

January 1, unless extended or terminated sooner by the Captain of the Port New York. The safety zone prevents all vessels from transiting this area of the East River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation provides notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

#### Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone closes a portion of the East River to vessel traffic annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting this area of the East River, the effect of this regulation is not significant for several reasons: the duration of the event is limited; the event is at a late hour; pleasure craft and some commercial vessels can take an alternate route via the Hudson and Harlem Rivers; the event has been held annually for the past several years without incident or complaint; and the extensive, advance advisories which will be made. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify

as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

#### Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

#### Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

#### **PART 165—[AMENDED]**

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.174, is added to read as follows: *§ 165.174 Safety Zone; Annual South Street Seaport New Year's Eve Fireworks Display, East River, New York.*

(a) *Location.* All waters of the East River south of the Brooklyn Bridge and

north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn, New York.

(b) *Effective period.* This section is in effect annually from 11:30 p.m. on December 31, until 12:45 a.m. on January 1, unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: November 2, 1995.

J. Rutkovsky,

*Commander, U.S. Coast Guard, Captain of the Port New York, Acting.*

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#### POSTAL SERVICE

**39 CFR Parts 224, 261, 262, 263, 264, 265, 266, 267 and 268**

#### Release of Information and Records Management

**AGENCY:** Postal Service.

**ACTION:** Final rule.

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**SUMMARY:** This rule revises organizational names and titles contained in Postal Service regulations relating to the policies for the release of information and records management. These names and titles changed as a result of agency restructuring. The revisions reflect to whom the public should address issues relating to the release of information and records management. This action will bring organizational mentions in agency regulations up to date with the current structure of the Postal Service.

**EFFECTIVE DATE:** December 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Betty Sheriff, Records, (202) 268-2608.

**SUPPLEMENTARY INFORMATION:** As a result of an agency restructuring, Postal Service regulations governing the release of information and records management contain outdated organizational names and titles. This

rule will revise those names and titles to show the current organization and official responsible for release of information and records management functions.

#### List of Subjects

##### 39 CFR Part 224

Organizations Reporting Directly to the Postmaster General.

##### 39 CFR Part 261

Records and information management.

##### 39 CFR Part 262

Records and information management definitions.

##### 39 CFR Part 263

Records retention and disposition.

##### 39 CFR Part 264

Vital records.

##### 39 CFR Part 265

Release of information.

##### 39 CFR Part 266

Privacy of information.

##### 39 CFR Part 267

Protection of information.

##### 39 CFR Part 268

Privacy of information—employee rules of conduct.

For the reasons set out in this notice, 39 CFR parts 224 and 261 through 268 are amended as set forth below.

#### **PART 224—ORGANIZATIONS REPORTING DIRECTLY TO THE POSTMASTER GENERAL**

1. The authority citation for part 224 continues to read as follows:

Authority: 39 U.S.C. 203, 204, 401(2), 403, 404, 409, 1001, Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended), 5 U.S.C. App. 3.

##### **§ 224.1 [Amended]**

2. Sections 224.1(a) and 224.1(f) are amended by removing the words “Records Officer” and adding, in their place, the words “Records Office”.

##### **§ 224.2 [Reserved]**

3. Section 224.2 is added and reserved.

#### **PART 261—RECORDS AND INFORMATION MANAGEMENT**

4. The authority citation for part 261 continues to read as follows:

Authority: 39 U.S.C. 401.

##### **§ 261.2 [Amended]**

5. Section 261.2(b) is amended by removing the words “39 CFR 224.3(b) assigns to the Postal Service Records Officer, located under the Senior Assistant Postmaster General, Finance Group,” and adding, in their place, the words “39 CFR 224.1(f) assigns to the Postal Service Records Office, located under Finance”.

6. Section 261.4(a) is revised to read as follows:

##### **§ 261.4 Responsibility.**

(a) The Manager, Payroll Accounting and Records, administers the Postal Service records and information management program through a Headquarters organizational component and records office coordinators in the finance function of area and district offices.

\* \* \* \* \*

#### **PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS**

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

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

##### **§ 262.2 [Amended]**

8. Section 262.2(b) is amended by removing the words “Records Officer” and adding, in their place, the words “Manager, Payroll Accounting and Records”.

9. Section 262.2(c) is amended by removing the words “an Assistant Postmaster General” and adding, in their place, the words “a Vice President”.

##### **§§ 262.4 and 262.5 [Amended]**

10. Sections 262.4(a), 262.4(b), and 262.5(d)(2) are amended by removing the words “Records Officer” and adding, in their place, the words “Records Office”.

#### **PART 263—RECORDS RETENTION AND DISPOSITION**

11. The authority citation for part 263 continues to read as follows:

Authority: 39 U.S.C. 401.

##### **§ 263.3 [Amended]**

12. Section 263.3(a) is amended by removing the words “Records Officer” and adding, in their place, the words “Records Office”; and by removing the word “he” and adding, in its place, the words “that office”.

##### **§ 263.5 [Amended]**

13. Section 263.5 is amended by removing the words “Records Officer”

and adding, in their place, the words “Records Office”.

14. Section 263.6 is added to read as follows:

##### **§ 263.6 Inquiries.**

Inquiries regarding records retention and disposal should be directed to the Manager, Payroll Accounting and Records, U.S. Postal Service, 475 L’Enfant Plaza SW, Washington, DC 20260-5243, or, by telephone, to the Records Specialist, telephone number (202) 268-4869.

#### **PART 264—VITAL RECORDS**

15. The authority citation for part 264 continues to read as follows:

Authority: 39 U.S.C. 401.

16. Section 264.3(a) and (b) is revised to read as follows:

##### **§ 264.3 Responsibility.**

(a) *Manager, Payroll Accounting and Records.* The Manager, Payroll Accounting and Records, is responsible for categorizing records as vital and shall establish and maintain the vital records program, insofar as rights and interests records are concerned, and ensure compliance with supportive procedures.

(b) *Chief Postal Inspector.* As the Postal Service’s Emergency Coordinator, the Chief Postal Inspector (with the assistance of Headquarters and Regional Emergency Coordinating Committees and the advice of the Records Office) shall establish and maintain a program to ensure that emergency operating records are available at predesignated off-site locations for use during a national emergency.

\* \* \* \* \*

##### **§ 264.4 [Amended]**

17. Section 264.4 is amended by removing the words “Records Officer” and adding, in their place, the words “Records Office”.

#### **PART 265—RELEASE OF INFORMATION**

18. The authority citation for part 265 continues to read as follows:

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

19. Section 265.3(b) is revised to read as follows:

##### **§ 265.3 Responsibility.**

\* \* \* \* \*

(b) *Freedom of Information/Privacy Acts Officer.* The USPS Freedom of Information/Privacy Acts Officer, under the Manager, Payroll Accounting and Records, is responsible for the overall

administration of this part, including the issuance of detailed instructions to custodians.

\* \* \* \*

20. Section 265.4 is revised to read as follows:

**§ 265.4 Inquiries.**

Inquiries regarding the availability of Postal Service records should be directed to the appropriate records custodian. If the appropriate records custodian is not known, inquiries should be directed to the USPS Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-5243, telephone number (202) 268-2608.

**§ 265.6 [Amended]**

21. Section 265.6(a)(2) is amended by removing the words "Law Department" and adding, in their place, the words "General Counsel".

**§§ 265.6, 265.9, 265.9, and 265.10 [Amended]**

22. In the following places, remove the words "Records Officer" and add, in their place, the words "Records Office":  
 (a) Section 265.6(b) introductory text;  
 (b) Section 265.9(b)(2)(ii);  
 (c) Section 265.9(g)(4); and  
 (d) Section 265.10.

**§§ 265.6, 265.7, and 265.7 [Amended]**

23. In the following places, remove the words "Regional Counsel" and add, in their place, the words "Chief Field Counsel":

- (a) Section 265.6(d)(3)(i);
- (b) Section 265.7(b)(1); and
- (c) Section 265.7(b)(4).

**§ 265.7 [Amended]**

24. Section 265.7(a)(2) is amended as follows:

(a) By removing the words "USPS Records Officer, U.S. Postal Service, Washington, DC 20260-5010, telephone (202) 268-2924" and adding, in their place, the words "USPS Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-5243, telephone (202) 268-2608";

(b) By removing the words "e.g., sectional center manager, district manager, Regional Postmaster General" and adding, in their place, the words "e.g., district manager, area vice president"; and

(c) By removing the words "Records Officer is deemed" and adding, in their place, the words "Records Office is deemed".

**§ 265.11 [Amended]**

25. Section 265.11(a)(4)(ii) is amended by removing the words

"Regional Postmasters General, Postal Data Center Directors, or regional counsels" and adding, in their place, the words "Area, Information Systems Service Center, or Chief Field Counsel".

**§ 265.12 [Amended]**

26. Section 265.12(b)(7) is amended by removing the words "Records Officer, United States Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5240" and adding, in their place, the words "Records Office, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-5243, telephone (202) 268-2608".

**PART 266—PRIVACY OF INFORMATION**

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

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

28. Section 266.3 (a) and (c) are revised to read as follows:

**§ 266.3 Responsibility.**

(a) *Freedom of Information/Privacy Acts Officer.* The USPS Freedom of Information/Privacy Acts Officer, under the Manager, Payroll Accounting and Records, will ensure Postal Service-wide compliance with this policy.

\* \* \* \*

(c) *Information System Executive.*

These managers are responsible for reporting to the Records Office the existence or proposed development of Privacy Act systems of records. They also must report any change that would alter the systems description as published in the Federal Register. They establish the relevancy of the information within those systems.

\* \* \* \*

**§ 266.5 [Amended]**

29. Section 266.5(d) is amended by removing the words "Records Officer" and adding, in their place, the words "Records Office".

**§ 266.6 [Amended]**

30. Section 266.6(a)(1) is amended by removing the words "Records Officer, U.S. Postal Service, Washington, DC 20260-5010" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-5243, telephone (202) 268-2608".

31. Section 266.6(d) is amended by removing the words "USPS Records Officer" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer".

**§ 266.7 [Amended]**

32. Section 266.7 is amended by removing, in paragraph (a)(4), the words "Records Officer" and adding, in their place, the words "Records Office"; and by removing paragraph (c).

**§§ 266.10, 266.10, 266.10, 266.10 and 266.10 [Amended]**

33. In the following places, remove the words "Records Officer" and add, in their place, the words "Freedom of Information/Privacy Acts Officer":

- (a) Section 266.10(a);
- (b) Section 266.10(b);
- (c) Section 266.10(c);
- (d) Section 266.10(d) introductory text; and
- (e) Section 266.10(d)(2).

**§ 266.10(c) [Amended]**

34. In § 266.10, the undesignated paragraph following paragraph (b) is amended by removing the words "USPS Records Officer, U.S. Postal Service, 475 L'Enfant Plaza SW., Rm 8831, Washington, DC 20260-5240" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-5243".

**PART 267—PROTECTION OF INFORMATION**

35. The authority citation for part 267 continues to read as follows:

Authority: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

36. Section 267.3(a) is revised to read as follows:

**§ 267.3 Responsibility.**

(a) *Chief Postal Inspector and Freedom of Information/Privacy Acts Officer.* The Chief Postal Inspector and the Freedom of Information/Privacy Acts Officer will ensure within their respective areas of jurisdiction:

- (1) Postal Service-wide compliance with this policy and related standards and procedures; and
- (2) Implementation of remedial action when violations or attempted violations of these standards and procedures occur.

\* \* \* \*

37. Section 267.5 is amended by revising paragraphs (c)(1) introductory text, (c)(1)(i) and (ii) and (c)(1)(vi) to read as follows:

**§ 267.5 National Security Information.**

\* \* \* \*

(c) *Responsibility and authority.* (1) The Manager, Payroll Accounting and Records, serves as the USPS National Security Information Oversight Officer. This officer shall:

(i) Conduct an active oversight program to ensure that the appropriate provisions of these regulations are complied with;

(ii) Chair a committee composed of the Manager, Payroll Accounting and Records; the Chief Postal Inspector (USPS Security Officer); the General Counsel; the Executive Assistant to the Postmaster General; and the Director, Operating Policies Office; or their designees, with authority to act on all suggestions and complaints concerning compliance by the Postal Service with the regulations in this part;

\* \* \* \* \*

(vi) Establish, staff, and direct activities for controlling documents containing national security information at USPS Headquarters and to provide functional direction to the field.

\* \* \* \* \*

**§§ 267.5 and 267.5 [Amended]**

38. In the following places, remove the words "USPS Records Officer" and add, in their place, the words "Manager, Payroll Accounting and Records":

- (a) Section 267.5(c)(2)(i); and
- (b) Section 267.5(c)(3)(v).

**§ 267.5 [Amended]**

39. Section 267.5(e)(3)(i) is amended by removing the words "USPS Records Officer, U.S. Postal Service, Washington, DC 20260-5010" and adding, in their place, the words "Manager, Payroll Accounting and Records, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-5243".

**PART 268—PRIVACY OF INFORMATION—EMPLOYEE RULES OF CONDUCT**

40. The authority citation for part 268 is revised to read as follows:

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

**§ 268.1 [Amended]**

41. Section 268.1(b) is amended by removing the words "Records Officer" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer".

Stanley F. Mires,  
Chief Counsel, Legislative.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 70**

[AL-95-01; FRL-5332-4]

**Clean Air Act Final Interim Approval of Operating Permits Program; Alabama Department of Environmental Management, Jefferson County Department of Health, and the City of Huntsville Department of Natural Resources and Environmental Management**

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

**ACTION:** Final interim approval.

**SUMMARY:** The EPA is promulgating source category-limited interim approval of the Operating Permits Programs submitted by the State of Alabama Department of Environmental Management (ADEM) and the Jefferson County Department of Health (JCDH). The EPA is also promulgating interim approval of the Operating Permits Program submitted by the City of Huntsville Department of Natural Resources and Environmental Management (City of Huntsville). These approvals are for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

**EFFECTIVE DATE:** December 15, 1995.

Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location:

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

**FOR FURTHER INFORMATION CONTACT:** Joel Huey, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE, Atlanta, Georgia 30365, (404) 347-3555, Ext. 4170.

**SUPPLEMENTARY INFORMATION:**

**I. Background and Purpose**

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program

within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On September 13, 1995, EPA proposed source category-limited interim approval of the operating permits programs submitted by ADEM and JCDH, and interim approval of the program submitted by the City of Huntsville. See 60 FR 47522. The EPA received public comments from four organizations on the proposal and responds to those comments in the discussion below. The EPA has also compiled a Technical Support Document (TSD) which describes the operating permits program in greater detail. In this document EPA is taking final action to promulgate source category-limited interim approval of the operating permits programs submitted by ADEM and JCDH, and interim approval of the program submitted by the City of Huntsville.

**II. Final Action and Implications**

**A. Analysis of State Submission**

The EPA is promulgating source category-limited (SCL) interim approval of the operating permits program submitted by ADEM on December 15, 1993, as supplemented on March 3, 1994; March 18, 1994; June 5, 1995; July 14, 1995; and August 28, 1995. The EPA is promulgating SCL interim approval of the operating permits program submitted by JCDH on December 14, 1993, as supplemented on July 14, 1995. The EPA is promulgating interim approval of the operating permits program submitted by the City of Huntsville on November 15, 1993, as supplemented on July 20, 1995. The State and local programs substantially, but not fully, meet the requirements of part 70 and meet the interim approval requirements under 40 CFR 70.4.

**B. Response to Comments**

In this document, EPA discusses in detail all comments received concerning the proposal notice. The EPA responds to each comment and provides clarification where requested. Significant changes to EPA's opinions stated in the proposal notice include the