

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.

* * * * *

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 superseded 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," are 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 redesignated 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

its Privacy Act systems of records in conducting computer matching programs. Included is the requirement that an agency Data Integrity Board agency. The following changes define computer matching under the Act; incorporate some of the Act's procedural requirements, including **Federal Register** publication, submission of matching proposals to the Postal Service, and execution of matching agreements; and describe the responsibilities and makeup of the USPS Data Integrity Board.

List of Subjects in 39 CFR Parts 262 and 266

Definitions, Privacy, Records and information management.

For the reasons set out in this notice, the Postal Service is amending parts 262 and 266 of title 39 of the Code of Federal Regulations as follows:

PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

1. The authority citation for part 262 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552a.

2. Paragraphs (c) and (d) are added to § 262.5 as follows:

§ 262.5 Systems (Privacy).

(c) *Computer matching program.* A "matching program," as defined in the Privacy Act, 5 U.S.C. 552a(a)(8), is subject to the matching provisions of the Act, published guidance of the Office of Management and Budget, and these regulations. The term "matching program" includes any computerized comparison of:

(1) A Postal Service automated system of records with an automated system of records of another Federal agency, or with non-Federal records, for the purpose of:

(i) Establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefit programs, or

(ii) Recouping payments or delinquent debts under such Federal benefit programs;

(2) A Postal Service automated personnel or payroll system of records with another automated personnel or payroll system of records of the Postal Service or other Federal Agency or with non-Federal records.

(d) *Other computer matching activities.* (1) The following kinds of computer matches are specifically excluded from the term "matching program":

(i) Statistical matches whose purpose is solely to produce aggregate data stripped of personal identifiers.

(ii) Statistical matches whose purpose is in support of any research or statistical project.

(iii) Law enforcement investigative matches whose purpose is to gather evidence against a named person or persons in an existing investigation.

(iv) Tax administration matches.

(v) Routine administrative matches using Federal personnel records, provided that the purpose is not to take any adverse action against an individual.

(vi) Internal matches using only records from Postal Service systems of records, provided that the purpose is not to take any adverse action against any individual.

(vii) Matches performed for security clearance background checks or for foreign counterintelligence.

(2) Although these and other matching activities that fall outside the definition of "matching program" are not subject to the matching provisions of the Privacy Act or OMB guidance, other provisions of the Act and of these regulations may be applicable. No matching program or other matching activity may be conducted without the prior approval of the Records Officer.

PART 266—PRIVACY OF INFORMATION

3. The authority citation for part 266 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552a.

§ 266.2 [Amended]

4. Section 266.2 is amended by removing "and" before "(f)" and the period at the end of the paragraph and adding "; and (g) of the establishment or revision of a computer matching program."

5. Paragraph (d) is added to § 266.3 as follows:

§ 266.3 Responsibility.

(d) *Data Integrity Board—(1) Responsibilities.* The Data Integrity Board oversees Postal Service computer matching activities. Its principal function is to review, approve, and maintain all written agreements for use of Postal Service records in matching programs to ensure compliance with the Privacy Act and all relevant statutes, regulations, and guidelines. In addition,

the Board annually reviews matching programs and other matching activities in which the Postal Service has participated during the preceding year to determine compliance with applicable laws, regulations, and agreements; compiles a biennial matching report of matching activities; and performs review and advisement functions relating to records accuracy, recordkeeping and disposal practices, and other computer matching activities.

(2) *Composition.* The Privacy Act requires that the senior official responsible for implementation of agency Privacy Act policy and the Inspector General serve on the Board. The Records Officer, as administrator of Postal Service Privacy Act policy, serves as Secretary of the Board and performs the administrative functions of the Board. The Board is composed of these and other members designated by the Postmaster General, as follows:

(i) Vice President/Controller (Chairman).

(ii) Chief Postal Inspector in his or her capacity as Inspector General.

(iii) Vice President, Employee Relations.

(iv) General Counsel.

(v) Records Officer (Secretary).

6. Paragraph (b)(6) is added to § 266.4 as follows:

§ 266.4 Collection and disclosure of information about individuals.

(b) * * *

(6) *Computer matching purposes.* Records from a Postal Service system of records may be disclosed to another agency for the purpose of conducting a computer matching program or other matching activity as defined in paragraphs (c) and (d) of § 262.5, but only after a determination by the Data Integrity Board that the procedural requirements of the Privacy Act, the guidelines issued by the Office of Management and Budget, and these regulations as may be applicable are met. These requirements include:

(i) *Routine use.* Disclosure is made only when permitted as a routine use of the system of records. The USPS Records Officer determines the applicability of a particular routine use and the necessity for adoption of a new routine use.

(ii) *Notice.* Publication of new or revised matching programs in the **Federal Register** and advance notice to Congress and the Office of Management and Budget must be made pursuant to paragraph (f) of § 266.5.

(iii) *Computer matching agreement.* The participants in a computer matching program must enter into a

written agreement specifying the terms under which the matching program is to be conducted (see § 266.10). The Records Officer may require that other matching activities be conducted in accordance with a written agreement.

(iv) *Data Integrity Board approval.* No record from a Postal Service system of records may be disclosed for use in a computer matching program unless the matching agreement has received approval by the Postal Service Data Integrity Board (see § 266.10). Other matching activities may, at the discretion of the Records Officer, be submitted for Board approval.

* * * * *

7. Paragraph (f) is added to § 266.5 as follows:

§ 266.5 Notification.

* * * * *

(f) *Notification of computer matching program.* The Postal Service publishes in the *Federal Register* and forwards to Congress and the Office of Management and Budget advance notice of its intent to establish, substantially revise, or renew a matching program, unless such notice is published by another participant agency. In those instances in which the Postal Service is the "recipient" agency, as defined in the Act, but another participant agency sponsors and derives the principal benefit from the matching program, the other agency is expected to publish the notice. The notice must be sent to Congress and OMB 40 days, and published at least thirty (30) days, prior to (1) initiation of any matching activity under a new or substantially revised program, or (2) expiration of the existing matching agreement in the case of a renewal of a continuing program.

8. Paragraph (e) is added to § 266.8 as follows:

§ 266.8 Schedule of fees.

* * * * *

(e) The Postal Service may, at its discretion, require reimbursement of its costs as a condition of participation in a computer matching program or activity with another agency. The agency to be charged is notified in writing of the approximate costs before they are incurred. Costs are calculated in accordance with the schedule of fees at § 265.9.

9. Section 266.10 is added as follows:

§ 266.10 Computer matching.

(a) *General.* Any agency or Postal Service component that wishes to use records from a Postal Service automated system of records in a computerized comparison with other postal or non-postal records must submit its proposal

to the USPS Records Officer. Computer matching programs as defined in paragraph (c) of § 262.5 must be conducted in accordance with the Privacy Act, implementing guidance issued by the Office of Management and Budget and these regulations. Records may not be exchanged for a matching program until all procedural requirements of the Act and these regulations have been met. Other matching activities must be conducted in accordance with the Privacy Act and with the approval of the Records Officer. See paragraph (b)(6) of § 266.4.

(b) *Procedure for submission of matching proposals.* A proposal must include information required for the matching agreement discussed in paragraph (d)(1) of this section. The Inspection Service must submit its proposals for matching programs and other matching activities to the USPS Records Officer through: Independent Counsel, Inspection Service, U.S. Postal Service, 475 L'Enfant Plaza SW, Rm 3417, Washington, DC 20260-2181.

All other matching proposals, whether from postal organizations or other government agencies, must be mailed directly to: USPS Records Officer, U.S. Postal Service, 475 L'Enfant Plaza SW, Rm 8831, Washington, DC 20260-5240.

(c) *Lead time.* Proposals must be submitted to the USPS Records Officer at least 3 months in advance of the anticipated starting date to allow time to meet Privacy Act publication and review requirements.

(d) *Matching agreements.* The participants in a computer matching program must enter into a written agreement specifying the terms under which the matching program is to be conducted. The Records Officer may require similar written agreements for other matching activities.

(1) *Content.* Agreements must specify:

(i) The purpose and legal authority for conducting the matching program;

(ii) The justification for the program and the anticipated results, including, when appropriate, a specific estimate of any savings in terms of expected costs and benefits, in sufficient detail for the Data Integrity Board to make an informed decision;

(iii) A description of the records that are to be matched, including the data elements to be used, the number of records, and the approximate dates of the matching program;

(iv) Procedures for providing notice to individuals who supply information that the information may be subject to verification through computer matching programs;

(v) Procedures for verifying information produced in a matching program and for providing individuals an opportunity to contest the findings in accordance with the requirement that an agency may not take adverse action against an individual as a result of information produced by a matching program until the agency has independently verified the information and provided the individual with due process;

(vi) Procedures for ensuring the administrative, technical, and physical security of the records matched; for the retention and timely destruction of records created by the matching program; and for the use and return or destruction of records used in the program;

(vii) Prohibitions concerning duplication and redisclosure of records exchanged, except where required by law or essential to the conduct of the matching program;

(viii) Assessments of the accuracy of the records to be used in the matching program; and

(ix) A statement that the Comptroller General may have access to all records of the participant agencies in order to monitor compliance with the agreement.

(2) *Approval.* Before the Postal Service may participate in a computer matching program or other computer matching activity that involves both USPS and non-USPS records, the Data Integrity Board must have evaluated the proposed match and approved the terms of the matching agreement. To be effective, the matching agreement must receive approval by each member of the Board. Votes are collected by the USPS Records Officer. Agreements are signed on behalf of the Board by the Chairman. If a matching agreement is disapproved by the Board, any party may appeal the disapproval in writing to the Director, Office of Management and Budget, Washington, DC 20503-0001, within 30 days following the Board's written disapproval.

(3) *Effective dates.* No matching agreement is effective until 40 days after the date on which a copy is sent to Congress. The agreement remains in effect only as long as necessary to accomplish the specific matching purpose, but no longer than 18 months, at which time the agreement expires unless extended. The Data Integrity Board may extend an agreement for one additional year, without further review, if within 3 months prior to expiration of the 18-month period it finds that the matching program is to be conducted without change, and each party to the agreement certifies that the program has been conducted in compliance with the

matching agreement. Renewal of a continuing matching program that has run for the full 30-month period requires a new agreement that has received Data Integrity Board approval. Stanley F. Mires, Chief Counsel, Legislative. [FR Doc. 94-17780 Filed 7-20-94; 8:45 am] BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5015-7]

Approval and Promulgation of Implementation Plans; North Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendment.

SUMMARY: This action corrects a typographical error in the *Federal Register* final rule for North Carolina published on June 23, 1994 at 59 FR 32365. This action added paragraph (c)(67) to § 52.1770. The correct paragraph is (c)(69). This action corrects this typographical error.

EFFECTIVE DATE: This action is effective July 21, 1994.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice can be obtained by contacting Dick Schutt, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides, & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia. The telephone number is (404) 347-2864.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Volatile organic compounds, Reporting and recordkeeping requirements.

Dated: July 1, 1994.

Patrick M. Tobin,
Acting Regional Administrator.

Therefore, 40 CFR part 52 is corrected by making the following correcting amendment as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart II—North Carolina

§ 52.1770 [Amended]

2. Section 52.1770, is amended by redesignating paragraph (c)(67), added June 23, 1994, at 59 FR 32365, as paragraph (c)(69).

[FR Doc. 94-17554 Filed 7-20-94; 8:45 am] BILLING CODE 6560-50-P

40 CFR Part 52

[PA26-1-6221; FRL-5004-3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Oxygenated Gasoline Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires the implementation of an oxygenated gasoline program in the Philadelphia Consolidated Metropolitan Statistical Area (CMSA). This SIP revision was submitted to satisfy the Clean Air Act Amendments of 1990 (the Act) which requires all carbon monoxide nonattainment areas with a design value of 9.5 part per million (ppm) or greater based generally on 1988 and 1989 air quality monitoring data to implement an oxygenated gasoline program. The intended effect of this action is to approve the oxygenated gasoline program. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on August 22, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Mrs. Kelly L. Bunker, (215) 597-4554.

SUPPLEMENTARY INFORMATION: On November 29, 1993 (58 FR 62563), EPA published a Notice of Proposed Rulemaking (NPR) for the

Commonwealth of Pennsylvania. The NPR proposed approval of an oxygenated gasoline program. The formal SIP revision was submitted by the Commonwealth of Pennsylvania on November 12, 1992. The revision included revisions to 25 PA Code Chapter 121, General Provisions, section 121.1 Definitions, and the additions of section 126.1 Oxygenate Content of Gasoline to 25 PA Code Chapter 126, Standards for Motor Fuels. These regulatory revisions were adopted by the Commonwealth on June 16, 1992 and became effective on August 29, 1992. On February 16, 1993, an amendment to the November 12, 1992 SIP revision was officially submitted to EPA. The amendment corrected a typographical error in 25 PA Code Chapter 121, section 121.1 in the definition of "oxygenated gasoline". The corrected version of the definition was effective on October 24, 1992. A more detailed analysis of the state submittal was prepared as part of the NPR action and is contained in a Technical Support Document (TSD) dated June 15, 1993, which is available from the Region III office listed in the ADDRESSES section of this notice.

Public comments were received from one group on the NPR. The American Institute of Certified Public Accountants (AICPA) submitted comments on December 29, 1993 which related to the attest engagement¹ requirements. A copy of the AICPA's comments can be found in the Pennsylvania oxygenated gasoline program SIP docket file which is available from the Region III office listed in the ADDRESSES section of this notice.

The AICPA had four comments on the NPR which are summarized as follows:

(1) The Pennsylvania regulations require the attest engagement report to be submitted within 60 days following the end of the control period and AICPA suggested that the filing deadline be extended to 120 days to be consistent with EPA guidelines;

(2) Pennsylvania regulations require attest engagements for both averaging and per gallon information, AICPA believes this is inconsistent with EPA guidelines;

(3) AICPA believes that Pennsylvania's implementation guidelines requirement that Certified Public Accountants (CPA) meet the

¹ Attestation engagements are performed by a certified public accountant or firm of certified public accountants. Attestation engagements are a review of the regulated parties records to assure accuracy. It serves as a means of improving compliance with the oxygenated gasoline program by identifying problem areas to the regulated parties.