

hardened cubicle who have final control over the release of the entrance station turnstiles. A numbered badge identification system will continue to be used for all individuals who are authorized access to the protected areas. Badges will continue to be displayed by all individuals while inside the protected area.

The licensee will use hand geometry equipment that will meet the detection probability of 90 percent with a 95 percent confidence level. Testing evaluated by Sandia National Laboratory (Sandia report entitled, "A Performance Evaluation of Biometric Identification Devices," SAND91-0276 UC-906 Unlimited Release, printed June 1991), demonstrated that the proposed hand geometry system is capable of meeting the proposed detection probability and confidence level. Based on the results of the Sandia report and on the licensee's experience with photo-identification processes, the proposed system will have a false acceptance rate less than the current system.

For the foregoing reasons, pursuant to 10 CFR 73.55, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet the same high assurance objective and the general performance requirements of the regulation, and that the overall level of system performance provides protection against radiological sabotage equivalent to that which would be provided by the regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the Washington Public Power Supply System an exemption from the requirements of 10 CFR 73.55(d)(5) relating to the returning of picture badges, by individuals not employed by the licensee who are authorized unescorted access to the protected area, upon exit from the protected area, such that these personnel can take their badges offsite.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not result in any significant adverse environmental impact (60 FR 35965).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 17th day of July 1995.

For the Nuclear Regulatory Commission.
Jack W. Roe,
Director, Division of Reactor Projects III/IV,
Office of Nuclear Reactor Regulation.
 [FR Doc. 95-18195 Filed 7-24-95; 8:45 am]
BILLING CODE 7590-01-M

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.
ACTION: Advance notice of amendment and proposed addition of four new routine uses for an existing system of records; creation of a new system of records.

SUMMARY: The Postal Service proposes to amend USPS Privacy Act System of Records 120.210, Personnel Records—Vehicle Maintenance Personnel and Operators Records, and to add USPS Privacy Act System of Records 120.091, Personnel Records—Vehicle Operators Controlled Substance and Alcohol Testing Records, to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102-143). This law requires the Postal Service to implement procedures for random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing of employees required to have commercial driver's licenses, and to create, maintain, and disclose certain subject records in conjunction with the implementation of such testing procedures. The Postal Service is implementing these procedures through a combination of activities: in the field, where testing notifications and certain follow-up activities will occur; through a contractor, who will maintain the database for employee random testing selection; and through postal medical facilities, where most of the actual testing will be done and where records of test results and associated follow-up actions will be maintained.

This notice complies with subsection (e)(11) of the Privacy Act, which requires agencies to publish advance notice for public comment of any use of information in a new system of records or any new use of information in an existing system. Any interested party may submit written comments on the proposed new uses.

DATES: This proposal will become effective without further notice August 24, 1995, unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be mailed or delivered to the Records Office, U.S. Postal Service, Room 8831,

475 L'Enfant Plaza SW., Washington, DC 20260-5240. Copies of all written comments will be available for inspection and photocopying between 8:15 a.m. and 4:45 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Sheila Allen, Records Office, (202) 268-4869.

SUPPLEMENTARY INFORMATION: The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in the motor vehicle industry. The U.S. Department of Transportation (DOT) published rules mandating drug and alcohol misuse prevention programs for employers of 50 or more safety-sensitive employees, including random, reasonable suspicion, and post-accident testing. To comply with these rules, which required implementation beginning in January 1995, the Postal Service has developed a comprehensive drug and alcohol testing program that will be administered by the Vice President of Operations Support and the National Medical Director at Postal Service Headquarters.

For purposes of the DOT regulations, a safety-sensitive employee is defined as one who holds a state commercial driver's license (CDL) and who drives vehicles in excess of 26,000 pounds gross vehicle weight rating (GVWR). The DOT rules cover approximately 10,000 Postal Service employees who are required to operate commercial motor vehicles during the performance of their jobs. This number includes motor vehicle operators, tractor-trailer operators, vehicle mechanics, certain plant maintenance mechanics, and some city mail carriers.

Prior to the DOT mandate, the Postal Service already had in place Privacy Act System of Records USPS 120.210, Personnel Records—Vehicle Maintenance Personnel and Operators Records. This system covers the records of postal employees who operate USPS-owned or USPS-leased vehicles and contains various records associated with that function, including driver's physical condition; licensing information; driver training, testing, and performance; and route and vehicle assignments. The records in this system are maintained in the field where postal vehicles are operated. These records are used by postal management to schedule and monitor the utilization of those vehicles and the performance of the drivers.

Because most of the individuals covered by this system are the same as those to be covered by the new DOT

regulations, the Postal Service determined that it was appropriate to revise USPS 120.210 to incorporate the rules mandated by DOT. As a result, necessary changes are made to the sections covering the System Locations, Categories of Individuals Covered by the System, Categories of Records in the System, Authority for Maintenance of the System, and Purpose(s). New Routine Uses 2 through 5 are added; and the Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System are expanded to reflect the specified testing and the associated recordkeeping and reporting required by DOT, as well as the participation of the contractor in the random employee testing selection process. The title of System Manager is changed to Vice President of Operations Support, who issues policy and procedures to those field supervisors who are responsible for vehicle operator and maintenance assignments, as well as for the implementation of certain parts of the new drug and alcohol testing procedures.

Following, in Part I, is the complete text of USPS 120.210.

A new system of records, USPS 120.091, is also added to cover the collection and maintenance of controlled substance and alcohol testing records, test results, and related records under the program. These records will be kept at postal medical facilities and in the offices of certain contract medical officers. Part II contains the notice for the new system.

Part I

USPS 120.210

SYSTEM NAME:

Personnel Records—Vehicle Maintenance Personnel and Operators Records, 120.210.

SYSTEM LOCATIONS:

[CHANGE TO READ] "Postal Service vehicle maintenance facilities; processing and distribution centers; bulk mail centers; post offices; area offices; district offices; Headquarters; and program contractor's office."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ] "Current and former postal employees who operate or maintain postal vehicles, including those employees required to have commercial driver's licenses (CDLs) and who drive vehicles in excess of 26,000 pounds gross vehicle weight rating (GVWR)."

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ] "Records relating to individual employee operation of USPS-owned or USPS-leased vehicles, including employee name; social security number; age; length of service; physical condition; qualifications to drive; results of driving tests; vehicle and safety training; licensing information (including revocations and suspensions); driving habits; route and vehicle assignments; vehicle accidents; driving citations and safety awards; notifications of substance and alcohol tests, with related checklists and correspondence; employee workload; work schedule; performance analysis; and work habits."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[CHANGE TO READ] "39 U.S.C. 401; Pub. L. 102-143; and 49 CFR 40 and 382, 391, 392, 395."

PURPOSE(S):

[CHANGE TO READ]

"a. To provide local post office managers, supervisors, and transportation managers with information to assign routes and vehicles and to adjust workload, schedules, and type of equipment operated.

b. To serve as a basis for corrective action and presentation of safe driving awards.

c. To comply with the testing and documentation requirements of the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102-143) implementing a controlled substance and alcohol testing program for employees required to have commercial driver's licenses (CDLs)."

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.

[CHANGE TO READ] "Other routine uses are as follows:

1. Information in these records provides GSA and Postal Service driver credentials."

[ADD]

"2. Information in these records may be provided to the contractor responsible for maintaining the database of employees to be selected randomly for controlled substance and alcohol testing.

3. Information in these records may be provided to the Federal Highway Administration (FHWA), when requested by the Secretary of

Transportation; to any U.S. Department of Transportation agency; or to any state or local official with regulatory authority over the Postal Service or its employees (as authorized by DOT agency regulations).

4. Information in these records may be provided to the National Transportation Safety Board in conjunction with an accident investigation.

5. Information in these records may be provided to the employee or to the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from the results of a controlled substance and/or alcohol test administered under the regulations issued by DOT, or from a determination that the employee engaged in conduct prohibited by Pub. L. 102-143."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

[CHANGE TO READ] "Preprinted forms and paper files (including hard-copy computer printouts) and computer files."

RETRIEVABILITY:

[CHANGE TO READ] "Employee name; social security number; facility name; vehicle number; route number; and work order number."

SAFEGUARDS:

[CHANGE TO READ] "Kept in locked file cabinets in secured Postal Service and contractor facilities. Access to computer data is restricted to authorized contractor personnel."

RETENTION AND DISPOSAL:

[CHANGE TO READ]

"a. Destroy the records related to the employee's random selection for controlled substance and alcohol testing when the records are 1 year old.

b. Destroy the checklists, correspondence, and any other documentation related to the employee's testing for controlled substances and alcohol when the records are 5 years old.

c. Destroy records maintained in the database of employees subject to Pub. L. 102-143 when the employee separates from the Postal Service or is no longer authorized to operate a Postal Service vehicle.

d. Destroy the remaining records related to the employee's operation or maintenance of Postal Service vehicles 4 years from the date of separation, transfer (unless requested by new installation or agency), expiration of license, rescission of authorization, or

transfer of the employee into a nondriving status.”

SYSTEM MANAGER(S) AND ADDRESS:

[CHANGE TO READ] “VICE PRESIDENT, OPERATIONS SUPPORT, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260-2402”.

NOTIFICATION PROCEDURES:

[CHANGE TO READ] “An employee wanting to know whether information about him or her is maintained in this system of records must address inquiries to the head of the facility where the employee is employed. Inquiries must contain the employee's full name, social security number, route number, work station, and facility where employed.”

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the notification procedures above and the Postal Service Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification Procedures and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

[CHANGE TO READ] “Postal Service employees, supervisors, and medical staff; state motor vehicle departments; and designated contractor(s).”

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 under 5 U.S.C. 552a(d)(5). In addition, the Postal Service has claimed exemption 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 exempted records are incorporated into this system, the exemptions applicable to the original primary system must continue to apply to the incorporated records.

Part II

[ADD]

USPS 120.091

SYSTEM NAME:

Personnel Records—Vehicle Operators Controlled Substance and Alcohol Testing Records, 120.091.

SYSTEM LOCATIONS:

Postal Service medical facilities, designee medical offices, and program contractor's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees who are or were required to have a commercial driver's license (CDL) and subject to the controlled substance and alcohol testing requirements of the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102-143) as mandated by the U.S. Department of Transportation (DOT).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee or applicant name; social security number; work address and telephone number; controlled substance and alcohol testing records and results, including date, time, and reason for each test; test results from former employers; medical personnel assessments of employees' test results, recommendations for action, and related documentation; employee or applicant statements concerning controlled substance and alcohol test results; and documentation of substance abuse professionals' (SAPs) determinations of employees' need for assistance and employees' compliance with SAPs' recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401; Pub. L. 102-143; and 49 CFR 40 and 382, 391, 392, 395.

PURPOSE(S):

a. To comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. 102-143) to implement a controlled substance and alcohol testing program for employees in safety-sensitive positions.

b. To provide for the uniform collection and compilation of controlled substance and alcohol test results for reporting, analysis, evaluation, and 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, 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 Federal Highway Administration (FHWA), when requested by the Secretary of Transportation; to any U.S. Department of Transportation agency; or to any state or local official with regulatory authority over the Postal Service or its

employees (as authorized by DOT agency regulations).

2. Information in these records may be provided to the National Transportation Safety Board in conjunction with an accident investigation.

3. Information in these records may be provided to a subsequent employer upon receipt of a written request from the employee, or as directed by the specific written consent of the employee to an identified individual.

4. Information in these records may be provided to the employee or to the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from the results of a controlled substance and/or alcohol test administered under the regulations issued by DOT, or from a determination that the employee engaged in conduct prohibited by Pub. L. 102-143.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms and paper files (including hard-copy computer printouts) and computer files.

RETRIEVABILITY:

Employee or applicant name; social security number; and chain of custody form numbers.

SAFEGUARDS:

Kept in locked file cabinets in secured Postal Service medical units and those of its designees.

RETENTION AND DISPOSAL:

a. Destroy the records related to alcohol test results indicating a breath alcohol concentration of 0.02 or greater, verified positive controlled substance test results, refusals, medical review officer's evaluations, employee statements, and substance abuse professionals' evaluations and referrals when the records are 5 years old.

b. Destroy the records related to alcohol test results indicating a breath alcohol concentration of less than 0.02 and negative and canceled controlled substance test results when the records are 1 year old.

SYSTEM MANAGER(S) AND ADDRESS:

VICE PRESIDENT, HUMAN RESOURCES, UNITED STATES POSTAL SERVICE, 475 L'ENFANT PLAZA SW, WASHINGTON DC 20260-4200.

NOTIFICATION PROCEDURES:

An employee wanting to know whether information about him or her is maintained in this system of records

must address inquiries to the head of the facility where the employee is employed. Inquiries must contain the employee's or applicant's full name, social security number, and facility where employed (or tested).

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the notification procedures above and the Postal Service Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.6.

CONTESTING RECORD PROCEDURES:

See Notification Procedures and Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Postal Service employees, Postal Service medical staff, Postal Service designee testing facilities, substance abuse professionals, and designated contractors."

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-18159 Filed 7-24-95; 8:45 am]

BILLING CODE 7710-12-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35987; File No. SR-BSE-95-12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Boston Stock Exchange, Inc. Relating to Specialist Concentration

July 18, 1995.

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 June 19, 1995, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") 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 Exchange seeks to obtain permanent approval of its Specialist Concentration Policy.¹ This will permit

¹ On February 7, 1990, the Commission approved, on a six-month pilot basis ending August 7, 1990, a proposed rule change by the BSE to establish procedures for reviewing proposed combinations among specialist units on the Exchange. See Securities Exchange Act Release No. 27684

the Exchange's Executive Committee to review proposed combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

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 test 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

1. Purpose

The purpose of the proposed rule change is to seek permanent approval of the concentration policy, which establishes certain standards based on Consolidated Tape Association ("CTA") ranking² of specialist stocks for reviewing certain proposed mergers, acquisitions and other combinations between or among specialist units. The proposed policy would authorize the Executive Committee of the Board of Governors to review proposed combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

(February 7, 1990), 55 FR 5527 (approving File No. SR-BSE-89-05). The Commission later approved the renewal of the pilot program for additional one-year periods ending August 1, 1991, August 13, 1992, August 13, 1993, and August 13, 1994. See Securities Exchange Act Release Nos. 28327 (August 10, 1990), 55 FR 33794 (File No. SR-BSE-90-11); 29551 (August 13, 1991), 56 FR 41380 (File No. SR-BSE-91-06); 31037 (August 13, 1992), 57 FR 37854 (File No. SR-BSE-92-08); and 32753 (August 16, 1993), 58 FR 44707 (File No. SR-BSE-93-15).

² The CTA disseminates last sale transaction information for trades executed on any of the participant exchanges or the Nasdaq Stock Market. The current CTA participants include the New York Stock Exchange ("NYSE"), American Stock Exchange ("Amex"), Chicago Stock Exchange ("CHX"), Philadelphia Stock Exchange ("Phlx"), Pacific Stock Exchange ("PSE"), BSE, Chicago Board Options Exchange ("CBOE"), Cincinnati Stock Exchange ("CSE"), and the National Association of Securities Dealers ("NASD"). Each specialist stock is ranked according to the number of CTA trades in such stock. The ranking is based upon the average volume of trades and shares reported to CTA over the past four quarters. Conversation between Karen Aluise, BSE, and Amy Bilbija, SEC, on July 12, 1995.

The Executive Committee will review any arrangement where previously separate specialist organizations would be operating under common control and would comprise:

- (a) 15% or more of the 100 most actively traded CTA stocks; or,
- (b) 15% or more of the second 100 most actively traded CTA stocks; or,
- (c) 20% or more of the third 100 most actively traded CTA stocks; or
- (d) 15% or more of all the CTA stocks eligible for trading on the BSE where the Free List contains fewer than 100 issues.³

The Executive Committee shall approve or disapprove the proposed combination based on its assessment of the following considerations:

(a) Specialist performance and market quality in the stocks subject to the proposed combination;

(b) The effects of the proposed combination in terms of the following criteria:

- (i) Strengthening the capital base of the resulting specialist organization;
- (ii) Minimizing both the potential for financial failure and the negative consequences of any such failure on the specialist system as a whole; and
- (iii) Maintaining or increasing operational efficiencies;

(c) Commitment to the Exchange market, focusing on whether the constituent specialist organizations engage in business activities that might detract from the resulting specialist organization's willingness or ability to act to strengthen the Exchange agency/auction market and its competitiveness in relation to other markets; and

(d) The effect of the proposed combination on overall concentration of specialist organizations.

With respect to the criteria relating to the "commitment to the Exchange market," the Executive Committee would look to a variety of factors that extend beyond compliance with the Exchange's requirements for providing sufficient capital, talent and order handling services. For example, the Committee would review and assess each constituent unit's past performance on the Exchange relating to such matters as:

- Acceptance and cooperation in the development, implementation and enhancement to the Boston Exchange Automated Communications and Order-routing Network ("BEACON");
- Efforts at resolving problems concerning customer orders;

³ The Free List is made up of securities that are not registered to certain specialists and can be traded by any specialist.