Federal Register
Vol. 59, No. 139
Thursday, July 21, 1994

Presidential Documents

Title 3—

The President

Presidential Determination No. 94–36 of July 19, 1994

Food Security Wheat Reserve Release

Memorandum for the Secretary of Agriculture

By virtue of the authority vested in me as President by the Food Security Wheat Reserve Act of 1980 (the "Act") (7 U.S.C. 1736f–1), I hereby authorize the release in fiscal year 1994 of up to 200,000 metric tons of wheat from the reserve established under the Act (the "reserve") for use under Title II of the Agricultural Trade Development and Assistance Act of 1954 to meet relief needs that exist in the Caucasus region of the former Soviet Union, which I hereby determine are suffering severe food shortages. The wheat will be used to provide urgent humanitarian relief to the peoples in this region who are suffering widespread hunger and malnutrition.

This action is taken because wheat needed for relief in this region cannot be programmed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need.

You are authorized and directed to publish this determination in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, July 19, 1994.

[FR Doc. 94–17929
Filed 7–19–94; 2:57 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
Vol. 59, No. 139
Thursday, July 21, 1994

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–SW–19–AD; Amendment 39–8975; AD 94–15–04]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. Model 214ST helicopters, that requires creation of a component history card and establishes an additional retirement life for the main rotor mast (mast). This amendment is prompted by fatigue analysis and retesting that showed that the mast is sensitive to frequent takeoffs and external load lifts (high-power events) in addition to time-in-service. The actions specified by this AD are intended to prevent fatigue failure of the mast, loss of the main rotor system, and subsequent loss of control of the helicopter.

EFFECTIVE DATE: August 25, 1994.

ADDRESSES: This AD and any related information may be examined in the Rules Docket at the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Lance Gant, Aerospace Engineer, Rotorcraft Certification Office, FAA, Southwest Region, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5141, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. Model 214ST helicopters was published in the **Federal Register** on November 12, 1993 (58 FR 59967). That action proposed to require creation of a component historical service record and proposed to establish an additional retirement life of 50,000 high-power events for the main rotor mast (mast), part number (P/N) 214–040–090–109. Currently, the mast has a retirement life of 10,000 hours' time-in-service.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed with some editorial changes. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

In the notice, the cost estimates associated with this AD were based on replacement of the mast and creation of the component history card for the entire fleet. This rule contains cost estimates for one-sixth of the fleet each year instead of the entire fleet, as in the notice. Additionally, the notice referred to the component history card as a "historical service record or component history card". This rule refers to it as a "component history card or an equivalent record." Also, paragraph (d) of this rule was expanded to specify the details of the new retirement life. These changes will not increase the scope of the AD. However, the FAA has performed a more detailed cost analysis and has determined that, when factoring in the creation and maintenance of the component history card or equivalent record, the anticipated costs are $9,163 higher than the proposed amount for the first year, and $7,879 higher than the proposed amount for each subsequent year. In the proposal, the cost of this AD was estimated to be $53,970 each year ($323,820 for the total fleet).

The FAA estimates that 14 helicopters of U.S. registry will be affected by this AD, that (1) it will take approximately 24 work hours per helicopter to replace the affected part due to the new method of determining the retirement life required by this AD, (2) it will take approximately 2 work hours per helicopter to create the component history card or equivalent record (record), (3) it will take approximately 10 work hours per helicopter to maintain the record each year, and (4) the average labor rate is $55 per work hour. Required parts will cost approximately $21,810 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators for the first year is estimated to be $63,133, and each subsequent year to be $61,849. These costs assume replacement of the mast in one-sixth of the fleet each year, creation and maintenance of the records for all the fleet the first year, and creation of one-sixth of the records and maintenance of the records for all the fleet each subsequent year.

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 "significant regulatory action" under Executive Order 12866; (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 it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

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 (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

AD 94–15–04 Bell Helicopter Textron, Inc.: Amendment 39–8975. Docket Number 93–SW–19–AD.

Applicability: Model 214ST helicopters, with main rotor mast (mast), part number (P/N) 214–040–090–109 installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent fatigue failure of the mast, loss of the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 calendar days after the effective date of this airworthiness directive (AD), accomplish the following:

(1) Create a component history card or an equivalent record for the affected mast.

(2) Determine and record the total time-in-service (TIS) accumulated for the mast as follows:

(i) If the TIS of the mast is unknown, use a TIS of 900 hours' per year. Prorate the hours for a partial year.

(ii) If the TIS is known, use that total TIS.

(3) Determine and record the accumulated takeoffs and external load lifts (high-power events) for the mast as follows:

(i) If the number of high-power events is unknown, assign 11 high-power events for each hour TIS obtained in accordance with paragraph (a)(2).

(ii) If the number of high-power events is known, record that number as total accumulated high-power events.

(b) After compliance with paragraph (a) of this AD, continue to record the TIS and high-power events and add the high-power events to the previously recorded sum.

(c) Remove the mast from further service in accordance with the following:

(1) For each mast with 9,900 hours' or more total TIS on the effective date of this AD, remove and replace the mast within the next 100 hours' TIS.

(2) For each mast with less than 9,900 hours' total TIS on the effective date of this AD, remove and replace the mast before it attains 10,000 hours' TIS.

(3) For each mast with 48,900 or more high-power events on the effective date of this AD, remove and replace the mast on or before the accumulation of an additional 1,100 high-power events.

(4) For each mast with less than 48,900 high-power events on the effective date of this AD, remove and replace the mast before it attains 50,000 high-power events.

(d) This AD revises the Airworthiness Limitations Section of the maintenance manual by establishing a new retirement life for the mast of 10,000 hours' TIS, or 50,000 high-power events, whichever occurs first. However, for masts with 9,900 hours' or more TIS or 48,900 or more high-power events on the effective date of this AD, those masts need not be retired until on or before the accumulation of an additional 100 hours' TIS or 1,100 high-power events, respectively.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) This amendment becomes effective August 25, 1994.

Issued in Fort Worth, Texas, on July 13, 1994.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 94–17795 Filed 7–20–94; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 94–ASO–4]

Establishment of Class D Airspace; Class E4 Airspace and Amendment of Class E2 Airspace; Athens, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D and Class E4 airspace at Athens/Ben Epps Airport, Athens, Georgia due to commissioning of a Non-Federal Air Traffic Control Tower, March 14, 1994. This action also amends the Class E2 surface airspace at Athens/Ben Epps Airport to indicate part-time when the control tower is not in operation. The intended effect of this action is to require pilots to establish two-way radio communications prior to entering the airspace during the hours the control tower is in operation.

EFFECTIVE DATES: 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT: Robert L. Shipp, Jr., Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5591.

SUPPLEMENTARY INFORMATION:

History

On May 2, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71 to establish Class D and Class E4 airspace at the Athens/Ben Epps airport Athens, Georgia. This proposal also would amend the Class E2 surface airspace at Athens/Ben Epps Airport to indicate part-time. The establishment of this Class D airspace area will require pilots, prior to entering the airspace, to establish two-way radio communications with the newly commissioned air traffic control tower providing air traffic services. (59 FR 22567). 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.

The coordinates for this airspace docket are based on North American Datum 83. This amendment is the same as that proposed in the notice. Designations for Class D, Class E2, and Class E4 airspace respectively are published in Paragraphs 5000, 6002, and 6004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class D and Class E4 airspace areas at Athens/Ben Epps Airport, Athens, Georgia. This amendment also amends Class E2 surface airspace at Athens/Ben Epps Airport, Athens, Georgia, to indicate part-time. The establishment of this Class D airspace area will require pilots, prior to entering the airspace, to establish two-way radio communications with the newly commissioned air traffic control tower providing air traffic service.

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 "significant regulatory action" under Executive Order 12866; (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, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.7 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Para 5000 Class D Airspace

* * * * *

ASO GA D Athens, Georgia [New]

Athens/Ben Epps Airport, Athens, Georgia
(Lat. 33°56'54" N., long. 83°19'36" W.)

That airspace extending upward from the surface to and including 3300 feet MSL within a 4-mile radius of the Athens/Ben Epps Airport. This Class D airspace area is effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Para 6004 Class E airspace designated as an extension to a Class D surface area

* * * * *

ASO GA E4 Athens, Georgia [New]

Athens/Ben Epps Airport, Athens, Georgia
(Lat. 33°56'54" N., long. 83°19'36" W.)
Athens VORTAC
(Lat. 33°56'51" N., long. 83°19'29" W.)

That airspace extending upward from the surface within 3 miles each side of the Athens VORTAC 195° radial, extending from the 4-mile radius of Athens/Ben Epps Airport to 7 miles south of the VORTAC and within 3 miles each side of the Athens VORTAC 076° radial, extending from the 4-mile radius of Athens/Ben Epps Airport to 7 miles east of the VORTAC.

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Para 6002 Class E airspace areas as a surface area for an airport.

* * * * *

ASO GA E2 Athens, Georgia [Amend]

Athens/Ben Epps Airport, Athens, Georgia
(Lat. 33°56'54" N., long. 83°19'36" W.)

That airspace, extending upward from the surface within a 4-mile radius of the Athens/Ben Epps Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on June 9, 1994.

Michael J. Powderly,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 94–17796 Filed 7–20–94; 8:45 am]

BILLING CODE 4910–13–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 100

Administrative Regulations

AGENCY: National Labor Relations Board (NLRB).

ACTION: Final rule.

SUMMARY: The National Labor Relations Board is amending the current administrative regulations governing the standards of conduct and financial disclosure requirements of employees of the Agency. Most of these regulations have been superseded by the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics (OGE). The NLRB publishes this rule to repeal the superseded provisions and to update cross-references in the current regulations that continue to be applicable, in conformance with the executive branch-wide standards.

Thus, NLRB is not repealing the provisions of the existing administrative regulations requiring approval to engage in outside employment, the prohibition to engage in private practice of law except in family or civic matters, and the requirement to cooperate with the NLRB's Office of Inspector General in audits and investigations.

EFFECTIVE DATE: The removal of §§ 100.202 through 100.209 and § 100.306 became effective October 5, 1992. The redesignation and revision of § 100.201 is effective July 21, 1994. All other amendments became effective February 3, 1993.

FOR FURTHER INFORMATION CONTACT:

Gloria Joseph, Director of Administration, National Labor Relations Board, Room 7108, 1099 Fourteenth Street NW., Washington, DC 20570–0001. (202–273–3890).

SUPPLEMENTARY INFORMATION: In 1967, the NLRB issued 29 CFR Part 100, administrative regulations governing employee responsibilities and conduct (32 FR 13560), primarily pursuant to and in conformance with E.O. 11222 (May 8, 1965) and regulations issued by the U.S. Civil Service Commission (5 CFR 735.104, 33 FR 12487). Executive Order 12674 (April 12, 1990)—as modified by E.O. 12731 (October 17, 1990)—revoked E.O. 11222 and directed OGE to "establish a single, comprehensive, and clear set of executive-branch standards of conduct that shall be objective, reasonable, and enforceable."

On August 7, 1992, OGE published new Standards of Ethical Conduct for Employees of the Executive Branch (57 FR 35006). These uniform standards of conduct, codified at 5 CFR part 2635, became effective on February 3, 1993; and supersede most of the provisions in the NLRB's regulations found in 29 CFR Part 100. Additionally, the new standard authorized executive-branch agencies, with the concurrence of OGE, to issue supplemental agency-specific regulations that are necessary and appropriate to implement their respective ethics programs (5 CFR 2635.105).

Therefore, NLRB is amending Part 100 by removing/repealing certain sections of subparts A, B, and C that have been superseded by the new OGE regulations and by revising or redesignating the remaining provisions.

In subpart A, "Employee Responsibilities and Conduct," § 100.101 has been amended to cross-reference the new executive branch-wide standards. Section 100.102 has been revised to accommodate redesignated § 100.113. Sections 100.103 through 100.105, §§ 100.111 through 100.112, paragraphs (a)(2) through (d) of § 100.113, §§ 100.114 through 100.122 have been removed. Section 100.123 is redesignated as § 100.201 of the renamed subpart B, "Cooperation in Audits and Investigations." Sections 100.301 through 100.305 and § 100.307 of subpart C, "Special Government Employee Conduct and Responsibility," were also superseded as of February 3, 1993, and have been removed.

Section 100.106, with a revised paragraph (a) to show the new street address "1099 Fourteenth Street, NW"

of the NLRB headquarters, is redesignated as § 100.401 of the renamed subpart D.

Paragraphs (a)(1) and (e) of § 100.113 have been redesignated as paragraphs (a) and (b) of § 100.102. NLRB is not removing these paragraphs, because they contain the Agency's requirements for approval to engage in outside employment and activities, and the prohibition to engage in private practice of law except in family or civic matters. Pursuant to the Standards of Ethical Conduct for Employees of the Executive Branch, these requirements will remain in effect until February 4, 1995, or until NLRB publishes new requirements.

Effective October 5, 1992, OGE regulations contained in 5 CFR part 2634, "Financial Disclosure, Qualified Trusts, and Certificates of Divestiture for Executive Branch Employees," superseded the executive branch confidential reporting regulations at 5 CFR part 735, subpart D and § 735.106, as well as the NLRB's implementing regulations. Therefore, the NLRB is further amending part 100 by removing §§ 100.201 through 100.209, along with the heading of subpart B," Employee Statements of Employment and Financial Interest." Section 100.306 and the heading of subpart C, "Special Government Employee Conduct and Responsibilities," and also removed.

Sections 100.120 (gambling, betting, and lotteries) and 100.121 (general conduct prejudicial to the Government) of the NLRB regulations are not superseded by 5 CFR part 2635 nor any other OGE regulation. However, pursuant to E.O. 12674 (as modified by E.O. 12731), OPM issued a final rule on November 30, 1992 (57 FR 56433) to complement 5 CFR part 2635. Enforceable by the employing agency, this OPM rule—which revised part 735 of title 5, Ch. I of the Code of Federal Regulations—became effective on February 3, 1993; and established executive branch-wide standards in these conduct areas. Accordingly, the NLRB is removing §§ 100.120 and 100.121.

Additionally, subpart D, "Employee Personal Loss Claims [Reserved]," is redesignated as subpart C; subpart E, "Claims Under the Federal Tort Claims Act," is redesigned as subpart D; and subpart F, "Enforcement of Nondiscrimination on the Basis of Handicap in Programs and Activities Conducted by the National Labor Relations Board," is redesignated as subpart E of part 100 of title 29, Ch. I of the Code of Federal Regulations. Section 100.570 is amended to show the new street address "1099 Fourteenth Street, NW" of the NLRB headquarters and the Director of Administration.

This rule relates to Agency management and personnel. As such, no notice of proposed rulemaking has been published. For the same reason, the rule is not subject to the review requirements of E.O. 12991.

List of Subjects in 29 CFR Part 100

Administrative regulations, employee responsibilities and conduct, Government employees, cooperation in audits and investigations, employee personal property loss claims, claims under the Federal Tort Claims Act, nondiscrimination on the basis of handicap in NLRB programs.

For the reasons stated in the preamble, part 100 of title 29, Ch. 1 of the Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 is revised to read as follows:

Authority: Sec. 6, National Labor Relations Act, as amended (29 U.S.C. 141, 146).

Subpart A is also issued under 5 U.S.C. 7301; 5 U.S.C. app. (Ethics in Government Act of 1978); E.O. 12674, 3 CFR 1989 Comp., p. 215, as modified by E.O. 12731, 3 CFR 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403, 2635.802(a), 2635.803; 18 U.S.C. 201 et seq.; 18 U.S.C. 208; 57 FR 56433 (codified at 5 CFR 735); the Inspector General Act of 1978, as amended by the Inspector General Act Amendment of 1988, 5 U.S.C. app. 3.

Subpart B is also issued under the Inspector General Act of 1978, as amended by the Inspector General Act Amendment of 1988, 5 U.S.C. app. 3; 18 U.S.C. 201 et seq.; 5 CFR 735; 42 U.S.C. 2000e–16(a); 29 CFR 1613.204(a) and 29 CFR 1613.216.

Subpart D is also issued under 28 U.S.C. 2672; 28 CFR Part 14.

Subpart E is also issued under 29 U.S.C. 794.

Subpart A—[Amended]

2. Section 100.101 is revised to read as follows:

§ 100.101 Cross-reference to employee ethical conduct standards and financial disclosure regulations.

(a) Employees of the NLRB should refer to the executive branch-wide Standards of Ethical Conduct at 5 CFR part 2635, 5 CFR part 735 which addresses employee responsibilities and conduct executive branch-wide in relation to certain provisions not contained in the Standards of Ethical Conduct, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

3. Section 100.102 is revised to read as follows:

§ 100.102 Outside employment or occupation.

(a) The private practice of law either individually or with another person, is prohibited; however, as an exception, permission of the Board or General Counsel may be requested to engage in such occasional and private legal activities as those involving family or civic matters;

(b) *Requests for authorization and reports of outside employment.* (1) *Legal practice.* Requests directed to the Board or General Counsel, as appropriate, for exception to the prohibition in paragraph (a) of this section, shall at a minimum, include:

(i) Nature of legal activity,

(ii) Relationship of proposed client(s) to employee, if any,

(iii) Expected duration of activity, and

(iv) Compensation involved.

(2) *Other employment.* Before any employee accepts outside employment, he shall obtain permission of his Regional Director, Branch Chief, or the equivalent. Permission shall be granted in accordance with the regulations in this part. Each Regional Director, Branch Chief, or the equivalent shall maintain a record on an individual basis of each request received for outside employment authorization and the official action taken. At least annually, as of June 30, the Division Chief shall require a report from each subordinate authorizing official showing as a minimum:

(i) By named employee, the request and official action taken, and

(ii) A list by employee of the outstanding authorizations for outside employment.

§§ 100.103 through 100.105 [Removed]

4. and 5. Sections 100.103 through 100.105 are removed.

§§ 100.111 through 100.112 [Removed]

6. Sections 100.111 through 100.112 are removed.

§ 100.113 [Redesignated as § 100.102]

7. Section 100.113 is removed.

§§ 100.114 through 100.122 [Removed]

8. Sections 100.114 through 100.122 are removed.

Subpart B—Cooperation in Audits and Investigations

9. The heading for subpart B, "Employee Statements of Employment and Financial Interest," is revised to read as shown above.

§ 100.123 [Redesignated and revised]

10. Section 100.123 is redesignated as § 100.201 of subpart B and revised to read as follows:

§ 100.201 Audits and investigations.

(a) Employees shall cooperate fully with any audit or investigation conducted by the Office of the Inspector General involving matters that fall within the jurisdiction and authority of the Inspector General, as defined in the Inspector General Act of 1978, as amended, or with any audit or investigation conducted by any Agency official or department, including, but not limited to, the Office of Equal Employment Opportunity, involving matters that relate to or have an effect on the official business of the Agency. Such cooperation shall include, among other things, responding to requests for information, providing statements under oath relating to such audits or investigations, and affording access to Agency records and/or any other Agency materials in an employee's possession.

(b) The obstruction of an audit or investigation, concealment of information, intentional furnishing of false or misleading information, refusal to provide information and/or answer questions, or refusal to provide a statement under oath, by an employee to an auditor or investigator pursuant to any audit or investigation as described in paragraph (a) of this section, may result in disciplinary action against an employee. However, nothing herein shall be construed to deny, abridge, or otherwise restrict the rights, privileges, or other entitlements or protections afforded to Agency employees.

§§ 100.202 through 100.209 [Removed]

11. Sections 100.202 through 100.209 are removed.

Subpart C—Employee Personal Property Loss Claims [Reserved]

12. The heading for subpart C, "Special Government Employee Conduct and Responsibility," is revised to read as shown above.

§§ 100.301 through 100.307 [Removed]

13. Sections 100.301 through 100.307 are removed.

Subpart E—[Redesignated as Subpart D]

14. Subpart E, "Claims Under the Federal Tort Claims Act [Reserved]," is redesignated as subpart D, and revised to read as follows:

Subpart D—Claims Under the Federal Tort Claims Act

§ 100.401 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

(a) *Filing of claims.* Pursuant to 28 U.S.C. 2672, any claim under the Federal Tort Claims Act for money damages for loss of or injury to property, or for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the National Labor Relations Board while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such loss, injury or death in accordance with the law of the place where the act or omission occurred, may be presented to the Director of Administration, 1099 Fourteenth Street, NW., Washington, DC 20570, or to any regional office of the National Labor Relations Board, at any time within 2 years after such claim has accrued. Such a claim may be presented by a person specified in 28 CFR 14.3, in the manner set out in 28 CFR 14.2 and 14.3, and shall be accompanied by as much of the appropriate information specified in 28 CFR 14.4 as may reasonably be obtained.

(b) *Action on claims.* The Director, Division of Administration, shall have the power to consider, ascertain, adjust, determine, compromise, and settle any claim referred to in, and presented in accordance with paragraph (a) of this section. The Chief, Security Staff, can process and adjust claims under $100 in accordance with delegated authority from the Director. Legal review is required by the General Counsel or designee for all claims in the amount of $5,000 or more, 28 CFR 14.5. Any exercise of such power shall be in accordance with 28 U.S.C. 2672 and 28 CFR Part 14.

(c) *Payment of awards.* Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this action will be paid by the Director of Administration out of appropriations available to the National Labor Relations Board. Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section will be obtained in accordance with 28 CFR 14.10.

Subpart F—[Redesignated as Subpart E]

15. Subpart F, entitled "Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the National Labor Relations Board," is redesignated as subpart E.

§§ 100.601 through 100.671–100.699 [Reserved]—[Redesignated as §§ 100.501 through 100.571–100.599 [Reserved]]

16. Sections 100.601 through 100.699 are redesignated as §§ 100.501 through 100.599, respectively.

§ 100.570 [Amended]

17. Newly designated § 100.570 is amended by revising the phrase "171 Pennsylvania Avenue NW.," in paragraph (c) to read "1099 Fourteenth Street NW.,".

Dated: Washington, DC, July 15, 1994.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 94–17758 Filed 7–20–94; 8:45 am]

BILLING CODE 7545–01–M

POSTAL SERVICE

39 CFR Parts 262 and 266

Conforming Postal Regulations to the Computer Matching and Privacy Protection Act of 1988

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending its Privacy Act regulations to incorporate changes made by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503). That Act amended the Privacy Act of 1974 to establish procedures affecting agencies' use of Privacy Act records in performing certain types of computerized matching programs. The rules follow the guidelines issued by the Office of Management and Budget (54 FR 25818, June 19, 1989). Because the proposed rule (59 FR 30739, June 15, 1994) generated no comments, the final rule is published unchanged.

EFFECTIVE DATE: August 15, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for inspection and photocopying between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the Records Office, U.S. Postal Service, 475 L'Enfant Plaza SW., room 8831, Washington, DC 20260–5240.

FOR FURTHER INFORMATION CONTACT: Sheila Allen, (202) 268–4869.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 requires an agency to meet certain procedural requirements when using one or more of