggested other means of deriving RACs. We will consider those comments and others that may be submitted as a result of today's notice in developing the final rule.

As previously stated, EPA has derived the RACs from oral reference doses (RfDs) for the compounds of concern. An oral RfD is an estimate of a daily exposure (via ingestion) for the human population that is likely to be without an appreciable risk of deleterious effects, even if exposure occurs daily throughout a lifetime.[53] The RfD for a specific chemical is calculated by dividing the experimentally determined no-observed-adverse-effect-level (NOAEL) or lowest-observable-adverse-effect-level (LOAEL) by the appropriate uncertainty factor(s). The RAC values inherently take into account sensitive populations.

The Agency is proposing to use the following equation to convert oral RfDs to RACs:

$$\text{RAC (mg/m}^3\text{)} = \frac{\text{RfD (mg/kg-bw/day)} \times \text{body weight} \times \text{correction factor} \times \text{background level factor}}{\text{m}^3 \text{ air breathed/day}}$$

where:

- RfD is the oral reference dose
- Body weight (bw) is assumed to be 70 kg for an adult male
- Volume of air breathed by an adult male is assumed to be 20 m^3 per day
- Correction factor for route-to-route extrapolation (going from the oral route to the inhalation route) is 1.0
- Background level factor is 0.25. It is a factor to fraction the RfD to the intake resulting from direct inhalation of the compound emitted from the source (i.e., an individual is assumed to be exposed to 75 percent of the RfD from the combination of indirect exposure from the source in question and other sources).

a. *Short-Term Exposures.* In today's proposed rule, the RACs are used to determine if adverse health effects are likely to result from exposure to stack emissions by comparing maximum annual average ground-level concentrations of a pollutant to the pollutant's RAC. If the RAC is not exceeded, EPA does not anticipate adverse health effects. The Agency, however, is also concerned about the impacts of short-term (less than 24-hour) exposures. The ground-level concentration of an emitted pollutant can be an order of magnitude greater during a 3-minute or 15-minute period of exposure than the maximum annual average exposure. This is because meteorological factors vary over the course of a year resulting in a wide distribution of exposures. Thus, maximum annual average concentrations are always much lower than short-term exposure concentrations. On the other hand, the short-term exposure RAC is also generally much higher than the lifetime exposure RAC. Nonetheless, in some cases short-term exposure may pose a greater health threat than annual exposure. Unfortunately, the use of RfDs limits the development of short-term acute exposure limits because no acceptable methodology exists for the derivation of less than lifetime exposure from the RfDs.[54] However, despite these limitations, the Agency is proposing a short-term (i.e., 3-minute) RAC for HCl of 150 mg/m^3, based on limited data documenting a no-observed-effect-level in animals exposed to HCl via inhalation.[55] We do anticipate, however, that short-term RACs for other compounds will be developed by the Agency in the future.

[53] Current scientific understanding, however, does not consider this demarcation to be rigid. For brief periods and for small excursions above the RfD, adverse effects are unlikely in most of the population. On the other hand, several circumstances can be cited in which particularly sensitive members of the population suffer adverse responses at levels well below the RfD. See 51 FR 1627 (January 14, 1986).

[54] Memo from Clara Chow through Reva Rubenstein, Characterization and Assessment Division, EPA, to Robert Holloway, Waste Management Division, EPA, entitled "Use of RfDs Versus TLVs for Health Criteria," January 13, 1987.

[55] Memo from Characterization and Assessment Division to Waste Management Division, October 2, 1986, interpreting results from Sellakumar, A.R.; Snyder, C.A.; Solomon, J.J.; Albert, R.E. (1985) "*Carcinogenicity of Formaldehyde and Hydrogen Chloride in Rats. Toxicol. Appl. Pharm.*" 81:401–406.

b. *RAC for HCl.* The RAC for annual exposure to HCl is 7 $\mu g/m$ [56] and is based on the threshold of its priority effects. Background levels were considered to be insignificant given that there are not many large sources of HCl and that this pollutant generally should not be transported over long distances in the lower atmosphere. The RAC for 3-minute exposure is 150 $\mu g/m^3$.[57] We note that EPA proposed an annual exposure RAC for HCl of 15 $\mu g/m^3$ in the 1987 boiler and furnace proposed rule. See 52 FR 16994. The Agency's inhalation Rfd workgroup has recently determined, however, that the annual exposure RAC should be 7 $\mu g/m^3$.

c. *RAC for Lead.* To consider the health effects from lead emissions, we adjusted the National Ambient Air Quality Standard (NAAQS) by a factor of one-tenth to account for background ambient levels and indirect exposure from the source in question. In addition, the Agency has recently determined that lead is a probable human carcinogen even though a unit risk value has not yet been developed. Although the lead NAAQS is 1.5 $\mu g/m^3$, sources could contribute only up to 0.15 $\mu g/m^3$ for purposes of this regulation. Given, however, that the lead NAAQS is based on a quarterly average, the equivalent annual exposure is 0.09 $\mu g/m^3$ for a quarterly average of 0.15 $\mu g/m^3$. Thus, the lead RAC is 0.09 $\mu g/m^3$. This is the same level EPA proposed in the 1987 boiler and furnace proposed rule. See 52 FR 17006.

d. *Relationship to NAAQS.* The Clean Air Act (CAA) requires EPA to establish ambient standards for pollutants determined to be injurious to public health or welfare. Primary National Ambient Air Quality Standards (NAAWS) must reflect the level of attainment necessary to protect public health allowing for an adequate margin of safety. Secondary NNAQS must be designed to protect public welfare in addition to public health, and, thus, are more stringent.

As discussed above, the Reference Air Concentration (RAC) proposed today for Lead is based on the Lead NAAQS. As the Agency develops additional NAAQS for toxic compounds that may be emitted from hazardous waste incinerators, boilers, and industrial furnaces, we will consider whether the acceptable ambient levels (and, subsequently, the feed rate and emission rate Screening Limits) ultimately established under this rule should be revised.

The reference air concentration values (and risk-specific dose values for carcinogens) proposed here in no way preclude the Agency from establishing NAAQS as appropriate for these compounds under authority of the CAA.

D. Risk Assessment Assumptions

We have used a number of assumptions in the risk assessment, some conservative and others nonconservative, to simplify the analysis or to address issues where definitive data do not exist.

Conservative assumptions include the following:

- Individuals reside at the point of maximum annual average and (for HCl) maximum short-term ground-level concentrations. Furthermore, risk estimates for carcinogens assume that the maximum exposed individual resides at the point of maximum annual average concentration for a 70-year lifetime.
- Indoor air contains the same levels of pollutants contributed by the source as outdoor air.
- For noncarcinogenic health determinations, background exposure already amounts to 75 percent of the RfD. This includes other routes of exposure, including ingestion and dermal. Thus, the incinerator is only allowed to contribute 25 percent of the RfD via direct inhalation. The only exception is for lead, where the source is allowed to contribute only 10 percent of the NAAQS. This is because ambient lead levels in urban areas already represent a substantial portion (e.g., one-third or more) of the lead NAAQS. In addition, the Agency is particularly concerned about health risks from lead in light of health effects data available since the lead NAAQS was established. EPA is currently reviewing the lead NAAQS to determine if it should be lowered.[58]
- Risks are considered for pollutants that are known, probable, and possible human carcinogens.
- Individual health risk numbers have large uncertainty factors implicit in their derivation to take into effect the most sensitive portion of the population.

Nonconservative assumptions include the following:

- Although emissions are complex mixtures, interactive effects of threshold or carcinogenic compounds have not been considered in this regulation because data on such relationships are inadequate.[59]
- Environmental effects (i.e., effects on plants and animals) have not been considered because of a lack of adequate information. Adverse effects on plants and animals may occur at levels lower than those that cause adverse human health effects. (The Agency is also developing procedures and requesting Science Advisory Board review to consider environmental effects resulting from emissions from all categories of waste combustion facilities.)

II. Implementation of the Metals and HCl Controls

A.

Overview

As in the 1987 proposed rule, EPA is proposing to control metals and HCl emissions by requiring a site-specific risk analysis when metals or HCl emissions (or feed rates) exceed conservative Screening Limits. EPA developed the Screening Limits to minimize the need for conducting site-specific risk assessments, thereby reducing the burden to applicants and permit officials. When the Screening Limits are exceeded, the applicant would be required to conduct a site-specific risk assessment that demonstrates that the potential exposure of the maximum exposed individual to metals and HCl does not result in an exceedance of reasonable acceptable marginal additional risks, namely:

- That exposure to all carcinogenic metals be limited such that the sum of the excess risks attributable to ambient concentrations of these metals does not exceed an additional lifetime individual risk (to the (potential) maximum exposed individual) of 10^{-5}; and

[56] Memo from Craig McCormack, EPA, to Dwight Hlustick, EPA, entitled "Environmental Exposure Limit Assessment for Hydrogen Chloride," July 1986.

[57] Memo from Lisa Ratcliff, EPA, to Dwight Hlustick, EPA, entitled "Short-term Health-based Number for Hydrogen Chloride," September 15, 1986.

[58] At this point, we have not attempted to quantify indirect exposure through the food chain, ingestion of water contaminated by deposition, and dermal exposure, because as yet no acceptable methodology for doing so has been developed and approved by the Agency for use for evaluating combustion sources. We note, however, that by allowing the source to contribute only 25 percent of the RfD (or 10 percent of the NAAQS in the case of lead) accounts for indirect exposure by assuming a person is exposed to 75 percent of the RfD from other sources and other exposure pathways. (EPA is developing such a methodology for application to waste combustion sources. The Agency's Science Advisory Board has reviewed this methodology, and the Agency is continuing to refine the methodology. When the Agency completes development of procedures to evaluate indirect exposure, a more detailed analysis may be applied to all devices burning hazardous wastes.)

[59] Additive effects of carcinogenic compounds are considered by summing the risks for all carcinogens to estimate the aggregate risk to the most exposed individual (MEI).

• That exposure to each noncarcinogenic metal and HCl be limited such that exposure (to the (potential) maximum exposed individual) does not exceed the reference air concentration (RAC) for the metal and HCl.

B. Meals and HCl Emissions Standards

The metals and HCl emissions standards would require site-specific risk assessment to demonstrate that emissions will not: (1) Result in exceedances of the reference air concentrations (RACs) for noncarcinogens at the potential MEI; and (2) result in an aggregate increased lifetime cancer risk to the potential MEI of greater than 1×10^{-5}. The RACs for noncarcinogens and risk specific doses (RSDs) for carcinogens are presented in appendix H to this notice.

To reduce the burden on applicants and permitting officials, EPA has developed conservative Screening Limits for metals and HCl emissions (and feed rates) as a function of terrain adjusted effective stack height, terrain, and land use. See discussion below. If the Screening Limits are not exceeded, site-specific dispersion modeling would not be required to demonstrate conformance with the proposed standard.

If the Screening Limits are exceeded, the applicant would be required to conduct site-specific dispersion modeling in conformance with "Guideline on Air Quality Models (Revised)," July 1986, EPA Publication Number 450/2–78–027R (OAQPS Guideline No. 1.2–080), available from National Technical Information Service, Springfield, Virginia, Order No. PB 86–245286. We are proposing to incorporate that document by reference in the rule.

The use of physical stack height in excess of Good Engineering Practice (GEP) stack height is prohibited in the development of emission limitations under EPA's Air Program at 40 CFR 51.12 and 40 CFR 51.18. We propose to adopt a similar policy by limiting the height of the physical stack for which credit will be allowed in complying with the metals (and other) standards (i.e., both site-specific dispersion modeling and Screening Limits). GEP identifies the minimum stack height at which significant adverse aerodynamic effects are avoided. Although higher than GEP stack heights are not prohibited, credit will not be allowed for stack heights greater than GEP. Good Engineering Practice (GEP) maximum stack height means the greater of: (1) 65 meters, measured from the ground-level elevation at the base of the stack; or (2) $Hg=H+1.5L$.[60]

where:

Hg = GEP minimum stack height measured from the ground-level elevation at the base of the stack;

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack;

L = lesser dimension, height or projected width, of nearby structure(s).

If the result of the above equation is less than 65 meters, then the actual physical stack height, up to 65 meters, could be used for compliance purposes. If the result of the equation is greater than 65 meters, the physical stack height considered for compliance purposes cannot exceed that level.

EPA requests comment on this use of GEP maximum stack height. We note that although an owner or operator could increase his physical stack height up to the GEP maximum to achieve better dispersion and a higher allowable emission rate, he should first consider that EPA plans to develop for subsequent proposal in 1991 a best demonstrated technology (BDT) particulate standard that is likely to be much lower than the current 0.08 gr/dscf standard. Thus, it may be more cost-effective to upgrade emission control equipment to state-of-the-art control rather than increase stack height.

EPA specifically requests comments on how many facilities are likely to exceed the Screening Limits discussed below and, thus, would conduct site-specific dispersion modeling to comply with the proposed rule. Further, we request information on the changes to equipment and operations that would be required to comply with the Screening Limits if the provision for site-specific dispersion modeling was not available.

C. *Screening Limits*

EPA developed conservative Screening Limits for metals and HC1 emission rates (and feed rates) to minimize the need for site-specific dispersion modeling, and thus, reduce the burden on applicants and permitting officials.[61] The Screening Limits are provided as a function of terrain-adjusted effective stack height, terrain, and urban/rural classification as discussed below. The Screening Limits would be included in the "Risk Assessment Guideline for Permitting Hazardous Waste Thermal Treatment Services" (RAG) which would be incorporated by reference in the rule.

1. *Emission Screening Limits.* As discussed in Section I of this Appendix, EPA derived conservative emissions Screening Limits by back-calculating from the reference air concentrations (RACs) and risk-specific doses (RSDs) using reasonable worst-case dispersion coefficients. The emission Screening Limits are presented in Tables E–5, E–6, E–7, and E–8, and E–10 in appendix E. Tables E–7 and E–8 apply to carcinogenic metals, and tables E–5 and E–6 apply to noncarcinogenic metals. Tables E–5 and E–7 apply to facilities located in noncomplex terrain. Different emissions limits are provided for urban versus rural land use because dispersion coefficients are significantly different for the land use categories. Tables E–6 and E–8 show emission limits for facilities located in complex terrain. No distinction is made for urban versus rural land use with complex terrain because of limitations in the available modeling techniques. If multiple carcinogenic metals are to be burned, (i.e., As, Cd, Cr, Be) then the following equation would be used to demonstrate that the aggregate risk to the MEI from all carcinogenic metals does not exceed 10^{-5} (the ratios must be summed because the screening limit for each metal is back-calculated from the 10^{-5} RSD for that metal).

$$\sum_{i=1}^{n} \frac{\text{Actual Emission Rate}_i}{\text{Emissions Screening Limit}_i} \leq 1.0$$

where:

n = number of carcinogenic metals

Actual Emission Rate = the emission rate in g/s measured during the trial burn or provided in lieu of the trial burn for metal "i"

Emissions Screening Limit = Limit provided in Table E–7 or E–8 in Appendix E for metal "i"

To demonstrate compliance with Emissions Screening Limits, the owner or operator would conduct emissions testing during the trial burn, as discussed below.

2. *Feed Rate Screening Limits.* Feed rate Screening Limits are provided to enable applicants burning wastes with

[60] We note that this equation also identifies the GEP minimum stack height necessary to avoid building wake effects. EPA recommends the application of GEP to define minimum stack heights to minimize potentially high concentration of pollutants in the immediate vicinity of the unit.

[61] We note that the Screening Limits are designed to be conservative and would likely limit emissions by a factor of 2 to 20 times lower than would be allowed by site-specific dispersion modeling.

very low metals or chlorine concentrations to avoid emissions testing. The feed rate limits are "back-calculated" from the emissions Screening Limits assuming conservatively that all metals and chlorine in the waste are emitted to the atmosphere. Thus, no metals are assumed to partition to the bottom ash and no allowance is made for removal of metal or HC1 emissions by air pollution control devices. Consequently, the feed rate limits are equivalent to the emission limits, but are presented in units more consistent with waste feed rate, lb/hr, rather than g/s.

The Feed Rate Screening Limits are shown in Tables E–1, E–2, E–3, E–4 and E–9 in appendix E. Tables E–3 and E–4 apply to carcinogenic metals and Tables E–1 and E–2 apply to noncarcinogenic metals. Tables E–1 and E–3 apply to facilities located in noncomplex terrain. As with the emissions Screening Limits, different limits are provided for urban versus rural land use because dispersion coefficients usually are significantly different in urban and rural settings. Tables E–2, E–4, and E–9 show feed rate limits for facilities located in complex terrain. Again, no distinction is made for urban versus rural land use within complex terrain. These feed rates for carcinogen metals show the maximum quantity of any single metal that may be burned at any one time, in the absence of all others.

The feed rate limit for each carcinogenic metal ensures that ambient levels will not exceed the risk-specific dose at an incremental lifetime risk level of 1×10^{-5}. Similarly, the feed rates for the noncarcinogenic metals and HC1 ensure that the reference air concentrations (RACs) will not be exceeded. If the waste contains multiple carcinogenic metals, then the following equation would be used to ensure that aggregate risk to the MEI does not exceed 1×10^{-5}.

$$\sum_{i=1}^{n} \frac{\text{Actual Feed Rate}_i}{\text{Feed Rate Screening Limit}_i} \leq 1.0$$

where:

n = number of carcinogens

Actual Feed Rate = the actual feed rate during the trial burn for metal "i" to be used in the permit

Feed Rate Screening Limit = limit provided in Table E–3 or E–4 in Appendix E for metal "i"

3. *Terrain-Adjusted Effective Stack Height.* For purposes of complying with the Screening Limits, terrain-adjusted effective stack height is determined by adding to the stack height the appropriate plume rise factor (which is a function of temperature and stack flow rate [62]) established in Table F–2 and by subtracting the maximum terrain rise within 5 km of the stack.[63] Since terrain has, however, already been taken into account in the dispersion modeling that supports the emission limits, this requirement effective "double counts" terrain effects. This additional conservatism is necessary to account for the wide range of terrain complexities encountered at real facilities—a range that could not be fully considered by modeling only 25 sites. If this double-counting leads to permit emission limits that the applicant considers unduly conservative, the applicant is free to conduct site-specific modeling.

TABLE F–2.—ESTIMATED PLUME RISE (H1, IN METERS) BASED ON STACK EXIT FLOW RATE AND GAS TEMPERATURE

Flow rate* (m3/sec)	Exhaust temperature (K)										
	<325	325–349	350–399	400–449	450–499	500–599	600–699	700–799	800–999	1000–1499	>1499
<0.5	0	0	0	1	1	1	1	1	1	1	1
0.5–0.9	1	1	1	1	1	1	2	2	2	3	2
1.0–1.9	1	1	1	2	2	2	3	3	3	4	4
2.0–2.9	1	1	2	3	4	4	5	5	6	6	7
3.0–3.9	2	2	3	4	5	6	7	7	8	8	9
4.0–4.9	2	2	3	5	6	7	8	9	10	10	11
5.0–7.4	3	3	4	6	7	8	10	11	11	12	13
7.5–9.9	3	4	5	8	10	11	13	14	15	17	18
10.0–12.4	4	5	7	10	12	14	16	18	19	21	23
12.5–14.9	5	5	8	12	14	16	19	21	22	24	27
15.0–19.9	6	6	9	13	16	19	22	24	26	28	31
20.0–24.9	7	8	11	17	20	23	27	30	32	35	38
25.0–29.9	8	9	13	20	24	27	32	35	38	41	44
30.0–34.9	9	10	15	22	27	31	37	40	42	45	49
35.0–39.9	10	12	17	25	31	35	41	44	46	50	54
40.0–49.9	11	13	19	28	34	39	44	48	50	54	58
50.0–59.9	14	15	22	33	40	44	50	55	57	61	66
60.0–69.9	16	18	26	38	45	50	56	61	64	68	74
>69.9	18	20	29	42	49	54	62	67	70	75	81

(1) Using the given stack exit flow rate and gas temperature, find the corresponding plume rise value from the above table.
(2) Add the physical stack height to the corresponding plume rise value to determine the effective stack height.
* Plume rise is a function of buoyancy and momentum which are in turn functions of flow rate not simply exit velocity. Flow Rate is defined as the inner cross-sectional area of the stack multiplied by the exit velocity of the stack gases.

As discussed above, the physical stack height component of the effective stack height, however, may not exceed good engineering practice for purposes of compliance. Note that increments in the categories are small when the terrain adjusted stack heights are low, and increase as the terrain adjusted stack height increases. This is because ambient concentrations are more strongly affected by variations in this

[62] Stack flow rate rather than flue gas velocity is the critical parameter because plume rise is a function of both buoyancy flux and momentum flux, both of which, in turn, are functions of flow rate. Flow rate is defined as the inner cross-sectional area of the stack multiplied by the exit velocity of the stack gases.

[63] We note that, in complex terrain where maximum terrain rise within 5 km of the stack exceeds stack height, the terrain adjusted effective stack height will be zero (or negative). Given that the Screening Limits applicable for a four meter terrain adjusted effective stack height have been calculated to be conservative for any stack height of four meters or less, the Screening Limits applicable for a four meter terrain adjusted effective stack height should be used.

term when stack heights are less than 30 meters.

The effective stack height is the height above the ground at which the plume becomes parallel to the ground after reaching equilibrium. Specifically, at the effective stack height the stack effluent has reached a final plume rise level and is assumed to remain at this height above the ground as it travels downwind. Therefore, the effective stack height is the physical stack height plus the final plume rise.

4. *Terrain Designation.* Terrain classifications are significant because dispersion of air pollutants is affected by the relationship between the maximum height of the surrounding terrain (especially within a radius of 1–2 km) and the effective height of the stack. EPA's analysis for this regulation reviewed three classes of terrain: flat, rolling, and complex. Although results for flat and for rolling terrain were sufficiently similar that these classes are combined for purposes of developing the Screening Limits (i.e., called noncomplex terrain), it will be necessary for applicants to determine whether their facility lies in noncomplex or complex terrain.

For purposes of applying the Screening Limits, a facility lies in noncomplex terrain if the maximum terrain rise within a radius of five kilometers of the stack is less than or equal to the physical stack height. If the terrain rise is greater than the physical stack height, the facility is in *complex terrain.*

5. *Land Use.* Characterization of urban versus rural land use is significant because pollutants tend to disperse differently in these two settings—rural areas tend to have a higher frequency of periods with limited dispersion. The "Guideline on Air Quality Models (Revised)" specifies a procedure to determine the character of the modeling area as primarily urban or rural. In this procedure, two methods are presented: (1) The land use procedure, and (2) population density procedure. The land use procedure is the recommended approach.

The land use procedure classifies land use within an area circumscribed by a 3 kilometer radius circle around a source. A typing scheme developed by August H. Auer, Jr. is referenced by the guideline as an aid in defining the specific types of land use. A simplified adaption of this procedure is recommended for this rule and is described in Tab A and Appendix I of the "Guidance on Metals and Hydrogen Chloride Controls for Hazardous Waste Incinerators".

D. Conservation of Risk Methodology

We specifically request comment on whether less conservative assumptions, coupled with a safety factor then applied to assure that ambient levels are not underestimated, should be used to develop the Screening Limits. This alternative approach may have merit because the repeated use of conservative assumptions in an analysis may "multiply" the conservatism unreasonably. Comments are solicited on: (1) The extent to which less conservative assumptions would enable applicants to meet the Limits and, thus, (2) how to reduce the conservatism of the Screening Limits while still ensuring that they are protective; and (3) how the reduced conservatism would affect the criteria discussed above that must be considered to determine if the Screening Limits are protective for a particular situation.

Appendix G: Implementation of Metals and HCl Controls

The metals emissions standards would be implemented by establishing limits in the permit on the feed rate (lb/hr) of each metal. If the applicant elects to comply with the feed rate Screening Limits, the Screening Limits for the noncarcinogenic metals would become the permitted levels. For carcinogenic metals, the permitted feed rate limits would be the feed rates the applicant uses to demonstrate that the sum of the ratios of actual feed rate to the Screening Limits for all carcinogenic metals does not exceed one.

If the applicant elects to comply with the emissions Screening Limits or to conduct site-specific dispersion modeling to demonstrate that higher emissions rates do not pose unacceptable health risk, metals emissions would be controlled in the permit by: (1) Limiting feed rates to those during the trial burn when metals emissions were determined; (2) limiting emission rates to those during the trial burn; (3) specifying key operating parameters that can affect metals emissions (e.g., maximum combustion chamber temperature, maximum chlorine content in the waste feed); and (4) specifying operating and maintenance requirements for the air pollution control device to ensure that collection efficiency does not degrade over time.

The waste feed rate limits (lb/hr) specified in the permit would represent maximum limits that can never be exceeded. We considered whether limits should represent average values (e.g., hourly, daily, weekly, monthly, or even yearly averages). We believe that allowing (greater than hourly) averaging would complicate operator recordkeeping and EPA inspection and enforcement activities. EPA believes compliance with the standards can be enforced by sampling of waste feed inputs to the incinerator. EPA requests comment on whether and how alternate averaging periods should be allowed for compliance with the metals (and HCl) standards. It could be argued that long-term averaging is appropriate because the proposed acceptable ambient levels are based on long-term (annual) exposure. However, in selecting an averaging period, we must consider ease of enforcement and adverse health effects from short-term exposures to high ambient levels. One alternative approach would be to allow for the carcinogenic metals (i.e., arsenic, beryllium, cadmium, and chromium) and lead a 24-hour averaging period provided that emissions at any point in time do not exceed ten times the permit limit based on annual exposure. A ten-fold higher instantaneous ambient level for the carcinogenic metals may not pose adverse health effects given that the 24-hour average would not exceed the level that could pose a 10^{-5} health risk over a lifetime of exposure and that threshold (i.e., noncancer) health effects would not be likely at exposures only ten times higher than the 10^{-5} risk-specific dose. A ten-fold higher instantaneous ambient level for lead may not pose adverse health effects given that the proposed acceptable ambient level for long-term exposure to lead is based on only 10% of the National Ambient Air Quality Standard. We do not believe that a similar approach for the other noncarcinogenic metals would be appropriate given the uncertainty in the level of protection provided by the proposed long-term acceptable ambient levels (e.g., the ambient levels are based on oral RfDs converted 1-to-1 to inhalation values). We specifically request comment on this and other approaches to implementing the feed rate limits.

We also request comments on approaches other than waste analysis combined with feed rate limits to implement the controls on metals emissions. Other approaches that may be practicable include: (1) Determining the correlation between metals emissions and metals concentrations in emission control residues (e.g., scrubber water, bag house dust, ESP dust) during the trial burn followed by compliance monitoring of metals concentrations in the residues (e.g., daily analyses; daily composite sampling with weekly analyses; or daily composite sampling

with monthly analyses); (2) semicontinuous emission monitoring (e.g., 6 hours of every 24 hours of operation); and (3) ambient monitoring in conformance with procedures recommended by EPA's Office of Air Quality Planning and Standards.[64] Based on public comment and additional analysis, the final rule may provide one or more alternative approaches to waste analysis to implement the controls.

EPA believes that the metal in a waste may partition differently according to the type and location of the feed system through which a metal-bearing waste is fed. For example, the mass fraction of a metal in a solid waste fired onto the grate of a boiler and that subsequently enters the combustion gas stream and finally escapes the emissions control device and is emitted may be different from the mass fraction of a metal in a liquid waste fired with an atomization nozzel that is ultimately emitted to the atmosphere. Similarly, wastes fired to cement kiln systems may partition differently depending on whether the waste is fired in liquid or solid form, and on firing location (e.g., hot end of the kiln, midkiln, precalciner). EPA anticipates, therefore, that separate feed rate limits may need to be set in the permit for each feed system. Consequently, permit applicants may wish to vary trial burn conditions to establish appropriate permit limits for metals fed through each separate feed system or location. EPA requests comment on the need for and practicality of such permit conditions.

EPA anticipates that boilers without air pollution control devices capable of capturing metals will choose to comply with the Feed Rate Screening Limits by controlling the levels of metals in the wastes and will blend higher levels of metals that exist in specific wastes down to acceptable concentrations depending upon the capacity of the boiler.

For boilers and industrial furnaces equipped with air pollution control devices, we anticipate that the operator will comply with the Emissions Screening Limits. Compliance would be demonstrated by conducting an actual trial burn which measures metals emissions. Such operators will attempt in some instances to increase operating flexibility in their permits by ensuring that wastes of high metals contents are burned during trial burns. Spiking of metals in soluble forms may be advisable. Table G–3 gives typical conservative efficiencies for air pollution control devices on incinerators, and indicates the level of advantage operators may gain under Emissions Screening Limits (versus Feed Rate Screening Limits) by conducting emission testing.

TABLE G–3.—AIR POLLUTION CONTROL DEVICES (APCDs) AND THEIR CONSERVATIVELY ESTIMATED EFFICIENCIES FOR CONTROLLING TOXIC METALS

APCD	Pollutant				
	Ba, Be	Ag	Cr	As,Sb,Cd,Pb,Tl	Hg
WS [1]	50	50	50	40	30
VS–20 [1]	90	90	90	20	20
VS–60 [1]	98	98	98	40	40
ESP–1	95	95	95	80	0
ESP–2	97	97	97	85	0
ESP–4	99	99	99	90	0
WESP [1]	97	97	96	95	60
FF [1]	95	95	95	90	50
PS [1]	95	95	95	95	80
SD/FF; SD/C/FF	99	99	99	95	90
DS/FF	98	98	98	98	50
FF/WS [1]	95	95	95	90	50
ESP–1/WS; ESP–1/PS	96	96	96	90	80
ESP–4/WS' ESP–4/PS	99	99	99	95	85
VS–20/WS [1]	97	97	97	96	80
WS/IWS [2]	95	95	95	95	85
WESP/VS–20/IWS [1]	99	99	98	97	90
C/DS/ESP/FF; C/DS/C/ESP/FF	99	99	99	99	98
SD/C/ESP–1	99	99	98	95	85

[1] It is assumed that flue gases have been precooled in a quench. If gases are not cooled adequately, mercury recoveries will diminish, as will cadmium and arsenic to a lesser extent.

[2] An IWS is nearly always used with an upstream quench and packed horizontal scrubber.

C = Cyclone; WS = Wet Scrubber including: Sieve Tray Tower, Packed Tower, Bubble Cap Tower

PS = Proprietary Wet Scrubber Design (A number of proprietary wet scrubbers have come on the market in recent years that are highly efficient on both particulates and corrosive gases. Two such units are offered by Calvert Environmental Equipment Co. and by Hydro-Sonic Systems, Inc.).

VS–20 = Venturi Scrubber, ca. 20–30 in W. G. Δp

VS–60 = Venturi Scrubber, ca. > 60 in W. G. Δp

ESP–1 = Electrostatic Precipitator; 1 stage

ESP–2 = Electrostatic Precipitator; 2 stages

ESP–4 = Electrostatic Precipitator; 4 stages

IWS = Ionizing Wet Scrubber

DS = Dry Scrubber

FF = Fabric Filter (Baghouse)

SD = Spray Dryer (Wet/Dry Scrubber)

Finally, operators of facilities burning waste with high metals levels may elect to conduct site-specific dispersion modeling to demonstrate that emission rates higher than allowed by the Screening Limits would not pose unacceptable health risk. The added cost of the dispersion modeling may be reasonable even if the boiler or furnace

[64] Under the ambient monitoring approach, the Agency would consider increasing the RACs for the noncarcinogenic metals because exposure from other sources would be accounted for. To consider indirect exposure, however, the RACs would still be based on a fraction of the RfD (e.g., 50% rather than the 25% proposed). Further, the Agency may not raise the RAC for lead under this approach given that we now believe that lead is a probable human carcinogen.

is equipped with high efficiency emissions control equipment because the Screening Limits are likely to be conservative by a factor of 2 to 20.

Implementation for Multiple Sources On Site

The preceding discussion of the Screening Limits and Site-Specific Dispersion Modeling presumed only one hazardous waste combustion source at each site. However, facilities may have more than one source on site burning hazardous waste emitting from one or more stacks. EPA proposes that all such sources, whether incinerators, boilers, or industrial furnaces must meet the appropriate metals (and hydrogen chloride and THC) limits that would be established by this rule if such combustion devices burn hazardous waste. EPA anticipates that the revised incinerator standards that it plans to propose shortly would be copromulgated with the final rules for boilers and industrial furnaces. Thus, the sum of all emissions of toxic metals (and HCl and THC) from on-site sources must be considered when complying with the metals (and HCl and THC) standards.

EPA considered the method by which owners and operators could comply with this modified bubble approach. The net effect is to limit the total amount of metal-bearing waste at any one site with the use of adequate air pollution control devices. Thus, it would be inappropriate for the Agency to regulate metal emissions at an incinerator without taking into account the metal emissions generated by, for example, an on-site boiler burning hazardous waste and emitting toxic metals through the same or a nearby stack.

Owners and operators with multiple on-site sources could still demonstrate compliance with the Screening Limits by conservatively assuming all hazardous waste is fed to the source with the worst-case (i.e., considering dispersion) stack. The worst-case stack would be determined from the following equation as applied to each stack:

$K = HVT$

where:

K = a parameter accounting for relative influence of stack height and plume rise.
H = Physical Stack height (meters).
V = Flow rate (m^3/second).
T = Exhaust temperature (Kelvin)

The stack with the lowest value of K is to be used as the worst-case stack.

The use of this assumption can be very conservative if there are substantial differences in effective stack heights. We assume that most facilities with multiple sources and stacks would perform site-specific dispersion modeling to determine the relative importance of each source or stack contribution to the ambient metal (and HCl and THC) levels.

Short-Term Exposure Considerations for HCl

The dispersion modeling used to develop the Screening Limits indicated that, for the severe (i.e., poor) dispersion scenarios considered, the risk from short-term exposure was invariably greater than for long-term exposure. Thus, short-term (i.e., 3-min) exposures were used to develop the Screening Limits.

EPA proposed the 3-minute exposure RAC for HCl in the 1987 boiler/furnace proposal. Several commenters had concerns with the use of a 3-minute HCl RAC. Other commenters suggested alternative values for a short-term HCl RAC. We will consider those comments and other that may be submitted as a result of today's notice in developing the final rules.

EPA is evaluating continuous emission monitors for HCl, and it appears that accurate and reliable instruments may be available commercially. EPA specifically requests comments on whether continuous emission monitoring for HCl would be a feasible, practicable requirement in lieu of waste analysis for chlorine to limit HCl emissions.

Appendix H: Health Effects Data for Metals, HCl, and THC

A. Risk-Specific Dose for Carcinogenic Metals at 1×10^{-5} Risk Level

Constituent	Maximum annual average ground level concentration ($\mu g/m^3$)
Arsenic	2.3×10^{-3}
Beryllium	4.1×10^{-3}
Cadmium	5.5×10^{-3}
Chromium (hexavalent)	8.3×10^{-4}

B. Reference Air Concentrations (RACs) for Threshold Metals

Constituent	Maximum annual average ground level concentration ($\mu g/m^3$)
Antimony	0.3
Barium	50
Lead	0.09
Mercury	0.3
Silver	3
Thallium (oxide)	0.3

C. Reference Air Concentrations for Hydrogen Chloride

Maximum 3-Minute Exposure—150 $\mu g/m^3$

Maximum Annual Average Ground Level Concentration—7 $\mu g/m^3$

D. Risk-Specific Dose (RSD) for Total Hydrocarbons at 10^{-5} Risk Level

Maximum Annual Average Ground Level Concentration—1 $\mu g/m^3$

Appendix I: Reference Air Concentrations (RACs) for Threshold Constituents

Constituent	CAS No.	RAC ($\mu g/m^3$)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
2-chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
O-dichlorobenzene	95-50-1	10
P-dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-7	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidyaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	*15
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09

Constituent	CAS No.	RAC (μg/m³)
Maleic anhydride	108-31-6	100
Mercury	7439-97-6	2
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chlorocarbonate	79-22-1	1000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
M-phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Strychnine	57-24-9	0.3
1,2,4,5-tetrachlorobenzene	95-94-3	0.3
2,3,4,6-tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

Appendix J: Unit Risks for Carcinogenic Constituents

Constituent	CAS No.	Unit risk (m³/μg)
Acrylamide	79-06-1	1.3E−03
Acrylonitrile	107-13-1	6.8E−05
Aldrin	309-00-2	4.9E−03
Aniline	62-53-3	7.4E−06
Arsenic	7440-38-2	4.3E−03
Benz(a)anthracene	56-55-3	8.9E−04
Benzene	71-43-2	8.3E−06
Benzidine	92-87-5	6.7E−02
Benzo(a)pyrene	50-32-8	3.3E−03
Beryllium	7440-41-7	2.4E−04
Bis(2-chloroethyl)ether	111-44-4	3.3E−04
Bis(chloromethyl)ether	542-88-1	6.2E−02
Bis(2-ethylhexyl)phthalate	117-81-7	2.4E−07
1,3-butadiene	106-99-0	2.8E−04
Cadmium	7440-43-9	1.8E−03
Carbon Tetrachloride	56-23-5	1.5E−05
Chlordane	57-74-9	3.7E−04
Chloroform	67-66-3	2.3E−05
Chloromethane	74-87-3	3.6E−06
Chloromethyl Methyl Ether	107-30-2	
Chromium VI	7440-47-3	1.2E−02
DDT	50-29-3	9.7E−05
Dibenz(a,h)anthracene	53-70-3	1.4E−02
1,2-dibromo-3-chloropropane	96-12-8	6.3E−03
1,2-dibromoethane	106-93-4	2.2E−04
1,1-dichloroethane	75-34-3	2.6E−05
1,2-dichloroethane	107-06-2	2.6E−05
1,1-dichloroethylene	75-35-4	5.0E−05
1,3-dichloropropene	542-75-6	3.5E−01
Dieldrin	60-57-1	4.6E−03
Diethylstilbestrol	56-53-1	1.4E−01
Dimethylnitrosamine	62-75-9	1.4E−02
2,4-dinitrotoluene	121-14-2	8.8E−05
1,2-diphenylhydrazine	122-66-7	2.2E−04
1,4-dioxane	123-91-1	1.4E−06
Epichlorohydrin	106-89-8	1.2E−06
Ethylene Oxide	75-21-8	1.0E−04
Ethylene Dibromide	106-93-4	2.2E−04
Formaldehyde	50-00-0	1.3E−05
Heptachlor	76-44-8	1.3E−03
Heptachlor Epoxide	1024-57-3	2.6E−03
Hexachlorobenzene	118-74-1	4.9E−04
Hexachlorobutadiene	87-68-3	2.0E−05
Alpha-hexachlorocyclohexane	319-84-6	1.8E−03
Beta-hexachlorocyclohexane	319-85-7	5.3E−04
Gamma-hexachlorocyclohexane	58-89-9	3.8E−04
Hexachlorocyclohexane, Technical		5.1E−04
Hexachlorodibenzo-p-dioxin (1,2 Mixture)		1.3E+00
Hexachloroethane	67-72-1	4.0E−06
Hydrazine	302-01-2	2.9E−03
Hydrazine Sulfate	302-01-2	2.9E−03
3-methylcholanthrene	56-49-5	2.7E−03
Methyl Hydrazine	60-34-4	3.1E−04
Methylene Chloride	75-09-2	4.1E−06
4,4'-methylene-bis-2-chloroaniline	101-14-4	4.7E−05
Nickel	7440-02-0	2.4E−04
Nickel Refinery Dust	7440-02-0	2.4E−04
Nickel Subsulfide	12035-72-2	4.8E−04
2-nitropropane	79-46-9	2.7E−02
N-nitroso-n-butylamine	924-16-3	1.6E−03
N-nitroso-n-methylurea	684-93-5	3.5E−01
N-nitrosodiethylamine	55-18-5	4.3E−02
N-nitrosopyrrolidine	930-55-2	6.1E−04
Pentachloronitrobenzene	82-68-8	7.3E−05
PCBs	1336-36-3	1.2E−03
Pronamide	23950-58-5	4.6E−06
Reserpine	50-55-5	3.0E−03
2,3,7,8-tetrachlorodibenzo-p-dioxin	1746-01-6	4.5E+01
1,1,2,2-tetrachloroethane	79-34-5	5.8E−05
Tetrachloroethylene	127-18-4	4.8E−07
Thiourea	62-56-6	5.5E−04
1,1,2-trichloroethane	79-00-5	1.6E−05
Trichloroethylene	79-01-6	1.3E−06
2,4,6-trichlorophenol	88-06-2	5.7E−06
Toxaphene	8001-35-2	3.2E−04
Vinyl Chloride	75-01-4	7.1E−06

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October 26, 1989

Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 801

Medical Devices; Labeling for Menstrual Tampons; Ranges of Absorbency; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 801

[Docket No. 86N-0479]

RIN 0905-AC54

Medical Devices; Labeling for Menstrual Tampons; Ranges of Absorbency

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to amend its menstrual tampon labeling regulation to standardize each of the terms currently used to describe tampon absorbency, junior, regular, super, and super plus, so that each term represents a 3-gram range of absorbency. The rule requires that manufacturers describe absorbency using the term that corresponds to the absorbency of their tampons as determined by a test method specified in the final rule. The purpose of the final rule is to enable consumers to compare the absorbency of one brand and style of tampons with the absorbency of all other brands and styles.

Labeling of tampons to allow consumers to compare the absorbency of different brands and styles is important because the use of tampons is associated with toxic shock syndrome (TSS), a rare but serious and sometimes fatal disease, and the risk of contracting TSS increases with the use of tampons of higher absorbency. FDA is issuing this rule under the Federal Food, Drug, and Cosmetic Act (the act).

FDA is also announcing its final response to a citizen petition submitted by the Public Citizen Health Research Group (HRG) concerning absorbency labeling for tampons.

EFFECTIVE DATES: The final rule is effective for packages of tampons initially introduced or initially delivered for introduction into commerce after March 1, 1990. In accordance with 5 U.S.C. 552(a), the Director of the Office of the Federal Register approves the incorporation by reference of the voluntary standard referred to in 21 CFR 801.430(f)(2); this approval is effective on March 1, 1990.

FOR FURTHER INFORMATION CONTACT: Les Weinstein, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of September 23, 1988 (53 FR 37250) (corrected November 3, 1988 (53 FR 44551, and January 17, 1989 (54 FR 1844)), FDA proposed to amend its current regulation governing user labeling for menstrual tampons (21 CFR 801.430) to require uniform absorbency testing of tampons and to standardize a method of expressing absorbency on tampon package labels. The agency proposed such testing and labeling requirements to enable consumers to make interbrand comparisons and choose the least absorbent tampon needed to control menstrual flow and, thus, reduce their risk of TSS.

Interested persons were given until December 22, 1988, to submit written comments on the proposal. The agency received more than 270 comments from tampon manufacturers, individual consumers, consumer groups, health care professionals, and researchers. After analyzing the comments concerning the agency's proposal to use a system of letters to represent absorbency ranges and not to standardize currently used terms of absorbency (e.g., regular, super, and super plus), the agency decided to issue a reproposal that would have replaced the letter designations with six absorbency terms that were different from, and would have been used in addition to, existing terms. The new terms (low absorbency, medium absorbency, medium-high absorbency, high absorbency, very high absorbency, and highest absorbency) corresponded to the six absorbency ranges described in the initital proposal (53 FR 37250). The reproposal, which was published in the **Federal Register** of June 12, 1989 (54 FR 25076) (corrected June 28, 1989 (54 FR 27188)), also would have required that the new terms be placed on the principal display panel of tampon packages to minimize any confusion that might have been created by the continued use of existing nonstandardized terms.

The reproposal included a summary of the comments received on the September 1988 proposed rule and the agency's response to them, and a tentative response to a citizen petition submitted by the Public Citizen Health Research Group concerning absorbency labeling for tampons. Interested persons were given until August 11, 1989, to submit written comments on the reproposal.

The agency received 39 comments on the reproposal from tampon manufacturers, individual consumers, consumer groups, and health care professionals. A summary of these comments and the agency's response to them are set out in section II of this preamble.

II. Summary and Analysis of Comments

A. General Comments

1. Almost all the comments, including those from tampon manufacturers, continued to support FDA's overall goal to ensure that absorbency information is provided to consumers. Specific suggestions included in the comments on how to improve the reproposed rule to provide the most truthful, accurate, and nonmisleading information on tampon absorbency are addressed in subsequent sections of this preamble.

FDA concludes, on the basis of the data and information discussed and cited, and for the reasons set out in the preamble to both the proposed rule and the reproposed rule and in this preamble, and taking into account the data, information, and views presented in the comments, that a final rule should be issued. As intended, the final rule will enable consumers to compare the absorbency of one brand and style of tampons with the absorbency of all other brands and styles, to choose the lowest absorbency needed to control menstrual flow, and, as a result, to reduce their risk of TSS.

2. One comment addressed the proposed revision of the estimated incidence of TSS included in current 21 CFR 801.430(d)(2). This comment noted that much of the data on which FDA bases that estimate were published in 1980 and 1981, and that the composition of many tampons has changed since then. The comment recommended that FDA use only the most up-to-date published incidence rates (as cited in 54 FR 25076 at 25079, approximately 1 to 2 cases of TSS per 100,000 menstruating girls and women per year) and should disregard the earlier published data (as cited in the **Federal Register** of June 22, 1982 (47 FR 26982), between 6 and 17 cases of TSS per 100,000 menstruating girls and women per year).

As stated in the preamble to the reproposed rule (54 FR 25076 at 25079), FDA believes that the actual incidence of TSS can only be estimated, and that it is appropriate to convey to consumers the full range of reasonable estimates. There must be a rational basis for the agency to choose one estimate over another. FDA does not agree that the suggestion that the composition of many tampons has changed over the years provides such a basis. Therefore, FDA has concluded that the estimated incidence of TSS in current § 801.430(d)(2) should be revised as

proposed. The final rule states that estimate of TSS to be from 1 to 17 cases per 100,000 menstruating girls and women per year.

3. Two manufacturers commented on FDA's statement in the preamble to the reproposed rule (54 FR 25076 at 25079) that tampons are misbranded under section 502(f)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352(f)(1)), because current tampon labeling does not contain any information with which a woman can determine relative absorbency of different brands of tampons. One manufacturer noted that FDA had attempted to clarify this issue, but recommended that, to avoid any possible confusion and misinterpretation of any final rule, FDA make clear that tampons on the market are not misbranded and that no tampon can be considered to be misbranded for noncompliance with the final rule unless it is introduced into commerce after the rule's effective date. The other manufacturer continued to disagree that the failure to provide such absorbency information renders tampons misbranded.

In response to these comments, FDA reiterates that, as the agency tentatively concluded (53 FR 37250 at 37254), omission of uniform absorbency information does render tampons misbranded within the meaning of section 502 (a) and (f)(1) of the act. But, rather than act against individual tampons to remedy the deficiency, FDA has elected, consistent with its authority, to address the misbranding by requiring a uniform labeling system through rulemaking. As provided in § 801.403(h) of the final rule, any tampon that is not labeled as required by the final rule and that is initially introduced into interstate commerce after the effective date of the final rule is misbranded under sections 201(n) and 502 (a) and (f) of the act (21 U.S.C. 321(n) and 352 (a) and (f)). (The effective date of the final rule is discussed in section II E of this preamble.)

B. Approaches to Absorbency Labeling

4. FDA specifically requested comment (54 FR 25076 at 25081) on whether the use of fixed, nonoverlapping ranges would be inconsistent with the goal of enabling consumers to reduce their risk of TSS. Comments on this issue were received from consumer groups, consumers, and tampon manufacturers.

One consumer group continued to reject fixed, nonoverlapping ranges stating that a single number is necessary to adequately convey absorbency information to consumers. This comment suggested that the use of ranges would prevent women from being able to distinguish between tampon brands or styles at either the low or high end of a given absorbency range. It also noted that some styles of currently marketed tampons would have to be reformulated because their absorbency is on the boundary between ranges. The comment also urged that single numbers are more informative and clearer than ranges, that women are familiar with some manufacturers' current use of numbers, and that scientists have been using single numbers to designate the absorbency of tampons since 1981.

Most of the individual consumers favored the use of nonoverlapping ranges, as did three other consumer groups and all the manufacturers. These comments generally agreed with FDA's tentative conclusion (53 FR 37250 at 37260), or agreed with the statements on the issue in the reproposed rule (54 FR 25076 at 25080), that variations in tampon production and tampon absorbency testing make the use of ranges necessary; that the ranges chosen by FDA were appropriate and as narrow as possible given current production and testing; and that the benefit of truthful, nonmisleading, and accurate labeling outweighs the potential risks posed by the increased absorbency of some tampons that would result from product reformulation. Several individual consumers suggested reducing the number of ranges to avoid confusion and increase comprehension.

As stated in the preambles to the proposed rule (53 FR 37250 at 37260) and the reproposed rule (54 FR 25076 at 25080), the data show that a single numerical designation does not accurately represent the contents of a given box of tampons, and that the only truthful, accurate, and nonmisleading representation of the contents of a box can be that it contains tampons with absorbencies within a given range. Most of the comments agreed with FDA's interpretation of the data.

If future advances in technology across the industry allowed the production of tampons and the measurement of their absorbency such that there were only slight variations from an average absorbency, FDA would consider proposing amendments to this final rule.

Reducing the number of ranges could not be accomplished by simply eliminating one or more of them, because there is no basis for FDA to ban the use of any of the ranges, whether at the top or bottom end. The only way to reduce the number of ranges is to create ranges that are unnecessarily broad. FDA disagrees, therefore, with the recommendation that the ranges of absorbency be reduced below six.

5. FDA received many comments on whether to standardize a new set of terms or standardize the existing terms currently used by manufacturers, e.g., regular, super, and super plus.

One manufacturer and six individual consumers supported the reproposal requiring the use of new and standardized terms, but allowing the use of familiar and unstandardized terms. The manufacturer argued that the reproposed absorbency nomenclature was straightforward and clear, and objected to standardizing existing terms because it would have little impact on reinforcing absorbency information.

Four consumer groups, 4 manufacturers, 1 health professional organization, and 15 individual consumers strongly objected to the reproposal to allow the dual use of a new set of standardized terms with nonstandardized existing terms. These comments were unanimous in their view that such a dual system would result in consumer confusion and the failure of the reproposed rule to accomplish its intended goal of enabling consumers to compare, before purchase, the absorbency of one brand and style of tampons with the absorbency of other brands and styles. These comments differed, however, in their suggestions on how to eliminate the confusion that would result from the labeling scheme in the reproposal.

One consumer group, the health professional organization, and nine individual consumers stated that the new terms in the reproposed rule were acceptable, and that confusion would be eliminated if the use of existing terms were proscribed. Three consumer groups, four manufacturers (representing approximately 90 percent of the tampon market), and six individual consumers argued that the best approach was simply to standardize the existing terms that have been used for years and with which women are familiar. In addition, several comments suggested minor modifications of the new terms, if the new terms were retained in the final rule.

FDA has concluded, based on its own analysis, and on the preponderance of comments, which represent a large portion of the public that will be affected by this rule, that allowing any combination of standardized and nonstandardized absorbency terms will confuse rather than inform consumers, as a result of which the reproposed rule would not have achieved its stated public health purposes. Presented with two sets of terms on the same package,

consumers would likely continue to choose tampons based on the familiar terms, which would not be uniform throughout the tampon industry.

The agency rejects the option of using the new terms in the reproposal and proscribing the use of existing terms because it would fail to take advantage of consumer familiarity with existing terms. Moreover, it would be a more restrictive limitation on labeling than is necessary to serve the purpose of the final rule.

The agency agrees with the suggestion simply to standardize existing terms, without the addition of any new terms for the following reasons. This approach avoids any possible confusion; it is likely to be very easily understood by all consumers; is overwhelmingly the option most favored by consumers, who are the target audience for the information; it is the simplest to implement; and it is strengthened by and takes advantage of consumer familiarity with existing terms. Accordingly, the agency has revised reproposed § 801.430(e)(1) in the final rule to standardize the existing absorbency terms (junior, regular, super, and super plus) corresponding to the following four absorbency ranges: less than 6, 6 to 9, 9 to 12, and 12 to 15 grams of fluid, respectively, and to provide for no absorbency terms for the two absorbency ranges above 15 grams of fluid. Because absorbency terms, for the first time, will be valid indicators of absorbency across all tampon brands and styles, FDA believes that it is appropriate to require the word "absorbency" to accompany the existing terms, just as the reproposal would have required the word "absorbency" to accompany the new terms. Also, requiring the word "absorbency" on the package in conjunction with the absorbency term will alert consumers to the fact that the labeling has been changed.

The final rule does not include a corresponding term of absorbency for the ranges 15 to 18 grams or above 18 grams of fluid. FDA is unaware of any currently marketed tampon that absorbs more than 18 grams of fluid and also is unaware of any currently used, and therefore familiar, term of absorbency used to describe such a product. Any person who is required to register under section 510 of the act (21 U.S.C. 360) and 21 CFR part 807 of FDA's regulation and who intends to begin the introduction or delivery for introduction into interstate commerce of such a tampon for commercial distribution is required to submit a premarket notification to FDA in accordance with section 510(k) of the act and Subpart E of 21 CFR part 807 at least 90 days before making such introduction or delivery. Under § 807.87(e), a premarket notification for a device is to contain, among other things, labeling for the device. Based on such a submission for a tampon that absorbs more than 18 grams of fluid, the agency will determine whether the labeling is appropriate and does not misbrand or adulterate the tampon under section 501 or 502 of the act (21 U.S.C. 351 and 352) and whether the tampon requires premarket approval under section 515 of the act (21 U.S.C. 360e).

FDA is aware of one product in the 15 to 18-gram range that is currently labeled super plus. The manufacturer of this product will be required to lower the absorbency to continue to use the term super plus. All other manufacturers apply the term super plus to products with absorbencies in the 12 to 15-gram range. If the manufacturer using the term super plus for a product in the 15 to 18-gram range chose to keep this product at its current absorbency, FDA would review any term of absorbency proposed by the manufacturer. Because the final rule does not preclude the use of other labeling that is not false or misleading, the agency would consider the use of the absorbency range in § 801.430(e)(1) to be acceptable.

C. Absorbency Testing

6. Three manufacturers commented on the test method for determining tampon absorbency. One manufacturer recommended that the final rule permit manufacturers to use either the proposed or the reproposed method with appropriate technical adjustments that can be shown to be necessary to minimize error. Another manufacturer objected to the inclusion of a tensile strength requirement for the condom used in the test, arguing that there are no data showing that the results of the test are related to condom tensile strength and that ensuring that the tensile strength provision is met would be overly burdensome to tampon manufacturers. The third manufacturer objected to the provision in the reproposed rule that would have allowed alternative ways to reach the endpoint of the test (i.e., fluid either exits from the apparatus or appears in the folds of the condom below the tampon). The comment stated that this provision would create more interlaboratory error in the test method when some manufacturers select one alternative and some the other because, based on this manufacturer's preliminary data, the two endpoints could vary by as much as 0.5 grams of fluid.

The agency continues to recognize that individual manufacturers may wish to use an absorbency test method different from the test method specified in the final rule. Therefore, the agency has retained in the final rule a provision for a manufacturer to submit evidence, in the form of a citizen petition, demonstrating to the agency's satisfaction that the alternative method will yield test results that are equivalent to the results using the test method in the final rule. FDA believes, however, that allowing "technical adjustments" to the test method by individual manufacturers would likely lead to significant differences between the absorbency results obtained by different manufacturers. Neither the proposed nor reproposed rules would have permitted such adjustments and FDA has included no provisions in the final rule for manufacturers to make technical adjustments without FDA approval as described above. The agency does agree, however, that multiple endpoints could result in unnecessary variability in test results between manufacturers. Therefore, in response to the comments, and after reconsideration of the position taken in the reproposed rule, § 801.430(f)(2) is revised to state that the test should be terminated when the tampon is saturated and the first drop of fluid exits the apparatus.

FDA disagrees with the comment objecting to the inclusion of a condom tensile strength provision. FDA included this provision in repsonse to a comment on the proposed rule indicating that there was a need to specify the condom to be used. The earlier comment included information that identifying one brand of condom would not suffice because modifications in that brand made by the condom manufacturer would affect the test result. As condom manufacturers modify their products to respond to the market desire for condoms that are more resistant to breakage, it is possible that unnecessary variations could be introduced into the test method. For these reasons, FDA has concluded that it is necessary to specify the tensile strength of the condom used in the test method. FDA does not believe that this requirement would be overly burdensome. FDA's experience shows that tensile strengths greater than 30 Mega Pascals are associated with clearly thicker latex condoms, suggesting that tampon manufacturers may be able to use thickness in acceptance testing to ensure this tensile strength requirement is met. Alternatively, quality assurance data

provided by the condom supplier could be available to the tampon manufacturer as a possible means to comply with this provision.

7. Three consumer groups continued to urge FDA to adopt a 95/95 tolerance interval to provide the highest degree of assurance that tampons in fact fall within the specified ranges. Three manufacturers agreed that a 90/90 tolerance interval was acceptable, but expressed concern over a wording change in the reproposal that would have applied the tolerance interval to tampons within a package and not within a brand and type.

As stated in the preamble to the reproposed rule (54 FR 25076 at 25084), FDA has concluded that it is technically infeasible for manufacturers to comply with a requirement that there be a 95 percent probability that 95 percent of tampons fall within the labeled range, that it is technically feasible for all manufacturers to comply with a 90/90 tolerance interval, and that a 90/90 tolerance interval would provide a sufficiently high degree of assurance that tampons fall within the labeled range. In the absence of data to the contrary, the agency has not changed its conclusion. FDA does agree that an inappropriate wording change was made in the reproposed rule when the tolerance interval was applied to tampons in a package. The intent of the agency remains as stated in the proposed rule where the tolerance interval was applied to tampons within a brand or type, and, accordingly, has revised the final rule.

8. One manufacturer continued to posit that imprecision in the test method warranted applying the tolerance intervals to average absorbencies from small groups of tampons. In support of this position, the manufacturer submitted additional data comparing the absorbencies of two groups of tampons with the same average weight. One group, however, had a normally distributed narrow weight range (± 1 percent) and one group had a normally distributed wide weight range (± 8 percent). The average standard deviation for the syngyna values of tampons from the narrow weight range group was 0.4, and the average standard deviation from the wide weight range group was 0.66. The comment interpreted these data as confirming that the variation was due only to the test method for the narrow weight range group and the test method plus weight variation for the wide weight range group. Because of the test method variability, the comment concluded that it was appropriate to allow averaging of the absorbency values of small groups of tampons. Two consumer groups and one manufacturer agreed with FDA's conclusion that testing should be based on individual product unit values, rather than on averages.

FDA carefully evaluated the new data submitted in the comment and has concluded that the data do not demonstrate that there is such a large variability in the test method that it is necessary to apply tolerance intervals to average absorbencies. FDA believes that the data collection approach submitted with the comment, overlooks the contribution that all variables in the manufacturing process make to the final result. Thus, FDA concludes from the data that the standard deviation of 0.4 in the narrow weight group is the result of variations in the test method, fibers, and manufacturing; and that the standard deviation of 0.66 in the wide weight range group is the result of all of these variables plus weight. To find the variation attributable to the method exclusively would require a more detailed and carefully controlled experiment in which the several potential sources of variation in raw material and manufacturing were quantified and evaluated to determine their influence on the absorbency measurement.

D. Content and Location of Labeling

9. Four consumer groups and several individual consumers expressed concern that the use of the word "labeling" in reproposed § 801.430(d) would result in absorbency information being placed only in the package insert and not on the package label. One manufacturer suggested that the absorbency information be expanded to make specific reference to the link between tampon absorbency and the risk of TSS. Three consumer groups supported the language in the reproposal that would clearly identify in the labeling the practice of alternating tampon and sanitary pad use with reducing the risk of TSS.

The final rule (§ 801.430(e)(1)) requires that absorbency information shall be prominently and legibly placed on the package label of menstrual tampons. The absorbency information may not be placed only in a package insert. Section 801.430(e)(2) requires that the package label shall include an explanation of the ranges of absorbency and a description of how consumers can use a range of absorbency, and its corresponding absorbency term, to make comparisons of absorbency of tampons to allow selection of the tampon with the minimum absorbency needed to control menstrual flow in order to reduce the risk of contracting TSS.

10. Three manufacturers expressed concern that the prominence requirement in reproposed § 801.430(e)(2) would result in restrictions on generic names, brand names, and the like that were not intended in the reproposal. One consumer group requested clarification as to the meaning of prominent and conspicuous in reproposed § 801.430(e)(2). To ensure prominence, various comments suggested graphs/scales/guages; bold format, as in the Surgeon General's warning on cigarette packages; color-coding; and the use of dramatic labeling on cellophane wrappers.

Because FDA has decided in the final rule to require the standardization of existing terms instead of new terms, the language in reproposed § 801.430(e)(2) is removed from the final rule. Although FDA agrees that there are specific ways to ensure prominence of the labeling required in the final rule, the agency has concluded that there is no need to specify any single approach, thus providing flexibility to manufacturers.

11. Two consumer groups, two individual consumers, and one manufacturer commented on the need for ingredient labeling. The two consumer groups reiterated the support for ingredient labeling. The two individual consumers argued that it should not be necessary for an ingredient to be a health risk to justify ingredient labeling for tampons; materials should be disclosed so women can make an "intelligent choice," e.g., choose tampons with natural fibers. The manufacturer reiterated that manufacturers now voluntarily provide ingredient information, but agreed that FDA has insufficient legal basis for requiring it.

FDA tentatively concluded in the preamble to the reproposed rule (54 FR 25076 at 25085) that it does not have the authority under the act to require tampon manufacturers to list ingredient information on product labeling, unless such ingredient information were necessary for the safe and effective use of tampons. None of the comments favoring ingredient labeling cited, discussed, or submitted any data showing an association between any particular ingredient and any risk to health, including allergic reaction, sensitivity, or irritation, and FDA is unaware of any such data. Moreover, none of the comments provided any legal theory under which the agency could require ingredient labeling for tampons. Absent information indicating

that the disclosure of tampon ingredients on package labeling is necessary for the safe or effective use of the product, or that the omission of such information is material to the safe or effective use of the tampons, FDA has concluded that the act does not provide the agency with authority to require tampon manufacturers to list ingredient information on product labeling.

E. Effective Date

12. Two consumer groups supported a 6-month implementation date as the latest acceptable effective date. One manufacturer considered 6 months to be sufficient time for it to comply with the proposed rule. Three manufacturers continued to object to a 6-month effective date. These manufacturers claimed they would have difficulty meeting a 6-month effective date because they would have to make labeling changes and product design changes that would affect manufacturing, including machinery, and testing protocols. They also cited the unnecessary risk of having to scrap not only packaging but actual product in inventory. These comments suggested effective dates ranging from 9 months to 1 year. One individual consumer supported the view that 6 months was not enough time for manufacturers to design effective packaging to meet the new regulation.

As stated in the preamble to the reproposal, the agency believes that the basic testing methodology required by the final rule has been accepted by manufacturers, and that appropriate quality assurance programs have been in place since the device current good manufacturing practice (CGMP) regulations were promulgated in 1978 (21 CFR 820.20). Therefore, manufacturers are faced only with modification of existing quality assurance programs and not with creation of entirely new ones, and the need to develop and print new product labeling. Given the public health importance of tampon absorbency information, FDA believes that any time beyond 6 months is neither necessary nor appropriate for implementation of the provisions in § 801.430(e) (1) and (2), and (f) regarding absorbency ranges and testing. Based upon available information, FDA had proposed that any final rule become effective 6 months after the date the final rule is published in the **Federal Register**, because of the agency's belief that manufacturers would need this amount of time to implement the labeling changes required in § 801.430(e) (1) and (2). However, on September 29, 1989, the United States District Court for the District of Columbia ordered that the final tampon absorbency regulation become effective 4 months after October 30, 1989, the date by which the court had, by its previous order of August 29, 1989, directed that publication of the final rule occur. *Public Citizen Health Research Group* v. *Commissioner, FDA*, Civil Action No. 88–1492. Accordingly, the final rule is effective on March 1, 1990. Any menstrual tampon that is not labeled as required by the final rule and that is initially introduced or initially delivered for introduction into commerce after March 1, 1990, is misbranded under sections 201(n) and 502 (a) and (f) of the act.

The agency believes that manufacturers might want for some period of time to relate new labeling to the former product labeling. Therefore, the agency would consider it appropriate if a manufacturer, for up to 12 months after the effective date of the final rule, chose to include, for example, the information "formerly Brand X super" in the product labeling.

F. Vending Machines

13. Two consumer groups and 10 individual consumers argued that the reproposed rule would not ensure that a consumer had the necessary information about absorbency of vending machine products in order to make an informed choice as between, for example, a tampon or a sanitary pad. One manufacturer argued that absorbency labeling of vending machine tampons is neither practical nor necessary, since consumers must purchase whatever single product is available in a particular vending machine and do not have a choice.

Because FDA has revised the final rule to standardize existing terms, the agency reviewed the provision (§ 801.430(g)) in the reproposed rule that did not exempt tampons sold in vending machines from the provision of § 801.430(e)(4). FDA no longer believes this provision is necessary, and has revised the final rule accordingly. FDA finds no basis in the comments for concluding that requiring tampons sold in vending machines to comply with the final rule is necessary to protect the public health.

G. Public Citizen Health Research Group Petition

14. No comments were received that specifically addressed the August 20, 1987, citizen petition from the Health Research Group (HRG) (see 53 FR 37250 at 37252 and 37253). FDA believes that the final rule, requiring uniform absorbency testing and a standardized method of expressing absorbency, is both technically feasible and adequate to address the need for public health protection. The final rule enables women to compare absorbencies between brands and styles and to choose the lowest absorbency needed and, thus, reduce their risk of contracting TSS. To the extent that the final rule does not include provisions requested by HRG in its August 20, 1987, citizen petition, the agency is denying the petition.

H. Education

15. Three consumer groups and three individual consumers urged FDA to continue its public education efforts to inform users of the association between tampon absorbency and TSS risk. Specific suggestions included incorporating TSS education information into school curricula, using formats targeted to specific age groups and making public service announcements.

FDA agrees with the intent of these comments. FDA plans to employ a variety of educational approaches to provide updated information to new tampon users, higher risk groups for TSS such as young women and teenage girls, and the general public, and will consider the suggestions provided in the comments.

I. Miscellaneous

16. A comment from two consumer groups presented data on problems with the structural integrity of tampons and urged FDA to increase the priority for the development of a standard for tampon performance to include parameters such as biocompatibility, leachability of materials, anchor string strength, and smoothness and mechanical operation of the tampon inserter.

FDA will consider the new data submitted in the comment in its continuing revision of its priorities for development of mandatory standards for medical devices.

17. An individual consumer recommended against the use of metric measures, expressing the view that they are poorly understood and virtually meaningless to the general public.

The purpose of the determination of the fluid absorbed by a tampon is to provide a quantitative measure of absorbency that can be used in making interbrand comparisons. FDA does not believe that it is necessary to use English system units (ounces) to do that, and rejects the recommendation.

18. FDA also received suggestions for further changes in tampon labeling. For example, one comment recommended that the agency require

recommendations and warnings for women with unusually heavy menstrual periods. Another comment recommended establishing a minimum absorbency to protect consumers from fraudulent products and a maximum absorbency to safeguard the health of consumers.

FDA believes that the warnings about the link between TSS and tampon absorbency, and the admonition to reduce that risk by alternating tampon use with menstrual pads, will provide all women, including those with unusually heavy periods, the information they need to take action to reduce the risk of TSS. The agency does not believe that there is a basis for establishing either a minimum absorbency or a maximum absorbency for tampon products, and, therefore, rejects that comment.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Economic Impact

As stated in the preambles to the proposed and reproposed rules, FDA has assessed the economic consequences of the final rule in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the rule is not a major rule under the Executive Order. No comments were received in response to the reproposed rule relating to FDA's assessment. As in the reproposed rule, FDA estimates that the final rule will impose direct costs of $75,000 on each tampon manufacturer. Therefore, the agency continues to conclude that the rule is not a major rule under the Executive Order. The agency also has considered the effect that the final rule will have on small entities including small businesses. The agency believes that only one of the affected manufacturers meets the definition of a small entity under the Regulatory Flexibility Act (Pub. L. 96–354), and no comments were submitted on the matter. Therefore, FDA certifies under the Regulatory Flexibility Act that the final rule will not have a significant economic impact on a substantial number of small entities. A further description of these new costs and the methods for estimating them can be found in the revised threshold assessment on file with the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

V. Paperwork Reduction

This final rule (§ 801.430 (e) and (f)) contains information collection requirements that were submitted for review and approval to the Director, Office of Management and Budget (OMB) as required by section 3507 of the Paperwork Reduction Act of 1980. The requirements were approved and assigned OMB control number 0910–0257.

List of Subjects in 21 CFR Part 801

Incorporation by reference, Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR part 801 is amended as follows:

PART 801—LABELING

1. The authority citation for 21 CFR part 801 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 507, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 357, 360i, 360j, 371, 374).

2. Section 801.430 is amended by revising paragraph (b), the introductory text of paragraph (d), and paragraphs (d)(2), (3), and (4); by redesignating paragraphs (e) and (f) as paragraphs (g) and (h), respectively, and revising them; and by adding new paragraphs (e) and (f) to read follows:

§ 801.430 User labeling for menstrual tampons.

* * * * *

(b) Data show that toxic shock syndrome (TSS), a rare but serious and sometimes fatal disease, is associated with the use of menstrual tampons. To protect the public and to minimize the serious adverse effects of TSS, menstrual tampons shall be labeled as set forth in paragraphs (c), (d), and (e) of this section and tested for absorbency as set forth in paragraph (f) of this section.

* * * * *

(d) The labeling of menstrual tampons shall contain the following consumer information prominently and legibly, in such terms as to render the information likely to be read and understood by the ordinary individual under customary conditions of purchase and use:

* * * * *

(2) The risk of TSS to all women using tampons during their menstrual period, especially the reported higher risks to women under 30 years of age and teenage girls, the estimated incidence of TSS of 1 to 17 per 100,000 menstruating women and girls per year, and the risk of death from contracting TSS;

(3) The advisability of using tampons with the minimum absorbency needed to control menstrual flow in order to reduce the risk of contracting TSS;

(4) Avoiding the risk of getting tampon-associated TSS by not using tampons, and reducing the risk of getting TSS by alternating tampon use with sanitary napkin use during menstrual periods; and

* * * * *

(e) The statements required by paragraph (e) of this section shall be prominently and legibly placed on the package label of menstrual tampons in conformance with section 502(c) of the Federal Food, Drug, and Cosmetic Act (the act) (unless the menstrual tampons are exempt under paragraph (g) of this section).

(1) Menstrual tampon package labels shall bear one of the following absorbency terms representing the absorbency of the production run, lot, or batch as measured by the test described in paragraph (f)(2) of this section;

Ranges of absorbency in grams [1]	Corresponding term of absorbency
6 and under	Junior absorbency.
6 to 9	Regular absorbency.
9 to 12	Super absorbency.
12 to 15	Super plus absorbency.
15 to 18	None.
above 18	None.

[1] These ranges are defined, respectively, as follows: less than or equal to 6 grams; greater than 6 grams up to and including 9 grams; greater than 9 grams up to and including 12 grams; greater than 12 grams up to and including 15 grams; greater than 15 grams up to and including 18 grams; and greater than 18 grams.

(2) The package label shall include an explanation of the ranges of absorbency and a description of how consumers can use a range of absorbency, and its corresponding absorbency term, to make comparisons of absorbency of tampons to allow selection of the tampons with the minimum absorbency needed to control menstrual flow in order to reduce the risk of contracting TSS.

(f) A manufacturer shall measure the absorbency of individual tampons using the test method specified in paragraph (f)(2) of this section and calculate the mean absorbency of a production run, lot, or batch by rounding to the nearest 0.1 gram.

(1) A manufacturer shall design and implement a sampling plan that includes collection of probability samples of adequate size to yield consistent tolerance intervals such that the probability is 90 percent that at least 90 percent of the absorbencies of individual tampons within a brand and

type are within the range of absorbency stated on the package label.

(2) In the absorbency test, an unlubricated condom, with tensile strength between 17 Mega Pascals (MPa) and 30 MPa, as measured according to the procedure in the American Society for Testing and Materials (ASTM), D 3492–83, "Standard Specification for Rubber Contraceptives (Condoms)"[1] for determining tensile strength, which is incorporated by reference in accordance with 5 U.S.C. 552(a), is attached to the large end of a glass chamber with a rubber band (see Figure 1) and pushed through the small end of the chamber using a smooth, finished rod. The condom is pulled through until all slack is removed. The tip of the condom is cut off and the remaining end of the condom is stretched over the end of the tube and secured with a rubber band. A preweighed (to the nearest 0.01 gram) tampon is placed within the condom membrane so that the center of gravity of the tampon is at the center of the chamber. An infusion needle (14 gauge) is inserted through the septum created by the condom tip until it contacts the end of the tampon. The outer chamber is filled with water pumped from a temperature-controlled waterbath to maintain the average temperature at 27±1 °C. The water returns to the waterbath as shown in Figure 2.

Syngyna fluid (10 grams sodium chloride, 0.5 gram Certified Reagent Acid Fuchsin, 1,000 milliliters distilled water) is then pumped through the infusion needle at a rate of 50 milliliters per hour. The test shall be terminated when the tampon is saturated and the first drop of fluid exits the apparatus. (The test result shall be discarded if fluid is detected in the folds of the condom before the tampon is saturated). The water is then drained and the tampon is removed and immediately weighed to the nearest 0.01 gram. The absorbency of the tampon is determined by subtracting its dry weight from this value. The condom shall be replaced after 10 tests or at the end of the day during which the condom is used in testing, whichever occurs first.

BILLING CODE 4160-01-M

[1] Copies of the standard are available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103, or available for inspection at the Office of the Federal Register, 1100 L St., NW., Washington, DC.

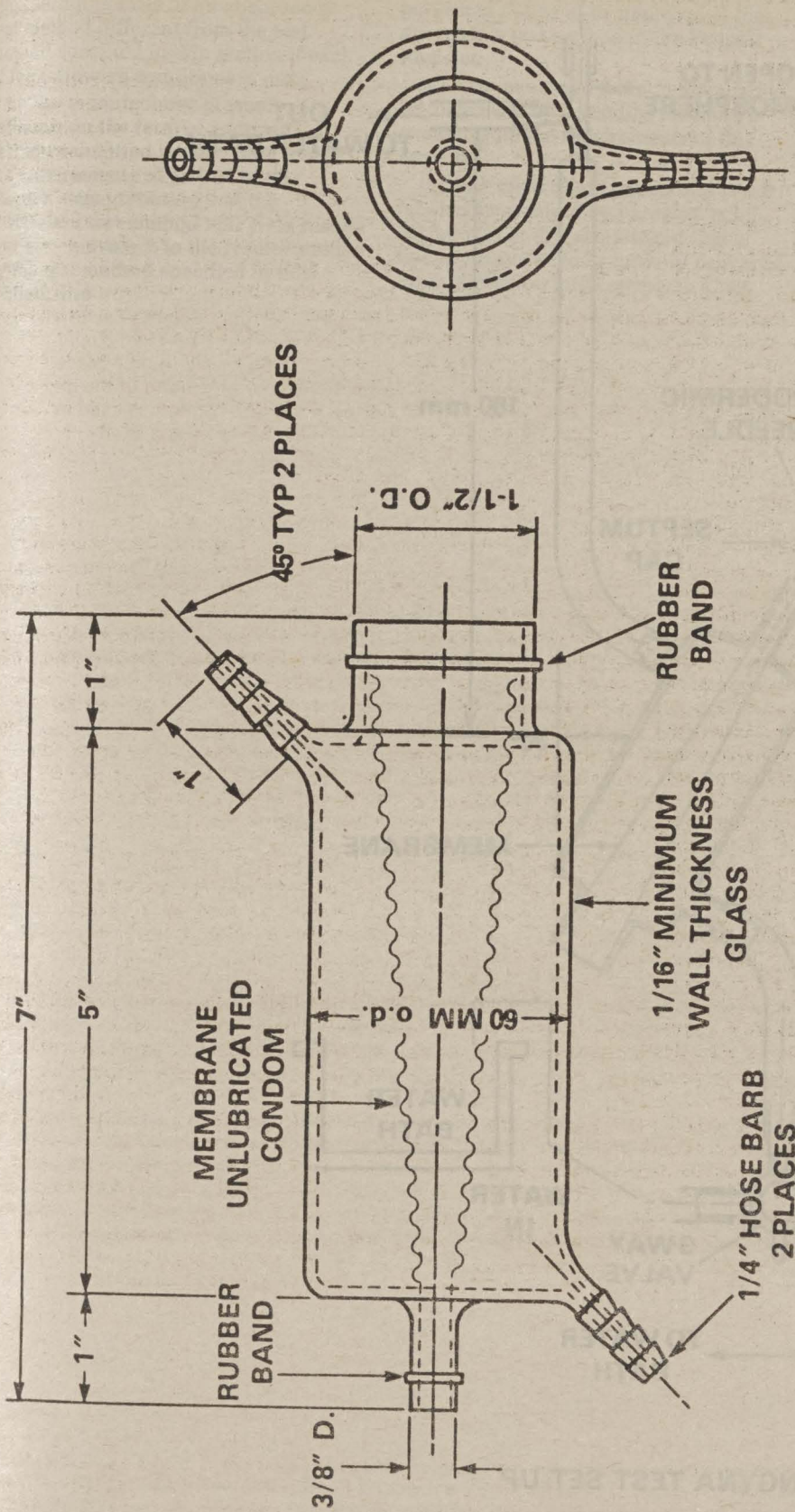

FIGURE 1 – SYNGYNA TEST CHAMBER

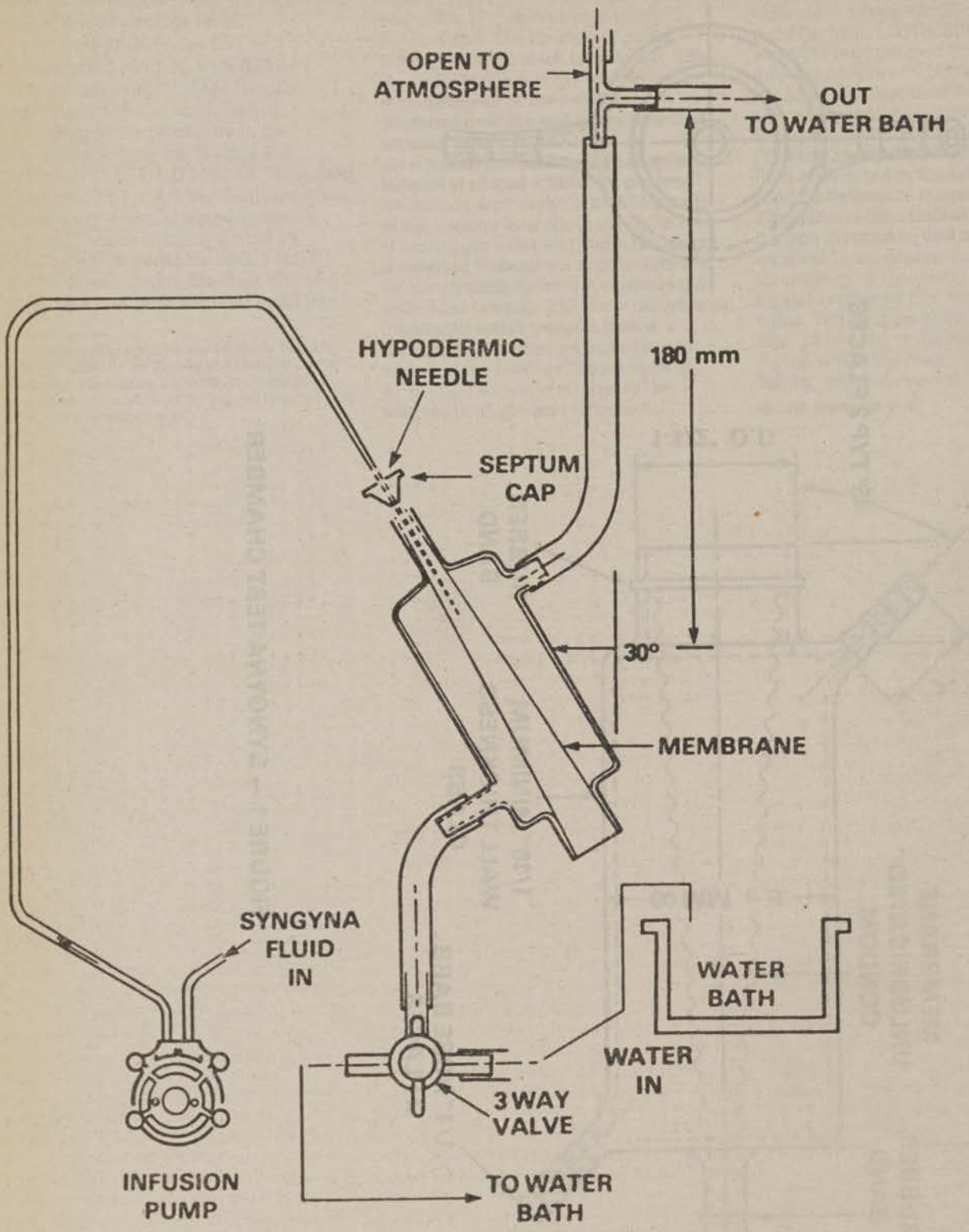

FIGURE 2—SYNGYNA TEST SET-UP

BILLING CODE 4160-01-C

(3) The Food and Drug Administration may permit the use of an absorbency test method different from the test method specified in this section if each of the following conditions is met:

(i) The manufacturer presents evidence, in the form of a citizen petition submitted in accordance with the requirements of § 10.30 of this chapter, demonstrating that the alternative test method will yield results that are equivalent to the results yielded by the test method specified in this section; and

(ii) FDA approves the method and has published notice of its approval of the alternative test method in the **Federal Register.**

(g) Any menstrual tampon intended to be dispensed by a vending machine is exempt from the requirements of this section.

(h) Any menstrual tampon that is not labeled as required by paragraphs (c), (d), and (e) of this section and that is initially introduced or initially delivered for introduction into commerce after March 1, 1990, is misbranded under sections 201(n), 502 (a) and (f) of the act.

(Information collection requirements contained in paragraphs (e) and (f) were approved by the Office of Management and Budget under control number 0910–0257)

Dated: October 17, 1989.

James S. Benson,

Acting Deputy Commissioner of Food and Drugs.

Louis W. Sullivan,

Secretary of Health and Human Services.

[FR Doc. 89–25221 Filed 10–23–89; 2:49 pm]

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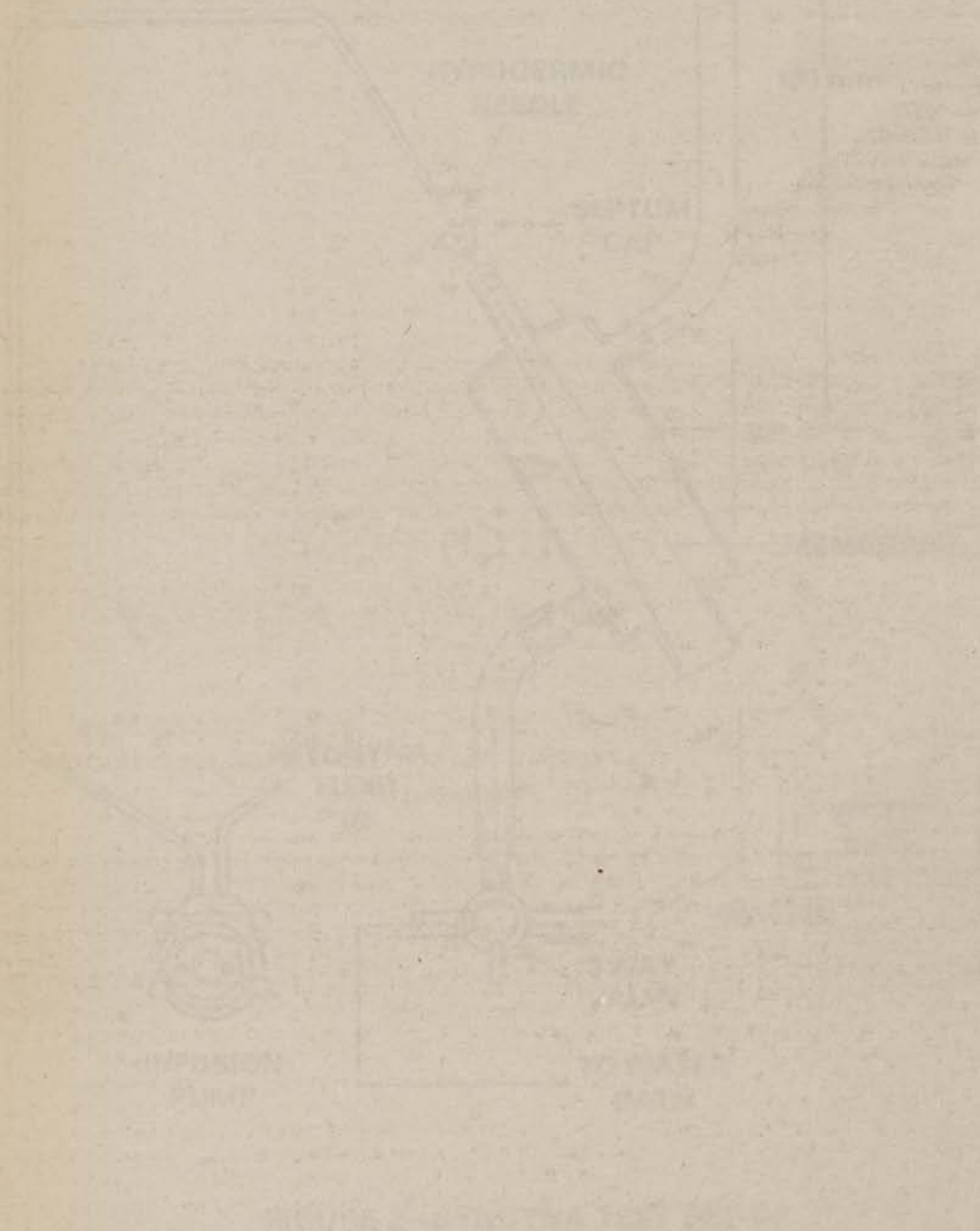

federal register

Thursday
October 26, 1989

Part V

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites; Proposed Update No. 10; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL 3675-2]

National Priorities List for Uncontrolled Hazardous Waste Sites; Proposed Update No. 10

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency ("EPA") is proposing the tenth major update to the National Priorities List ("NPL"). The NPL is Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"). CERCLA has since been amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA") and is implemented by Executive Order 12580 (52 FR 2923, January 29, 1987). CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States, and that the list be revised at least annually. The NPL, initially promulgated on September 8, 1983 (48 FR 40658), constitutes this list.

This update proposes to add 25 new sites to the NPL, including 2 Federal facility sites. These sites are being proposed because they meet the eligibility requirements and listing policies of the NPL. This notice provides the public with an opportunity to comment on placing these sites on the NPL.

This proposed rule brings the number of proposed NPL sites to 238, 65 of them in the Federal section; 981 sites are on the final NPL, 52 of them in the Federal section. Final and proposed sites now total 1,219.

DATES: Comments must be submitted on or before December 26, 1989.

ADDRESSES: Comments should be mailed, in triplicate, to Larry Reed, Acting Director, Hazardous Site Evaluation Division (Attn: NPL Staff), Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Addresses for the Headquarters and Regional dockets are provided below. For further details on what these dockets contain, see the "Public Comment Period" in section I of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

Tina Maragousis, Headquarters, U.S. EPA CERCLA Docket Office, Waterside Mall, 401 M Street SW., Washington, DC 20460, 202/382-3046.

Evo Cunha, Region 1, U.S. EPA Waste Management Records Center, HES-CAN 6, J.F. Kennedy Federal Building, Boston, MA 02203, 617/565-3300.

U.S. EPA, Region 2, Document Control Center, Superfund Docket, 26 Federal Plaza, 7th Floor, Room 740, New York, NY 10278, Latchmin Serrano, 212/264-5540, Ophelia Brown, 212/264-1154.

Diane McCreary, Region 3, U.S. EPA Library, 5th Floor, 841 Chestnut Building, 9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580.

Gayle Alston, Region 4, U.S. EPA Library, Room G-6, 345 Courtland Street NE., Atlanta, GA 30365, 404/347-4216.

Cathy Freeman, Region 5, U.S. EPA, 5 HS-12, 230 South Dearborn Street, Chicago, IL 60604, 312/886-6214.

Deborah Vaughn-Wright, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6H-MA, Dallas, TX 75202-2733, 214/655-6740.

Brenda Ward, Region 7, U.S. EPA Library, 726 Minnesota Avenue, Kansas City, KS 66101, 913/236-2828.

Dolores Eddy, Region 8, U.S. EPA Library, 999 19th Street, Suite 500, Denver, CO 80202-2405, 303/293-1444.

Linda Sunnen, Region 9, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8082.

David Bennett, Region 10, U.S. EPA, 9th Floor, 1200 6th Avenue, Mail Stop HW-093, Seattle, WA 98101, 206/442-2103.

FOR FURTHER INFORMATION CONTACT: Martha Otto, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or the Superfund Hotline, Phone (800) 424-9346 (382-3000 in the Washington, DC, metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents:

I. Introduction

Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601-9657 ("CERCLA" or the "Act") in response to the dangers of uncontrolled or abandoned hazardous waste sites. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Public Law No. 99-499, stat. 1613 *et seq.* To implement CERCLA, the Environmental Protection Agency ("EPA" or "the Agency") promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On December 21, 1988 (53 FR 51394), EPA proposed revisions to the NCP in response to SARA.

Section 105(a)(8)(A) of CERCLA, as amended by SARA, requires that the NCP include "criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, take into account the potential urgency of such action for the purpose of taking removal action." Removal action involves cleanup or other actions that are taken in response to releases or threats of releases on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions that are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible remedial actions financed by the Trust Fund established under CERCLA are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982).

On December 23, 1988 (53 FR 51962), EPA proposed revisions to the HRS in response to CERCLA section 105(c), added by SARA. EPA intends to issue the revised HRS as soon as possible. However, until EPA has reviewed public comments and the proposed revisions have been put into effect, EPA will continue to propose and promulgate sites using the current HRS, in accordance with CERCLA section 105(c)(1) and Congressional intent, as explained in 54 FR 13299 (March 31, 1989).

Based in large part on the HRS criterion, and pursuant to section 105(a)(8)(B) of CERCLA, as amended by SARA, EPA prepared a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list,

which is Appendix B of the NCP, is the National Priorities List ("NPL"). Section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site can undergo CERCLA-financed remedial action only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.66(c)(2) and 300.68(a).

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on October 4, 1989 (54 FR 41000/41015). The Agency also has published a number of proposed rulemakings to add sites to the NPL, most recently on August 16, 1989 (54 FR 33846) and Update #9 on July 14, 1989 (54 FR 29820).

EPA may delete sites from the NPL where no further response is appropriate, as explained in the NCP at 40 CFR 300.66(c)(7). To date, the Agency has deleted 28 sites from the final NPL, most recently on September 22, 1989 (54 FR 38994), when Cecil Lindsay, Newport, Arkansas, was deleted.

This notice proposes to add 25 sites to the NPL, including 2 Federal facility sites. Adding these 25 sites to the 213 sites previously proposed brings the total number of proposed sites to 238, 65 of them in the Federal section. The final NPL contains 981 sites, including 52 sites in the Federal section. Final and proposed sites now total 1,219.

EPA is proposing to include on the NPL sites at which there are or have been releases or threatened releases of hazardous substances, pollutants, or contaminants. The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

Public Comment Period

This **Federal Register** notice opens the formal 60-day comment period for NPL Update #10. Comments may be mailed to Larry Reed, Acting Director, Hazardous Site Evaluation Division (Attn: NPL staff), Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The Headquarters and Regional public dockets for the NPL (see **ADDRESSES** portion of this notice) contain documents relating to the scoring of these proposed sites. The dockets are available for viewing, by appointment only, after the appearance of this notice. The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

The Headquarters docket for NPL Update #10 contains HRS score sheets for each proposed site, a Documentation Record for each site describing the information used to compute the score, a list of documents referenced in the Documentation Record, and pertinent information for any site affected by statutory requirements and listing policies.

Each Regional docket includes all information available in the Headquarters docket for sites in that Region, as well as the actual reference documents, which contain the data EPA relied upon in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets. They may be viewed, by appointment only, in the appropriate Regional Docket or Superfund Branch office. Requests for copies may be directed to the appropriate Regional docket or Superfund Branch.

An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

EPA considers all comments received during the formal comment period. During the comment period, comments are available to the public only in the Headquarters docket. A complete set of comments pertaining to sites in a particular EPA Region will be available for viewing in the Regional docket approximately one week after the formal comment period closes. Comments received after the comment period closes will be available in the Headquarters docket and in the appropriate Regional Office docket on an "as received" basis. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any comments. After considering the relevant comments received during the comment period, EPA will add to the NPL all proposed sites that meet EPA's requirements.

EPA will read all comments received on these sites, including late comments, i.e., comments postmarked after the last day of the comment period. In earlier NPL rulemakings, EPA has endeavored to respond even to late comments. However, given the need to make final decisions on all currently proposed sites prior to the date that the revised HRS takes effect, it is unlikely that EPA will be able to respond to all late comments received for sites in this proposed rule. *See* 54 FR 41021 (October 4, 1989).

Early Comments

In certain instances, interested parties have written to EPA concerning sites that were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if they still consider them appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to proposal generally will not be included in the docket.

Comments Lacking Specificity

EPA anticipates that some comments will consist of or include additional studies or supporting documentation, e.g., hydrogeology reports, lab data, and previous site studies. Where commenters do not indicate what specific scoring issues the supporting documentation addresses, or what they want EPA to evaluate in the supporting documentation, EPA can only attempt to respond to such documents as best it can. Any commenter submitting additional documentation should indicate what specific points in that documentation that EPA should consider. As the U.S. Court of Appeals for the District of Columbia Circuit noted in *Northside Sanitary Landfill* v. *Thomas & EPA*, 849 F. 2d 1516, 1520 (D.C. Cir. 1988), *cert. denied*, 109 S. Ct. 1528 (1989), during notice-and-comment rulemaking a commenter must explain with some specificity how any documents submitted are relevant to issues in the rulemaking.

II. Purpose and Implementation of the NPL

Purpose

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 (1980)):

> The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational and management tool. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the

site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites that EPA believes warrant further investigation.

Federal facility sites are eligible for the NPL purusant to the NCP at 40 CFR 300.66(c)(2). However, section 111(e)(3) of CERCLA, as amended by SARA, limits the expenditure of CERCLA monies at Federally-owned facilities. Federal facility sites also are subject to the requirements of CERCLA section 120, added by SARA.

Implementation

EPA has limited, by regulation, the expenditure of Trust Fund monies for remedial actions to those sites that have been placed on the final NPL, as outlined in the NCP at 40 CFR 300.66(c)(2) and 300.68(a). However, EPA may take enforcement actions under CERCLA or other applicable statutes against responsible parties regardless of whether the site is on the NPL, although, as a practical matter, the focus of EPA's CERCLA enforcement actions has been and will continue to be on NPL sites. Similarly, in the case of CERCLA removal actions, EPA has the authority to act at any site, whether listed or not, that meets the criteria of the NCP at 40 CFR 300.65–67.

EPA's policy is to pursue cleanup of NPL sites using the appropriate response and/or enforcement actions available to the Agency, including authorities other than CERCLA. Listing a site will serve as notice to any potentially responsible party that the Agency may initiate CERCLA-financed remedial action. The Agency will decide on a site-by-site basis whether to take enforcement or other action under CERCLA or other authorities, proceed directly with CERCLA-financed response actions and seek to recover response costs after cleanup, or do both. To the extent feasible, once sites are on the NPL, EPA will determine high-priority candidates for Superfund-financed response action and/or enforcement action through both State and Federal initiatives. These determinations will take into account which approach is more likely to most expeditiously accomplish cleanup of the site while using CERCLA's limited resources as efficiently as possible.

Remedial response actions will not necessarily be funded in the same order as a site's ranking on the NPL. Although most sites are listed in the order of their HRS scores, the Agency has recognized that the information collected to develop HRS scores is not sufficient in itself to determine either the extent of contamination or the appropriate response for a particular site. EPA relies on further, more detailed studies in the Remedial Investigation/Feasibility Study (RI/FS) to address these concerns.

The RI/FS determines the nature and extent of the threat presented by the contamination (40 CFR 300.68(d)). It also takes into account the amount of contaminants in the environment, the risk to affected populations and environment, the cost to correct problems at the site, and the response actions that have been taken by potentially responsible parties to others. Decisions on the type and extent of action to be taken at these sites are made in accordance with the criteria contained in Subpart F of the NCP. After conducting these additional studies, EPA may conclude that it is not desirable to initiate a CERCLA remedial action at some sites on the NPL because of more pressing needs at other sites, or because a private party cleanup is already underway pursuant to an enforcement action. Given the limited resources available in the Trust Fund, the Agency must balance carefully the relative needs for response at the numerous sites it has studied.

RI/FS at Proposed Sites. An RI/FS can be performed at proposed sites (or even non-NPL sites) pursuant to the Agency's removal authority under CERCLA, as outlined in the NCP at 40 CFR 300.68(a)(1). (Section 101(23) of CERCLA defines "remove" or "removal" to include "such actions as may be necessary to monitor, assess and evaluate the release or threat of release * * *." The definition of "removal" also includes "action taken under section 104(b) of this Act * * *," which authorizes the Agency to perform studies, investigations, and other information-gathering activities.)

Although an RI/FS generally is conducted at a site after the site has been placed on the NPL, in a number of circumstances the Agency elects to conduct an RI/FS at a proposed NPL site in preparation for a possible CERCLA-financed remedial action, such as when the Agency believes that a delay may create unnecessary risks to human health or the environment. In addition, the Agency may conduct an RI/FS to assist in determining whether to conduct a removal or enforcement action at a site.

Facility (Site) Boundaries. Listing on the NPL represents a determination that a "release" or threat of release has occurred, and needs to be evaluated under CERCLA. Although the HRS scoring package describes the release, it does not define fixed geographic boundaries for the site. The description of the release at the time of scoring is merely preliminary, and will need to be refined as more information is developed, as during the RI/FS; the NPL site, for the purposes of response action, will include the entire area where contaminants are found to have been placed or come to be located, as provided in CERCLA section 101(9), even if that area extends beyond that described in the HRS package. *See* 54 FR 13298 (March 31, 1989).

Because the NPL listing is not intended to, and does not, define the geographic extent of the release, it is not meaningful to consider "delisting" allegedly uncontaminated portions of a site from the NPL. However, the RI/FS or Record of Decision (ROD) at a site may offer a useful indication to the public of the areas at which the Agency is considering taking response action, based on information known at that time. *See* 54 FR 41015 (October 4, 1989).

III. NPL Update Process

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS score is calculated by estimating risks presented in three potential "pathways" of human or environmental exposure: Ground water, surface water, and air. Within each pathway of exposure, the HRS considers three categories of factors that are designed to encompass most aspects of the likelihood of exposure to a hazardous substance through a release and the magnitude or degree of harm from such exposure: (1) Factors that indicate the presence or likelihood of a release to the environment; (2) factors that indicate the nature and quantity of the substances presenting the potential threat; and (3) factors that indicate the human or environmental "targets" potentially at risk from the site. Factors within each of these three categories are assigned a numerical value according to a set scale. Once numerical values are computed for each factor, the HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various factors to arrive at a final site score on a scale of 0 to 100. The resultant HRS score represents an estimate of the relative "probability and magnitude of harm to the human population or sensitive environment from exposure to hazardous substances as a result of the contamination of ground water, surface water, or air" (47 FR 31180, July 16, 1982). Those sites that score 28.50 or

greater on the HRS are eligible for the NPL.

Under the second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism is provided by section 105(a)(8)(B) of CERCLA, as amended by SARA, which requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.66(b)(4) (50 FR 37624, September 16, 1985), has been used only in rare instances. It allows certain sites with HRS scores below 28.50 to be eligible for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

States have the primary responsibility for identifying non-Federal sites, computing HRS scores, and submitting candidate sites to the EPA Regional Offices. EPA Regional Offices conduct a quality control review of the States' candidate sites, and may assist in investigating, sampling, monitoring, and scoring sites. Regional Offices also may consider candidate sites in addition to those submitted by States. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various EPA and State offices participating in the scoring. The Agency then proposes the sites that meet one of the three criteria for listing (and EPA's listing policies) and solicits public comment on the proposal. Based on these comments and further review by EPA, the Agency determines final HRS scores and places those sites that still qualify on the NPL.

IV. Statutory Requirements and Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants by expressly excluding some substances, such as petroleum, from the response program. In addition, CERCLA section 105(a)(8)(B) directs EPA to list priority sites "among" the known releases or threatened releases of hazardous substances, pollutants, or contaminants, and section 105(a)(8)(A) directs EPA to consider certain enumerated and "other appropriate" factors in doing so. Thus, as a matter of policy, EPA has the discretion not to use CERCLA to respond to certain types of releases. For example, EPA has chosen not to list sites that result from contamination associated with facilities licensed by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has the authority and expertise to clean up releases from those facilities (48 FR 40661, September 8, 1983). Where other authorities exist, placing the site on the NPL for possible remedial action under CERCLA may not be appropriate. Therefore, EPA has chosen to defer certain types of sites from the NPL even though CERCLA may provide authority to respond. If, however, the Agency later determines that sites not listed as a matter of policy are not being properly responded to, the Agency may place them on the NPL. The listing policies and the statutory requirement of particular relevance to this proposed rule cover Federal facility sites, sites with "special study wastes," and mining waste sites. They are discussed below. These and other listing policies and statutory requirements have been explained in previous rulemakings, the latest being March 31, 1989 (54 FR 13296) and October 4, 1989 (54 FR 41000).

Releases From Federal Facility Sites

On March 13, 1989 (54 FR 10520), the Agency announced a policy for listing Federal facility sites on the NPL if they meet the prescribed eligibility criteria (e.g., and HRS score of 28.50 or greater), even if the Federal facility also is subject to the corrective action authorities of Subtitle C of the Resource Conservation and Recovery Act (RCRA). In that way, cleanup, if appropriate, could be effected at those sites under CERCLA.

Federal facility sites are placed in a separate section of the NPL. In this rule, the Agency is proposing to add 2 Federal facility sites to the NPL, bringing the total number of proposed Federal facility sites to 65.

Releases of Special Study Wastes

Section 105(g) of CERCLA, as amended by SARA, requires EPA to consider additional information before sites involving RCRA "special study wastes" can be proposed for the NPL (until revisions to the HRS are effected). Section 105(g) applies to sites that (1) were not on or proposed for the NPL as of October 17, 1986 and (2) contain significant quantities of special study wastes as defined under RCRA sections 3001(b)(2) (drilling fluids), 3001(b)(3)(A)(ii) (mining wastes), and 301(b)(3)(A)(iii) (cement kiln dust). Before these sites can be added to the NPL, SARA requires that the following information be considered:

- The extent to which the HRS score for the facility is affected by the presence of the special study waste at or released from the facility.
- Available information as to the quantity, toxicity, and concentration of hazardous substances that are constituents of any special study waste at or released from the facility; the extent of or potential for release of such hazardous constituents; the exposure or potential exposure to human population and environment; and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at the facility.

One site in this proposed NPL update—Carson River Mercury Site in Lyon and Churchill Counties, Nevada—contains or potentially contains special study wastes subject to the provisions of CERCLA section 105(g), specifically mining wastes. The Agency has placed in the dockets an addendum for this site that evaluates the information called for in section 105(g). This addendum indicates that the special study wastes at the site present a threat to human health and the environment, and that the site should be proposed to the NPL.

Section 125 of CERCLA, as amended by SARA, addresses special study wastes described in RCRA section 3001(b)(3)(A)(i) [fly ash and related wastes]. No sites in this rule are subject to the provisions of section 125.

Releases From Mining Sites

The Agency's position is that mining wastes may be hazardous substances, pollutants, or contaminants under CERCLA and, therefore, mining waste sites are eligible for the NPL. This position was affirmed in 1985 by the United States Court of Appeals for the District of Columbia Circuit (*Eagle-Picher Industries, Inc.* v. *EPA*, 759 F. 2d 922 (D.C. Cir 1985)).

Agency policy statements regarding including mining sites on the NPL are set out at 53 FR 23988, 23993 (June 24, 1988); 54 FR 10512, 10514–16 (March 13, 1989); and 54 FR 13296, 13300–01, 13302–03 (March 31, 1989). Today's rulemaking proposes to add 1 mining site—the Carson River Mercury Site in Lyon and Churchill Counties, Nevada—to the NPL.

V. Contents of Proposed NPL Update #10

Tables 1 and 2 following this preamble list 25 sites proposed for the NPL in Update #10. Each entry contains the name of the facility and the State and city or county in which it is located. All sites received HRS scores of 28.50 or above.

Each proposed site is placed by score in a group corresponding to groups of 50 sites presented within the final NPL. For example, a site in Group 8 of the proposed update has a score that falls within the range of scores covered by the eighth group of 50 sites on the final NPL. The NPL is arranged by HRS scores and is presented in groups of 50 to emphasize that minor differences in scores do not necessarily represent significantly different levels of risk. Federal facility sites are listed in a separate section of the NPL.

In the past, each entry was accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. EPA is developing a report summarizing response activities at NPL sites, which the Agency believes will contain more timely and useful information on site status than did the response and cleanup codes. The report will be available shortly. In the interim, information on activities at the new proposed sites is available upon request to the appropriate Regional Office.

VI. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to listing on the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order 12291. EPA has conducted a preliminary analysis of the economic implications of today's proposal to add new sites. EPA believes that the kinds of economic effects associated with this proposed revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) and the economic analysis prepared when amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes that the anticipated economic effects related to proposing the addition of these sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Costs

EPA has determined that this proposed rulemaking is not a "major" regulation under Executive Order 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA necessarily will undertake remedial action, nor does it require any action by a private party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Nonetheless, it is useful to consider the costs associated with responding to all sites included in this proposed rulemaking.

The major events that follow the proposed listing of a site on the NPL are a search for potentially responsible parties and a Remedial Investigation/Feasibility Study (RI/FS) to determine if remedial actions will be undertaken at a site. Design and construction of the selected remedial alternative follow completion of the RI/FS, and operation and maintenance (O&M) activities may continue after construction has been completed.

EPA initially bears costs associated with responsible party searches. Responsible parties may bear some or all of the costs of the RI/FS, remedial design and construction, and O&M, or EPA and the States may share costs.

The State cost share for site cleanup activities has been amended by section 104 of SARA. For privately-owned sites, as well as at publicly-owned but not publicly-operated sites, EPA will pay for 100% of the costs of the RI/FS and remedial planning, and 90% of the costs associated with remedial action. The State will be responsible for 10% of the remedial action. For publicly-operated sites, the State cost share is at least 50% of all response costs at the site, including the RI/FS and remedial design and construction of the remedial action selected. After the remedy is built, costs fall into two categories:

- For restoration of ground water and surface water, EPA will share in startup costs according to the criteria in the previous paragraph for 10 years or until a sufficient level of protectiveness is achieved before the end of 10 years.
- For other cleanups, EPA will share for up to 1 year the cost of that portion of response needed to assure that a remedy is operational and functional. After that, the State assumes full responsibilities for O&M.

In previous NPL rulemakings, the Agency estimated the costs associated with these activities (RI/FS, remedial design, remedial action, and O&M) on an average per site and total cost basis. EPA will continue with this approach, using the most recent (1988) cost estimates available; these estimates are presented below. However, there is wide variation in costs for individual sites, depending on the amount, type, and extent of contamination. Additionally, EPA is unable to predict what portions of the total costs responsible parties will bear, since the distribution of costs depends on the extent of voluntary and negotiated response and the success of any cost-recovery actions.

Cost category	Average total cost per site [1]
RI/FS	1,100,000
Remedial Design	750,000
Remedial Action	[2] 13,500,000
Net present value of O&M [3]	[2] 3,770,000

[1] 1988 U.S. Dollars
[2] Includes State cost-share
[3] Assumes cost of O&M over 30 years, $400,000 for the first year and 10 percent discount rate.

Source: Office of Program Management, Office of Emergency and Remedial Response, U.S. EPA.

Costs to States associated with today's proposed rule arise from the required State cost-share of: (1) 10 percent of remedial actions and 10 percent of first-year O&M costs at privately-owned sites and sites that are publicly-owned but not publicly-operated; and (2) at least 50 percent of the remedial planning (RI/FS and remedial design), remedial action, and first-year O&M costs at publicly-operated sites. States will assume the cost for O&M after EPA's period of participation. Using the assumptions developed in the 1982 RIA for the NCP, EPA has assumed that 90 percent of the 23 non-Federal sites proposed for the NPL in this rule will be privately-owned and 10 percent will be State- or locally-operated. Therefore, using the budget projections presented above, the cost to States of undertaking Federal remedial planning and actions at all 23 non-Federal sites, but excluding O&M costs, would be approximately $46 million. State O&M costs cannot be accurately determined because EPA, as noted above, will share O&M costs for up to 10 years for restoration of ground water and surface water, and it is not known how many sites will require this treatment and for how long. However, based on past experience, EPA believes a reasonable estimate is that it will share startup costs for up to 10 years at 25 percent of sites. Using this estimate,

State O&M costs would be approximately $74 million.

Proposing a hazardous waste site for the NPL does not itself cause firms responsible for the site to bear costs. Nonetheless, a listing may induce firms to clean up the sites voluntarily, or it may act as a potential trigger for subsequent enforcement or cost-recovery actions. Such actions may impose costs on firms, but the decisions to take such actions are discretionary and made on a case-by-case basis. Consequently, precise estimates of these effects cannot be made. EPA does not believe that every site will be cleaned up by a responsible party. EPA cannot project at this time which firms or industry sectors will bear specific portions of the response costs, but the Agency considers: the volume and nature of the waste at the sites; the strength of the evidence linking the wastes at the site to the parties; the parties' ability to pay; and other factors when deciding whether and how to proceed against the parties.

Economy-wide effects of this proposed amendment to the NCP are aggregations of effects on firms and State and loal governments. Although effects could be felt by some individual firms and States, the total impact of this proposal on output, prices, and employment is expected to be negligible at the national level, as was the case in the 1982 RIA.

Benefits

The real benefits associated with today's proposal to place additional sites on the NPL are increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for more Federally-financed remedial actions, expansion of the NPL could accelerate privately-financed, voluntary cleanup efforts. Proposing sites as national priority targets also may give States increased support for funding responses at particular sites.

As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the RI/FS at these sites.

Associated with the costs are significant potential benefits and cost offsets. The distributional costs to firms or financing NPL remedies have corresponding "benefits" in that funds expended for a response generate employment, directly or indirectly (through purchased materials).

VII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the impacts of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small government jurisdictions, and nonprofit organizations.

While this rule proposes revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. Proposing sites for the NPL does not in itself require any action by any private party, nor does it determine the liability of any party for the cost of cleanup at the site. Furhter, no identifiable groups are affected as a whole. As a consequence, it is hard to predict impacts on any group. A site's proposed inclusion on the NPL could increase the likelihood that adverse impacts to responsible parties (in the form of cleanup costs) will occur, but EPA cannot identify the potentially affected business at this time nor estimate the number of small businesses that might be afffected.

The Agency does expect that certain industries and firms within industries that have caused a proportionately high percentage of waste site problems could be significantly affected by CERCLA actions. However, EPA does not expect the impacts from the listing of these 25 sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts only would occur through enforcement and cost-recovery actions, which are taken at EPA's discretion on a site-by-site basis. EPA considers many factors when determining what enforcement actions to take, including not only the firm's contribution to the problem, but also the firm's ability to pay.

The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: October 18, 1989.

Robert H. Wayland III,

Acting Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

PART 300—[AMENDED]

It is proposed to amend 40 CFR part 300 as follows:

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2); E.O. 11735 (38 FR 21243); E.O. 12580 (52 FR 2923).

Appendix B [Amended]

2. It is proposed to add the following sites by group to Appendix B of part 300

TABLE 1.—NATIONAL PRIORITIES LIST, PROPOSED UPDATE 10 SITES (BY GROUP)

[October 1989]

NPL gr [1]	St	Site name	City/county
4	CA	Industrial Waste Processing.	Fresno.
4	IL	MIG/Dewane Landfill.	Belvidere.
4	PA	Ohio River Park	Neville Island.
5	WI	Better Brite Chrome & Zinc Shops.	DePere.
6	AR	Monroe Auto Equip (Paragould Pit).	Paragould.
8	AK	Arctic Surplus	Fairbanks.
8	MN	Dakhue Sanitary Landfill.	Cannon Falls.
8	SD	Williams Pipe Line Disposal Pit.	Sioux Falls.
9	CA	United Heckathorn Co..	Richmond.
10	CA	Western Pacific Railroad Co..	Oroville.
10	NV	Carson River Mercury Site.	Lyon/Churchill cnty.
11	NJ	Chemical Insecticide Corp.	Edison township.
11	OR	Union Pacific Railroad Tie Treat.	The Dalles.
15	DE	Koppers Co., Inc. (Newport Plant).	Newport.
15	SC	Para-Chem Southern, Inc.	Simpsonville.
16	NE	Nebraska Ordnance Plant (Former).	Mead.
17	OK	Kerr-McGee Corp. (Cushing Plant).	Cushing.
17	FL	Anaconda Aluminum/Milgo Electron.	Miami.
18	MO	Westlake Landfill	Bridgeton.
18	AR	Magnolia City Landfill.	Magnolia.
18	NY	Sealand Restoration, Inc..	Lisbon.
19	NE	10th Street Site	Columbus.
19	PA	Dublin TCE Site	Dublin borough.

Number of Sites Proposed for Listing: 23.

[1] Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL

TABLE 2.—NATIONAL PRIORITIES LIST, FEDERAL FACILITY SITES, PROPOSED UPDATE 10 (BY GROUP)

[October 1989]

NPL gr [1]	St	Site name	City/county
12	CT	New London Submarine Base.	New London.
15	SD	Ellsworth Air Force Base.	Rapid City.

Number of Federal Facility Sites Proposed for Listing: 2.

[1] Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL

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Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of the Salt Lake City Terminal Control Area and Revocation of the Salt Lake City International Airport; Airport Radar Service Area; UT; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 88-AWA-9]

RIN 2120-AD02

Establishment of the Salt Lake City Terminal Control Area and Revocation of the Salt Lake City International Airport; Airport Radar Service Area; UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a Terminal Control Area (TCA) at Salt Lake City, UT. The TCA will consist of airspace from the surface or higher within a 25-nautical mile radius of the Salt Lake City International Airport up to and including 10,000 feet above mean sea level (MSL). This action will increase the capability of the air traffic control (ATC) system to separate aircraft in the terminal airspace around the Salt Lake City International Airport. Salt Lake City International Airport is currently served by an Airport Radar Service Area (ARSA) which is rescinded concurrent with the establishment of this TCA.

EFFECTIVE DATE: 0901 u.t.c., November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Betty Harrison, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Background

The TCA program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements.

The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military or another GA aircraft. The basic causal factor common to these conflicts was the mix of uncontrolled aircraft operating under visual flight rules (VFR) and controlled aircraft operating under instrument flight rules (IFR). TCA's provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of TCA airspace afford the greatest protection for the greatest number of people by providing ATC with an increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft.

Salt Lake City International Airport qualifies for TCA status by meeting the criteria published in FAA Handbook 7400.2C, "Procedures for Handling Airspace Matters." The criteria for establishing a TCA are based on factors which include the number of aircraft and people using that airspace, the traffic density, and the type or nature of operations being conducted. Accordingly, guidelines have been established to identify TCA locations based on two elements—the number of enplaned passengers and the number of aircraft operations.

To date, the FAA has established a total of 25 TCA's. The FAA is proposing to take action to modify or implement the application of these proven safety techniques on more airports so as to provide greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

User Group Participation

The TCA adopted by this amendment is the product of discussions with a broad representation of the aviation community. In conjunction with this action, the FAA will continue to work cooperatively with local user groups to ensure that the TCA is effective for all users by identifying any adjustments or modifications that appear necessary. Through joint FAA and user cooperation, any problems that arise can then be identified and corrective action taken when necessary.

The TCA configuration adopted in this final rule has been developed through substantial public participation. Initially, informal airspace meetings were held on October 4, 5, and 6, 1988, to allow local aviation interests and airspace users an opportunity to present input for the design of the proposed TCA. In addition, a local committee ASPAC was formed comprising a cross section of the aviation community with technical assistance provided by Salt Lake City ATC personnel. After those initial meetings and further coordination with ASPAC representatives, a tentative TCA configuration was prepared for public discussion. As a result of those efforts, further adjustments to the TCA configuration were made and were reflected in the FAA's modified configuration proposed formally for adoption. An additional opportunity for public participation was provided by a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on June 23, 1989 (54 FR 26680). Four comments were received in response to the Notice. Due consideration has been given to these comments as well as the comments received at the various meetings.

Discussion of Comments

The FAA received four comments pertaining to the TCA proposal. All comments were considered fully before developing the final design contained in this rule. The FAA believes that the final TCA design best meets ATC and user requirements and promotes the safe and efficient use of airspace.

Wasatch Front Regional Council wrote commending the FAA during this rulemaking process for cooperating with their subgroup, ASPAC, and including their suggestions in the TCA proposal.

The FAA welcomes comments from user groups, and when all FAA safety requirements are met, incorporates these comments in the final design.

The Air Transport Association of America (ATA) wrote concurring with the proposed TCA configuration. The ATA stated that although the TCA design does not conform with a "generic" design, they believe the current Mode C rule (Transponder with Automatic Altitude Reporting Capability Requirement, 53 FR 23356, June 21, 1988) essentially extends the effects of the TCA aircraft equipment requirements to a 30-nautical mile radius of the TCA airport from the surface up to 10,000 feet MSL.

The lateral limits of the Salt Lake City TCA are extended to 25 miles to contain all aircraft operating to and from the primary airport. This extension allows aircraft to exit through the top of the TCA and operate above the designated floors. The Mode C veil substantially increases safety in the airspace surrounding the Salt Lake City TCA. However, because of exemptions (i.e., gliders and balloons) and other authorized exceptions granted individually, ATC will not have knowledge of all aircraft operating in the airspace between the TCA boundaries and the Mode C veil.

The Utah Aeronauts Hot Air Balloon Club wrote requesting a Mode C transponder exemption from Salt Lake City Terminal Radar Approach Control (TRACON) which would allow them to operate above 10,000 feet MSL within 30 nautical miles of the Salt Lake City International Airport.

The Mode C rule provides exemptions for aircraft which were not originally certificated with an engine-driven electrical system or which have not subsequently been certified with such a system installed. Individual authorization for balloons to operate within the TCA may be granted on a case-by-case basis.

The Department of the Air Force wrote requesting the FAA to delete a three-mile radius around Hill Air Force Base to accommodate unrestricted training for simulated flame out approaches (SFO).

This area is also used by civil aircraft operating to and from the Salt Lake City International Airport. The FAA believes that it is necessary to retain this airspace within the TCA to provide a safer environment for the mix of military aircraft with civil aircraft. Procedures to accommodate SFO approach training will be specified in a letter of agreement.

In the NPRM design, the Salt Lake City International Airport (SLC) Runway 16R ILS (I–MOY) localizer/DME (LOC/DME) antenna was used as the reference point to describe some of the lateral boundaries of the TCA. Since SLC Runway 16R ILS is interlocked with SLC Runway 34L ILS, simultaneous operation of both ILS's would be precluded. Therefore, the TCA will be described utilizing the SLC Runway 16L LOC/DME ILS (I–BNT) which operates independently.

The Rule

This amendment to part 71 of the Federal Aviation Regulations designates a Terminal Control Area (TCA) at the Salt Lake City International Airport, UT. The TCA utilizes the Runway 16L ILS localizer/DME antenna, latitude and longitude points, NAVAID radials, and landmarks where practical to accommodate current traffic flows and provide a greater degree of safety in known areas of congestion involving controlled IFR and uncontrolled VFR flights. Consequently, the FAA has determined that establishment of a TCA at the Salt Lake City International Airport is in the interest of flight safety and will result in a greater degree of protection for the greatest number of people during flight in that terminal area. Salt Lake City International Airport is currently served by an ARSA which is rescinded with the establishment of this TCA.

Regulatory Evaluation Summary

The FAA is required to assess the benefits and costs of each rulemaking action to ensure that the public is not burdened with rules having costs which outweigh benefits. This section contains an analysis which quantifies, to the maximum possible extent, the costs and benefits of establishing a TCA at Salt Lake City, UT.

This final rule is intended to lower the likelihood of midair collisions by increasing the capability of the ATC system to separate all aircraft in terminal airspace around the Salt Lake City International Airport. This action was prompted by data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involve VFR aircraft that are not required to be under the control of ATC. Thus, the overall objective of this rule is to substantially increase safety while accommodating the legitimate concerns of airspace users.

Costs-Benefits Analysis

a. Costs

The FAA estimates the total cost expected to accrue from implementation of this rule to be $2.6 million (discounted, 15 years) in 1987 dollars. Approximately $2.5 million (discounted) or 96 percent of the total estimated costs will be incurred by the FAA primarily for additional personnel and equipment. The remaining costs will be incurred by small general aviation (GA) aircraft operators who will be required under this rule to equip their aircraft with Mode C transponders sooner than they would have for the former Salt Lake City ARSA under the previous FAA rule: "Transponder With Automatic Altitude Reporting Capability Requirement (Mode C)" (53 FR 23356, June 21, 1988). This rule will be implemented in two phases. Phase I, which began on July 1, 1989, requires a transponder with Mode C at and above 10,000 feet MSL and in the vicinity (30 nautical miles) of TCA primary airports. There are currently 25 TCA's.

Phase II will implement a transponder with Mode C requirement in the airspace in the vicinity (10 nautical miles) of ARSA primary airports. Phase II becomes effective on December 30, 1990, and will affect over 135 ARSA's. Also in Phase II, a transponder with Mode C will be required at other designated airports for which either a TCA or ARSA has not been adopted. Consequently, most aircraft without Mode C transponders will need ATC authorization to fly within 30 nautical miles of a TCA-primary airport, within 10 nautical miles of an ARSA-primary airport, or within controlled airspace of other designatad airports that will also require Mode C transponders.

Thus, this evaluation, as well as the Mode C rule, assumes that all operators of aircraft without Mode C will acquire such equipment rather than circumnavigate the subject airport. The only aircraft without this equipment will be aircraft without electrical systems or others authorized by ATC. Costs to these types of aircraft operators have already been accounted for by the Mode C rule. As a result, aircraft operators impacted by this rule will only incur the opportunity cost of capital necessary for them to acquire, install, and maintain Mode C transponders one year earlier than they will be required to do so in accordance with Phase II of the Mode C rule.

b. Benefits

This final rule is expected to generate potential benefits primarily in the form of enhanced safety to the aviation community and the flying public. Such safety, for instance, will take the form of reduced casualty losses (namely, aviation fatalities and property damage) resulting from a lowered likelihood of midair collisions because of increased positive control in airspace to be established by the TCA. In addition, potential benefits are expected to accrue in the form of improved operational efficiency on the part of FAA air traffic controllers.

Ordinarily, the potential benefits of this rule would be the reduction in the probability of midair collisions resulting from converting the former ARSA to a TCA. However, because of the recent Mode C rule (and to some extent, the rule for Traffic Alert and Collision Avoidance System (TCAS), 54 FR 940, January 10, 1989), the number of potential midair collisions avoided by this rule is expected to be significantly lower. Nevertheless, this TCA rule is still expected to accrue benefits in terms of enhanced safety, though on a much smaller scale.

This point can be illustrated with the use of statistical models based on actual and projected critical near midair collision (NMAC) incidents in lieu of actual midair collisions. (A critical NMAC is an event involving two aircraft coming within 100 feet of each other; the fact that they do not collide is not due to an action on the part of either pilot, but, rather, is due purely to chance.) Since midair collisions involving part 135 aircraft, and especially part 121 aircraft, are rare, the use of critical NMAC's will serve to illustrate, to some degree, the potential improvements in aviation safety from implementing this rule.

Simple regression analyses were prepared for this evaluation which focused on critical NMAC's and aircraft operations in the 23 existing TCA's and in a random sample of 23 of the existing

79 ARSA's (as of 1986 and 1987). The results of these analyses indicated that TCA's have approximately 68 percent fewer critical NMAC's annually, on average, than ARSA's. While there is no demonstrated relationship between NMAG's and actual midair collisions, the lower NMAC rate does indicate more efficient separation of aircraft in congested airspace.

As the result of these findings, if the former Salt Lake City ARSA had remained intact (and the recent Mode C and TCAS rules were not in effect), the Salt Lake City Terminal Area would be expected to experience approximately 2.1 critical NMAG's annually (or 31 critical NMAC's over the next 15 years). Due to the new TCA, however, this figure could be reduced to approximately 0.7 critical NMAC's annually (or 10 critical NMAC's over the next 15 years). Thus, over the next 15 years, this rule could result in a reduction of approximately 21 critical NMAC's. However, it is important to note that many, if not most, of these potential critical NMAC's will never materialize as predicted primarily because of the Mode C rule and, to some extent, the TCAS rule.

According to Phase II of the Mode C rule, all aircraft operating within 10 nautical miles (except for flights below the outer 5-mile "shelf") of an ARSA-primary airport must be equipped with a Mode C Transponder. Phase I of the Mode C rule requires, as of July 1989, aircraft operating within 30 nautical miles of a TCA to be equipped with a Mode C transponder. These requirements are expected to significantly reduce the risk of midair collisions in ARSA's and TCA's. For this reason, the primary safety benefit of this rule to create a TCA in November 1989 at Salt Lake City is that the safety enhancements of the Mode C and TCAS requirements will occur one year earlier than they otherwise would be expected without this rule. A second safety benefit will be in terms of the lowered likelihood of midair collisions as a result of expanding the lateral boundaries of mandatory ATC by 20 nautical miles due to the replacement of the Salt Lake City ARSA with the new TCA.

The safety benefits of the establishment of a new TCA, while positive, will be less than would otherwise accrue in the absence of the Mode C and TCAS rules. Since this TCA rule essentially extends the effects of the Mode C rule, virtually all of its potential safety benefits are assumed to be part of that rule. Such benefits cannot be estimated separately and, therefore, are considered to be inextricably linked primarily to the Mode C rule. Over a 15-year period, the Mode C rule is expected to generate total potential safety benefits of $344 million (discounted, in 1987 dollars). (The Mode C rule benefits estimate of $310 million for 10 years has been adjusted to a 15 year period for the purpose of comparability with the TCAS rule and other FAA rulemaking actions.) It is important to note that part of these potential safety benefits are attributed to the TCAS rule. Thus, the potential safety benefits of this TCA rule and the Mode C and TCAS rules are considered to be inextricably linked.

Another potential benefit of this rule will be improved operational efficiency on the part of FAA air traffic controllers. Under this TCA rule, Mode C transponder requirements are expected to ease controller workload per aircraft being controlled because of the reduction in radio communications. It will also make potential traffic conflicts more readily apparent to the controller. As the result of improved operational efficiency, the impact of the controller workload increased by separation requirements in the new TCA will be somewhat offset because of the controller's ability to adjust the volume of VFR traffic in any given portion of the TCA.

Improved operational efficiency should generate other types of benefits in the form of significant reductions in the number of VFR aircraft requests denied and VFR aircraft delayed during busy periods. As the result of converting the former Salt Lake City ARSA to a TCA, the improved operational efficiency will accrue because of the availability of additional air traffic controllers and ATC equipment. If the former Salt Lake City ARSA had remained intact, such air traffic personnel would not be required. Therefore, potential benefits of improved operational efficiency, which are not considered to be quantifiable in monetary terms in this evaluation, are attributed to this TCA final rule rather than either the Mode C rule or TCAS rule.

c. Comparison of Benefits and Costs

The total cost that will accrue from implementation of this rule is estimated to be $2.6 million (discounted, in 1987 dollars). Approximately 4 percent of this total cost estimate will fall on those GA aircraft operators without Mode C transponders in the form of opportunity costs by requiring them to acquire such avionics equipment, including maintenance, one year sooner than they otherwise would under the status quo. The typical individual GA aircraft operator impacted will incur an estimated one-time cost ranging from $86 to $191 (discounted) under this rule. (As the result of the opportunity cost concept, the derivation of these cost estimates are too complex to discuss briefly. Therefore, the reader should refer to the detailed regulatory evaluation, which is contained in the docket, for a full explanation of the method by which these cost estimates were derived.)

The potential benefits of this rule will be the lowered likelihood of midair collisions from the conversion of the former ARSA to a TCA. The number of midair collisions avoided and their respective monetary values cannot be estimated for this TCA rule independent of the Mode C and TCAS rules; however, the FAA believes that the risk will be substantially reduced. An FAA analysis prepared for this evaluation, however, has shown that critical near midair collisions occur approximately two-thirds less frequently in a TCA than in an ARSA. The FAA believes that even after the aviation community complies with the Mode C and TCAS rules, locations converting from ARSA's to TCA's will continue to experience reduced critical NMAC's. In addition, this rule will generate improved operational efficiency benefits on the part of FAA air traffic controllers, though they are not considered to be quantifiable in monetary terms.

Clearly, in view of the cost of compliance relative to the significant reduction in the likelihood of midair collisions as well as improved operational efficiency in the Salt Lake City Terminal Area, the FAA firmly believes this rule is cost-beneficial.

The Regulatory Evaluation that has been placed in the docket contains additional detailed information related to the costs and benefits that are expected to accrue from the implementation of this final rule.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

The small entities which could be potentially affected by the implementation of this rule are unscheduled operators of aircraft for hire who own nine or fewer aircraft.

Virtually all of the aircraft operators impacted by this rule will be those who

acquire Mode C transponder capability. The FAA believes that all unscheduled aircraft operators (namely, air taxi operators) potentially impacted by this rule already have Mode C transponders due to the fact that such operators fly regularly in or near airports where radar approach control service has been established. Even if some of these operators were to acquire, install, and maintain Mode C transponders, the cost would not have a significant economic impact on a substantial number of them. The annual FAA threshold for significant economic impact is $3,700 (1987 dollars) for a small entity. According to FAA Order 2100.14A (Regulatory Flexibility Criteria and Guidance), the definition of a small entity, in terms of an air taxi operator, is one with nine aircraft owned, but not necessarily operated.

If we were to assume that a particular aircraft operator had nine aircraft without transponders, then the annual one-time cost per impacted aircraft would be approximately $210 (undiscounted, for the purpose of comparability with the figure of $3,700). The total annual one-time cost per small entity would amount to an estimated $1,890. Thus, the annual worst case cost for a small entity would fall far below the FAA's annual threshold of $3,700. Therefore, the FAA believes this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

This final rule will neither have an effect on the sale of foreign aviation products or services in the United States, nor will it have an effect on the sale of U.S. products or services in foreign countries. This is because the rule will only potentially impact small GA aircraft operators without Mode C, and not aircraft manufacturers. The average cost of acquiring Mode C capability is estimated to range from $900 (to upgrade from a Mode A transponder) to $2,000 (to acquire a Mode C transponder without having a Mode A transponder). The cost of acquiring Mode C capability is not considered to be high enough to discourage potential buyers of small GA airplanes.

Federalism Implications

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, preparation of a Federalism assessment is not warranted.

Conclusion

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that this regulation will not have a significant economic impact on a substantial number of small entities.

The FAA has determined that the users of the Salt Lake City International Airport and surrounding area will benefit from the implementation of the TCA. In order to maximize the benefit at the earliest time, the FAA will have the TCA charted on the next available charting date, which is November 16, 1989, and is making the implementation of the TCA effective on that charting date. Therefore, due to the need to implement the TCA at the earliest possible time, the FAA finds good cause for making this amendment effective in less than 30 days from the date of the publication of this amendment.

List of Subjects in 14 CFR Part 71

Aviation safety, Terminal control areas, Airport radar service areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.403 [Amended]

2. § 71.403 is amended as follows:

Salt Lake City, UT [New]

Primary Airport

Salt Lake City International Airport (lat. 40°47'13" N., long. 111°58'05" W.) Salt Lake City International Airport Runway 16 ILS (I-BNT) Localizer/DME (LOC/DME) Antenna (lat. 40°46'10" N., long. 111°57'41" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL beginning at a point where the 13-mile arc of the Salt Lake City International Airport Runway 16 ILS (I-BNT) localizer/distance measuring equipment (LOC/DME) antenna intercepts Interstate 15 (I-15), extending south on I-15 until intercepting the Salt Lake City International Airport Airport Traffic Area (ATA), extending south along the Salt Lake City International ATA boundary until intercepting I-15, extending south on I-15 until intercepting the 11-mile arc of the I-BNT LOC/DME antenna clockwise until intercepting the Union Pacific railroad tracks, extending southwest on the Union Pacific railroad tracks until intercepting the 13-mile arc of the I-BNT LOC/DME antenna clockwise until the point of beginning, excluding that airspace below 6,000 feet MSL beginning at a point where the 11-mile arc of the I-BNT LOC/DME antenna intercepts the Union Pacific railroad tracks, extending northeast to a point at lat. 40°44'50" N., long. 112°11'00" W., extending southeast to a point at lat. 40°39'20" N., long. 112°02'30" W., extending east to a point at lat. 40°39'20" N., long. 110°58'10" W., extending south until intercepting the 11-mile arc of the I-BNT LOC/DME antenna, and excluding that airspace below 5,300 feet MSL west of I-15 bounded on the south by Cudahy Lane, on the west by Redwood Road until intercepting the power transmission lines, extending northeast along the power transmission lines until intercepting I-15.

Area B. That airspace extending upward from 7,600 feet MSL to and including 10,000 feet MSL between the 13-mile radius and the 25-mile radius of the I-BNT LOC/DME antenna, excluding that airspace south of the Union Pacific railroad tracks and that airspace beginning at a point where the 25-mile arc intercepts the Ogden Municipal Airport ATA, extending south along the Ogdan Municipal Airport ATA and the Hill AFB ATA until intercepting U.S. Highway 89.

Area C. That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning at a point where the 11-mile arc of the I-BNT LOC/DME antenna intercepts the Union Pacific railroad tracks, extending northeast to a point at lat. 40°44'50" N., long. 112°11'00" W., extending southeast to a point at lat. 40°39'20" N., long. 112°02'30" W., extending east to a point at lat. 40°39'20" N., long. 110°58'10" W., extending south until intercepting the 11-mile arc of the I-BNT LOC/DME antenna, counterclockwise until intercepting I-15, extending south on I-15 until intercepting a line at lat. 40°27'30" N., extending west on lat. 40°27'30" N., until a point at lat. 40°27'30" N., long. 112°00'30" W., extending north to a point at lat. 40°35'18" N., long. 112°00'00" W., on the 11-mile arc of the I-BNT LOC/DME antenna clockwise until the point of beginning.

Area D. That airspace extending upward from 7,000 feet MSL to and including 10,000 feet MSL beginning at a point where the 11-mile arc of the I-BNT LOC/DME antenna intercepts a line at long. 112°09'00" W., bounded on the west by long. 112°09'00" W., on the south by a line at lat. 40°27'30" N., to a point at lat. 40°27'30" N., long. 112°00'30" W., extending north to a point at lat. 40°35'18" N., long. 112°00'00" W., on the 11-mile arc of the I-BNT LOC/DME antenna clockwise to the point of beginning.

Area E. That airspace extending upward from 9,000 feet MSL to and including 10,000 feet MSL beginning at a point where a line at long. 111°45'00" W., intercepts Interstate 84 (I–84), extending south on long. 111°45'00" W., until intercepting lat. 40°31'30" N., extending west until intercepting I–15, extending north along I–15 until intercepting the Salt Lake City International Airport ATA, extending north along the Salt Lake City International Airport ATA boundary until intercepting I–15, extending north along I–15 until intercepting U.S. Highway 89, north along U.S. Highway 89 until intercepting Hill AFB ATA, extending north along Hill AFB ATA boundary until intercepting I–84, extending east along I–84 until the point of beginning.

Area F. That airspace extending upward from 9,000 feet MSL to and including 10,000 feet MSL bounded on the north by a line at lat. 40°27'30" N., on the east by I–15, on the south by lat. 40°23'30" N., on the west by a line at long. 112°09'00" W., to the point of beginning, excluding that airspace contained in Restricted Areas R–6412A and R–6412B when active.

Area G. That airspace extending upward from 7,800 feet MSL to and including 10,000 feet MSL beginning at a point where the 25-mile arc of the I–BNT LOC/DME antenna intercepts the Ogden Municipal Airport ATA counterclockwise along the Ogden Municipal Airport ATA and the Hill AFB ATA boundaries until intercepting the 25-mile arc of the I–BNT LOC/DME antenna to the point of beginning.

§ 71–501 [Amended]

3. § 71.501 is amended as follows:

Salt Lake City International Airport, UT [Removed]

Issued in Washington, DC, on October 20, 1989.

James B. Busey,

Administrator.

[FR Doc. 89–25272 Filed 10–25–89; 8:45 am]

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federal register

Thursday
October 26, 1989

Part VII

The President

Proclamation 6053—National Red Ribbon Week for a Drug-Free America, 1989

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Title 3—

The President

Proclamation 6053 of October 24, 1989

National Red Ribbon Week for a Drug-Free America, 1989

By the President of the United States of America

A Proclamation

The consequences of illegal drug use have reached epidemic proportions in the United States. Excessive consumption of alcohol and other forms of drug abuse are among the largest causes of preventable illness, disability, and death in our society. Drug use is a public health threat that endangers our society at every level—in our homes, schools, and communities. It weakens our work force and businesses, threatening our Nation's productivity and economic strength. It also threatens the minds, health, and character of our Nation's most valuable resource—our youth.

The problem is not insurmountable, however. Americans have begun to confront the scourge of substance abuse, and we can be pleased with the important, positive strides we have made. Through the dedicated efforts of teachers, parents, celebrities, social service professionals, and volunteers, more and more young children are learning about the dangers of substance abuse. Experience has shown us that education and prevention programs are valuable tools in the fight against drugs. Many of our young people are choosing never to even try them.

Public opinion polls continue to indicate that the American people believe illicit drug use is the most serious domestic problem facing the Nation. With concern at a high level, public and private organizations, businesses, concerned parents, young people, and educators all across America are rallying to host town meetings, conferences, and other activities in support of community drug abuse prevention and education. We must build upon these efforts.

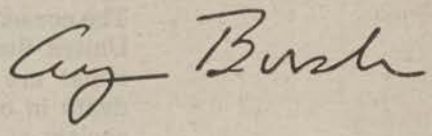
The National Federation of Parents for Drug-Free Youth has seized upon this momentum by promoting the observance of the week beginning October 22, 1989, as "National Red Ribbon Week for a Drug-Free America." This week highlights a comprehensive public education drive involving thousands of parents' groups across the country. It is a time when we encourage all national and community service groups, as well as individual Americans, to exercise leadership, creativity, and determination in achieving a drug-free America. Through their efforts, we reaffirm the right of each and every American to live in a drug-free family, to dwell in a drug-free community, to learn in a drug-free school, to work in a drug-free workplace, and to drive on drug-free highways. Such campaigns are critical in our struggle to liberate the United States from the dangerous cycle of substance abuse and drug-trafficking.

We must get the message across that any use of an illegal drug, the excessive consumption of alcohol, and the use of alcohol by an underaged youth, is unacceptable. At every level, our society must develop an absolute intolerance for illicit drug use.

To mobilize and involve all Americans in efforts directed at preventing and eliminating drug use, the Congress, by Senate Joint Resolution 213, has designated October 22 through October 29, 1989, as "National Red Ribbon Week for a Drug-Free America."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 22, 1989, as National Red Ribbon Week for a Drug-Free America. I call upon all Americans to join me in observing this week by supporting community drug abuse prevention efforts. I also encourage every American to wear a red ribbon during this week as an expression of his or her commitment to a healthy, drug-free lifestyle.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of October, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.



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