

**List of Subjects in Part 16**

Administrative practices and procedure, Freedom of Information Act, Government in the Sunshine Act, and Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, it is proposed to amend 28 CFR part 16 as follows:

1. The authority for part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

2. It is proposed to amend § 16.97 by adding paragraphs (j) and (k) to read as follows:

**§ 16.97 Exemption of Federal Bureau of Prisons Systems—limited access.**

\* \* \* \* \*

(j) The following system of records is exempted pursuant to 5 U.S.C. 552a(j) from subsections (e)(1) and (e)(5): Bureau of Prisons Inmate Central Records System, (JUSTICE/BOP-005).

(k) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g. public source materials, or those supplied by third parties, the applicable exemption may be waived, either partially or totally, by the Bureau. Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (e)(1) to the extent that the Bureau may collect information that may be relevant to the law enforcement operations of other agencies. In the interests of overall, effective law enforcement, such information should be retained and made available to those agencies with relevant responsibilities.

(2) From subsection (e)(5) because in the collection and maintenance of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely and complete. Data which may seem unrelated, irrelevant or incomplete when collected may take on added meaning or significance during the course of an investigation or with the passage of time, and could be relevant to future law enforcement decisions. In addition, because many of these records come from the courts and other state and local criminal justice agencies, it is

administratively impossible for them and the Bureau to ensure compliance with this provision. The restrictions of subsection (e)(5) would restrict and delay trained correctional managers from timely exercising their judgment in managing the inmate population and providing for the safety and security of the prisons and the public.

\* \* \* \* \*

Dated: April 26, 2002.

**Robert F. Diegelman,**

*Acting Assistant Attorney General for Administration.*

[FR Doc. 02-11579 Filed 5-8-02; 8:45 am]

**BILLING CODE 4410-05-P**

**POSTAL SERVICE****39 CFR Part 265****Release of Information**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule changes the procedures for the release of information about holders of postage meter licenses. The procedures are necessary to ensure individual privacy while providing for the release of information needed for customer protection.

**DATES:** The Postal Service must receive your comments on or before June 10, 2002.

**ADDRESSES:** Mail or deliver written comments to the manager, Postage Technology Management, 1735 N Lynn Street, Room 5011, Arlington, Virginia 22209-6050. You can view and copy all written comments at the same address between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Wayne Wilkerson, 703-292-3782, or by fax, 703-292-4050.

**SUPPLEMENTARY INFORMATION:** The current regulation that provides for the release of the name and address of a holder of a postage meter permit or license was adopted for consumer protection reasons at a time when postage meters were used almost exclusively by businesses or firms. Circumstances have changed, however, and individuals now hold meter licenses as well. The new procedures for releasing the name and address of a particular holder of a postage meter license will ensure that legitimate expectations of individual privacy are met, while providing for the release of information needed for consumer protection. The new procedures remove

the processing of requests for information about meter license holders from field locations and enables Postage Technology Management at Postal Service Headquarters to ensure that information is released appropriately. The current regulation refers to information on a postage meter "permit." There is no "permit" to use a postage meter issued by the Postal Service. The Postal Service issues postage meter licenses to postage meter users. The amendment revises the terminology to reflect correct usage. Since the possession of leased postage meters can change over time, the Postal Service is requesting that the original or a photocopy of the envelope or wrapper bearing the relevant postage meter indicium be submitted with the request for information to validate the accuracy of the request and to ensure that the correct meter license holder is identified. The Postal Service is requesting that a copy or description of the contents of the mailpiece also be submitted to support that the sender is a business or firm and not an individual.

**List of Subjects in 39 CFR Part 265**

Administrative practice and procedure, Postal Service.

**The Amendment**

For the reasons set out in this document, the Postal Service is amending 39 CFR part 265 as follows:

**PART 265—RELEASE OF INFORMATION**

1. The authority citation for 39 CFR part 265 continues to read as follows:

**Authority:** 5 U.S.C. 552; 5 U.S.C. App. 3, 39 U.S.C. 401, 403, 410, 1001, 2601.

2. Amend § 265.6 by revising paragraphs (d) introductory text and (d)(2); by redesignating paragraphs (d)(3) through (d)(8) as paragraphs (d)(4) through (d)(9), respectively; and by adding a new paragraph (d)(3) to read as follows:

**§ 265.6 Availability of Records.**

\* \* \* \* \*

(d) *Disclosure of names and addresses of customers.* Upon request, the names and addresses of specifically identified postal customers will be made available only as follows:

\* \* \* \* \*

(2) *Name and address of permit holder.* The name and address of the holder of a particular bulk mail permit, permit imprint or similar permit (but not including postage meter licenses), and the name of any person applying for a permit in behalf of a holder, will be

furnished to any person upon the payment of any fees authorized by paragraph (b) of § 265.9. For the name and address of a postage meter license holder, see paragraph (d)(3) of this section. (Lists of permit holders may not be disclosed to members of the public. See paragraph (e)(1) of this section.)

(3) *Name and address of postage meter license holder.* The name and address of the holder of a postage meter license authorizing use of a postage meter printing a specified indicium, will be furnished to any person upon the payment of any fees authorized by paragraph (b) of § 265.9, provided the holder is using the license for a business or firm. The request for this information must be sent to the manager of Postage Technology Management, Postal Service Headquarters. The request must include the original or a photocopy of the envelope or wrapper on which the meter indicium in question is printed, and a copy or description of the contents to support that the sender is a business or firm and not an individual. (Lists of postage meter license holders may not be disclosed to members of the public. See paragraph (e)(1) of this section.)

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**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02-11507 Filed 5-8-02; 8:45 am]

BILLING CODE 7710-12-P

## POSTAL SERVICE

### 39 CFR Part 501

#### Authorization To Manufacture and Distribute Postage Meters

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule amends the regulations for inspecting postage meter production facilities that are located outside the continental United States. This proposed rule intends to require the manufacturer to reimburse the Postal Service for costs incurred by required inspections of production facilities located outside the continental United States.

**DATES:** The Postal Service must receive your comments on or before June 10, 2002.

**ADDRESSES:** Mail or deliver written comments to the manager, Postage Technology Management, 1735 N Lynn Street, Room 5011, Arlington, Virginia 22209-6050. You can view and copy all written comments at the same address

between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Wilkerson, 703-292-3782, or by fax 703-292-4050.

**SUPPLEMENTARY INFORMATION:** Title 39, Code of Federal Regulations (CFR) part 501, Authorization to Manufacture and Distribute Postage Meters, requires the Postal Service to inspect meter production facilities to determine if the facilities satisfy Postal Service requirements for meter and component security and production quality. A manufacturer may have valid business reasons for selecting a particular location for its production facilities. However, when a manufacturer chooses to locate these facilities outside the continental United States, conducting the required inspections of such facilities places an undue cost burden on the Postal Service. The Postal Service is requiring the manufacturer to reimburse such costs.

#### Notice and Comment

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments to the Code of Federal Regulations (CFR).

#### List of Subjects in 39 CFR Part 501

Administrative practice and procedure, Postal Service.

For the reasons set out in this document, the Postal Service is proposing to amend 39 CFR part 501 as follows:

#### PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

1. The authority citation for part 501 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605; Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended), 5 U.S.C. App. 3.

2. Amend § 501.2 by revising the introductory paragraph and paragraphs (c) and (d) to read as follows:

##### § 501.2 Manufacturer qualification.

Any concern wanting authorization to manufacture and/or lease postage meters for use by licensees under *Domestic Mail Manual* P030 must:

\* \* \* \* \*

(c) Have, or establish, and keep under its supervision and control adequate production facilities suitable to carry out the provisions of §§ 501.15 through

501.21 to the satisfaction of the Postal Service. The production facilities must be subject to unannounced inspection by representatives of the Postal Service. If the provider's production facilities are located outside the continental United States, the provider shall be responsible for all reasonable and necessary costs incurred by the Postal Service to conduct the inspections.

(d) Have, or establish, and keep under its active supervision and control adequate facilities for the control, distribution, and maintenance of meters and their replacement or secure disposal or destruction when necessary.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02-11506 Filed 5-8-02; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[MT-001-0037b; FRL-7208-9]

#### Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Great Falls Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On February 9, 2001, the Governor of Montana submitted a request to redesignate the Great Falls "not classified" carbon monoxide (CO) nonattainment area to attainment for the CO National Ambient Air Quality Standard (NAAQS). The Governor also submitted a CO maintenance plan. In this action, EPA is proposing approval of the Great Falls CO redesignation request and the maintenance plan. In the Final Rules Section of this **Federal Register**, EPA is approving the State's redesignation request and State Implementation Plan (SIP) revision, involving the maintenance plan, as a direct final rule without prior proposal because the Agency views the redesignation and SIP revision as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in