146.30(d) and 33 CFR 150.711(a)(1)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2115.0003.

List of Subjects

33 CFR Part 146

Coast Guard, Continental shelf, Marine safety, and Reporting and recordkeeping requirements.

33 CFR Part 150

Coast Guard, Deepwater ports, Oil imports, Environmental protection, Water pollution control and Reporting and recordkeeping requirements.

In consideration of the foregoing, Parts 146 and 150 of Title 33, Code of Federal Regulations, are amended as follows:

PART 146—OUTER CONTINENTAL SHELF ACTIVITIES

1. The authority citation for Part 146 reads as follows:

Authority: Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended; sec. 22 of sec. 208. Pub. L. 95–372, 92 Stat. 656 (43 U.S.C. 1348); 49 CFR 1.46(z).

2. In § 146.30 paragraph (d) is revised to read as follows:

146.30 Notice of casualties.

* * * *

(d) Damage costs referred to in paragraphs (b)(3) and (b)(4) of this section include the cost of labor and material to restore the facility to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage of the facility.

PART 150—DEEPWATER PORTS

3. The authority citation for Part 150 reads as follows:

Authority: Secs. 10(a), 10(b), Pub. L. 93–627, 88 Stat. 2137–18 (33 U.S.C. 1509 (a) and (b)); 49 CFR 1.46(s).

4. In § 150.711 paragraph (a)(1) is revised to read as follows:

150.711 Casualty or accident.

(a) * * *

(1) Any component of a deepwater port which is hit by a vessel and total damage to all property is in excess of $25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

* * * *

Dated: April 8, 1985.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 85–8718 Filed 4–10–85; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Merchandise Return Service; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 85–4270, in the issue of Monday, March 11, 1985, the Postal Service published a final rule on Merchandise Return Service. The rule contained, at two places, erroneous instructions on the proper location for class of mail endorsements to be printed or rubber stamped on the merchandise return label by permit holders. This final rule corrects those instructions.

EFFECTIVE DATE: June 30, 1985.

FOR FURTHER INFORMATION CONTACT: F.E. Gardner, (202) 245–5756.

SUPPLEMENTARY INFORMATION: In the final rule published on March 11, 1985, newly revised DMM 919.442 and 919.443 provided, among other things, that the class of mail endorsements must be printed or rubber stamped "to the left of the merchandise return legend and above the address. . . ." This is incorrect. The endorsements must be printed or rubber stamped in the open space to the *right* and above the *Merchandise Return Label* legend. This is consistent with Exhibit 919.4, published on page 9627 as a part of the rule. For additional clarity, we are adding a "see" reference to this Exhibit.

For the above reasons, the Postal Service hereby makes the following corrections to FR Doc. 85–4270 beginning on page 9622 in the issue of Monday, March 11, 1985:

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

On page 9624, first column, paragraphs .442 and .443 are corrected to read as follows:

.442 Parcels will be returned as First-Class Mail if the permit holder endorses the label "First-Class." The endorsements must be in letters at least ¼ of an inch high and must be printed or rubber stamped in the open space to the right and above the *Merchandise Return Label* legend. See Exhibit 919.4.

Note.—First-Class Mail cannot be insured unless the contents contain third- and fourth-class matter and are so labeled.

.443 Parcels qualifying for special rate fourth-class or library rate will be returned at those rates provided the appropriate identifying endorsement prescribed in 725.1, 764.11 or 767.1 is preprinted or rubber stamped in letters at least ¼ of an inch high in the open space to the right and above the *Merchandise Return Label* legend. See Exhibit 919.4.

(39 U.S.C. 401, 404(a)(1))

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 85–8701 Filed 4–10–85; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, and 266

[SWH-FRL-2815-6]

Hazardous Waste Management System; Definition of Solid Waste; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Technical Corrections to the Definition of Solid Waste Final Rulemaking.

SUMMARY: On January 4, 1985, EPA promulgated a final rule which dealt with the question of which materials being recycled (or held for recycling) are solid and hazardous wastes. This rule also provided general and specific standards for various types of hazardous waste recycling activities. In reviewing this rulemaking and as a result of questions and comments received, the Agency has identified a number of typographical and technical errors requiring correction. This notice makes these changes and modifies the previous publication accordingly.

EFFECTIVE DATE: These corrections become effective on April 11, 1985.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free, at (800) 424–9346 or at (202) 382–3000. For technical information contact Matthew A. Straus, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 475–8551.

SUPPLEMENTARY INFORMATION: On January 4, 1985, EPA amended its existing definition of solid waste. See 50 FR 614. This rulemaking defined which materials are solid wastes when

disposed of, burned, incinerated, or recycled. The major part of the regulation addressed the question of which secondary materials being recycled (or held for recycling) are solid wastes and, if hazardous, hazardous wastes. The Agency also published regulatory standards for various types of hazardous waste recycling activities.

The Agency has received a number of questions and comments on various aspects of this final rule. In considering these questions and in reviewing the final rule, the Agency has identified a number of typographical errors and technical errors requiring correction. These corrections and changes are described below:

A. Compliance Dates for Precious Metal Reclamation

The preamble specifically spells out the compliance dates for all persons who generate, transport, treat, store, or dispose of wastes which are covered by the final rule (see 50 *FR* 614). In that discussion, EPA indicated that for persons reclaiming precious metals from recycled materials (*i.e.*, hazardous waste), the rule would become effective immediately since these are ". . . rules for which the regulated community does not need time to come into compliance."[1] This is true, for the most part, because precious metal reclamation is exempt from most of the regulatory requirements. The new rules do impose certain regulatory requirements on certain persons (*i.e.*, those who were not previously subject to regulation) for the first time, however—namely, manifest requirements (§ 266.70(b)(2)), notification requirements for those persons who have not previously notified (§ 266.70(b)(1)), and certain recordkeeping requirements (§ 266.70(c)). The Agency intended that the rules become effective immediately only for those persons who are subject to less regulation, however, since these are the only persons who need no time to come into compliance. EPA, therefore, is clarifying this part of the preamble to indicate that §§ 266.70 (b) and (c) will not become effective for those persons who are subject to increased regulation with respect to precious metal reclamation until July 5, 1985 (assuming Federal operation of the hazardous waste program), or in authorized States, when the States amend their rules to incorporate and make effective this part of the Federal program.

B. Notification and Part A Requirements

1. Submission of Section 3010 Notification

The January 4th regulation stated that any person who generates, transports, treats, stores, or disposes of hazardous wastes that are covered by the new regulation must notify EPA or a State authorized by EPA to operate the hazardous waste program by April 4, 1985, unless these persons have previously notified EPA or an authorized State. See 50 *FR* 614. A number of questions have been raised regarding who must notify and by when. We repeat the instructions here to clarify any misunderstanding. In particular:

- Any person who has previously notified EPA or an authorized State either as a generator or a treater, storer, or disposer *does not* need to do so again except as described below. In addition, certain recycled materials are exempt from any regulation under these rules, and persons are not required to notify with respect to these exempt recycled materials.
- Any person who has previously notified EPA or an authorized State of their activities but has withdrawn their application must re-notify the Agency or an authorized State of their activities.
- Persons who have not notified (and were never required to notify) must submit a notification to EPA or a State with an authorized permit program. This is true even for those generators, transporters, treaters, storers, or disposers who are located in a State that has an authorized permit program since Section 3010 of RCRA is independent of the Section 3006 State authorization section. Thus, even though a person may not have to comply with any of the substantive requirements of this rule on July 5 (*i.e.*, the January 4th rules do not become effective in authorized States until that State amends its rules to adopt the new requirements) they still must notify EPA or a State with an authorized permit program that they either generate, transport, treat, store, or dispose of a recyclable material. (The rules on obtaining authorization for newly promulgated regulations are set out in 40 CFR 271.21. See 49 *FR* 21678, May 22, 1984.)

2. Submission of Part A Permit Applications

The January 4th regulation also indicated that all persons had to: (1) Notify EPA or an authorized State by April 4, 1985 and (2) submit a new or an amended Part A permit application to EPA or an authorized State by July 5, 1985, in order to be eligible, or to remain eligible for interim status. These instructions misstate the requirements in two respects. First, as described in Section B.1., any person who has previously notified EPA or an authorized State does not need to do so again, except where the previous notification has been withdrawn. We, therefore, are clarifying the notification procedures to indicate that facilities that wish to be eligible or to remain eligible for interim status need only file a notification if they have not previously notified EPA or an authorized State that they generate, transport, treat, store, or dispose of hazardous wastes and have not received an identification number.

The second correction deals with the submission of the Part A permit application. In particular, persons should *not* submit their Part A permit application to a State that has an authorized permit program (either final or interim authorization) until that State amends its regulations to adopt the January 4th rules and EPA authorizes the amended State program. Once this process is completed, the new or amended permit applications are to be submitted to the State pursuant to the State requirements. Those facilities which are located in States which do not have permit programs authorized by EPA must submit their new or amended Part A permit application to EPA by July 5, 1985.

C. Correction to Table 11

Table 11 to the preamble of the final rules displays a decision tree which identifies the various regulatory requirements for the different recycling activities and materials. See 50 *FR* 645. The second box in the left hand column of this table refers to § 261.6(a)(4). This is a misprint, and should refer to § 261.6(a)(3).

D. Correction to § 260.30(a)

In paragraph (a) to § 260.30, the Agency incorrectly referenced the section which defines "accumulated speculatively" as § 261.1(c)(8)(B). See 50 *FR* 661. The section reference should read § 261.1(c)(8); this typographical error is corrected by this notice.

E. Definition of Hazardous Waste

The final rule amended § 261.3(c)(2) to indicate generally that commercial products reclaimed from a hazardous waste are products, not wastes, and so are not subject to the RCRA Subtitle C provisions. When republishing amended § 261.3, however, EPA inadvertently

[1] The Hazardous and Solid Waste Amendments of 1984 (HSWA) amended Section 3010 of the Resource Conservation and Recovery Act (RCRA) to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance.

omitted from the rule a recent amendment to § 261.3(c)(2) indicating that lime neutralized waste pickle liquor sludge from iron and steel operations is not automatically a hazardous waste, even though it is derived from treating a hazardous waste. See 49 *FR* 23284, June 5, 1984. We, therefore, are correcting this technical error in this notice by reprinting § 261.3(c)(2) to reflect the June 5, 1984 amendment.

F. Regulation of Hazardous Waste-Derived Fuels Produced by Petroleum Refineries and Iron and Steel Industry Mills

Many refineries take oil-bearing, listed hazardous wastes from the petroleum refining process and re-introduce them into the refining process. Resulting fuels are defined as hazardous waste fuels both by the January 4 regulations and by RCRA amended section 3004(r). As we discussed in the preamble to the burning and blending rules proposed on January 11, 1985 (50 *FR* at 1684), EPA is currently evaluating whether such recycling of metal-bearing petroleum refining wastes significantly affects the concentration of metals in refinery fuel products. Until these evaluations are completed, we have indicated that it is inappropriate to subject these fuels to regulation. *Id.* at 1689–690.

However, as we discussed in the preamble to the January 4 rules, the transport and storage requirements apply to all hazardous waste fuels containing listed wastes and sludges, except for those produced by a person other than the generator of the waste (see 50 *FR* 632). Consequently, if a generator (*e.g.*, a refiner) of a listed hazardous waste or sludge blends or processes these wastes and sends them to a burner or fuel processor or distributor, the processed fuel is subject to regulation. Our concern was that without such a provision, all a person would have to do with their listed waste or sludge is process it minimally to evade regulation.

As indicated explicity in the January 11 proposed rules, however, we did not intend for the January 4th rule to regulate those fuel oils that are derived from a hazardous waste and are produced at a refinery. We reserved judgment on the need for regulation and raised it as an issue for comment in the January 11 proposal. See 50 *FR* at 1689–690. We believe that these fuels are produced from substantial processing (*i.e.*, petroleum refining) of reintroduced hazardous waste, and thus are *bona fide* waste-derived fuels more like the fuels that are produced by a waste fuel processor (which are currently exempt from regulation) than the wastes that may be processed minimally by other generators. In light of this, and to bring the January 4 rule into conformance with explicit preamble language of the January 11th proposal, we are clarifying this provision by adding a new paragraph (3) to § 266.30(b) to exempt (at this time) those fuel oils produced at a petroleum refinery that are derived from an indigenous petroleum refinery hazardous waste. The language of the exemption parallels RCRA section 3004(r) of the Hazardous and Solid Waste Amendments of 1984 and so applies to fuels produced when a petroleum refinery reintroduces indigenous petroleum refinery hazardous wastes (within the meaning of RCRA section 3004(r) (2) and (3)) to the refining process under the terms set out in those provisions.

EPA also is adding a new paragraph (4) to § 266.30(b) to clarify that hazardous waste-derived coke from the iron and steel industry is not subject to regulation when the only hazardous wastes used in the coke-making process are from iron and steel production. As stated in the preamble to the January 11 proposed regulations, the Agency does not intend to regulate this type of waste-derived coke, at this time. See 50 *FR* at 1690. As with waste-derived petroleum fuels, waste-derived coke is a *bona fide* fuel that has undergone processing, and so is unlike wastes that are processed minimally by a generator. (We note, however, that the coke is exempt only if wastes that are indigenous to the iron and steel making process are used in the coking process. The exemption would not apply, for example, if a steel mill were to take a spent solvent, or other non-indigenous waste, and use it in the coking process.)

G. Exclusion of Black Liquor

In the January 4 publication, EPA amended § 261.4(a) of the regulations to provide that black liquor, a type of spent chemical which is caustic and sometimes corrosive, which is typically reclaimed and reused in the pulpmaking process, is not a solid waste when so reclaimed and reused. The regulatory language limited the applicability of this exclusion to black liquor that is reclaimed and reused in one particular type of pulpmaking process, the Kraft process. Spent pulping liquors (of which black liquor is one type) in fact are generated, reclaimed, and reused in other types of pulpmaking processes as well,[2] and the Agency did not intend to restrict the exclusion solely to the Kraft process. See §260.10, definition of "industrial furnace," where EPA stated that "pulping liquor recovery furnaces" are industrial furnaces, and did not limit the definition to the Kraft pulpmaking process. See 50 FR at 661. Accordingly, we are making a technical correction by modifying this exclusion to make it clear that all spent pulping liquors that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process are to be included in the exclusion.

H. Omission From Small Quantity Generator Provision

The final rule excludes those hazardous wastes that are exempt from regulation when they are to be recycled from the small quantity generator calculation. See 50 FR 652. The rule also excludes spent lead-acid batteries that are to be reclaimed from the small quantity generator calculation (even though they are subject to some regulation) because they are not subject to regulation in the hands of the generator. Precious metal wastes, however, are to be included when making the small quantity generator calculation. See preamble footnote 43 at 50 FR 652.[3] Although this point is clear in the preamble, we inadvertently omitted the reference to precious metal wastes that are reclaimed in the rule. See amended §261.5. This technical error is being corrected in this notice by revising the second sentence in §261.5(c) to read as follows: "Hazardous waste that . . . and Subparts C, D, *and F* of Part 266 is included . . . . of this section." This revision is necessary in order to make it clear that precious metal wastes that are reclaimed are to be included when making the small quantity generator calculation.

I. Hazardous Waste Burned for Energy Recovery

The final rule exempts from regulation (for the time being) those transporters who transport hazardous waste fuel from a marketer to a burner. See § 266.33(b). However, as stated in both the preamble and the rule, generators may be marketers. In addition, as clarified in the preamble, the transport

[2] The various chemical-based pulping processes can be placed into four categories: sulfate (which is the Kraft process), sulfite (ammonia-, calcium-, sodium-, or magnesium-based), semi-chemical (including the neutral sulfite, ammonia carbonate and green liquor processes), and soda (which is similar to the Kraft process, but without sulfur).

[3] Footnote 43 states that although the precious metal wastes that are reclaimed are subject to a reduced set of standards, we believe they should be subject to the small quantity generator calculation since these wastes are subject to regulation in the hands of the generator.

and storage requirements apply to those hazardous waste fuels containing listed wastes and sludges that are shipped from the generator to a burner or blender. See 50 FR 632. If a generator of a listed hazardous waste or sludge blends or processes these wastes and sends them to a burner or a waste fuel processor, the blended waste fuels are subject to regulation until burned or reprocessed by the fuel processor (except as described earlier). Thus, there is a conflict in the regulation, because transporters taking hazardous waste fuels from generators to burners or waste fuel processors are regulated. See § 266.33(a). To correct this conflict, we are revising paragraph (b) of § 266.33 to read as follows: "Transporters of hazardous waste fuel are not presently subject to regulation when they transport hazardous waste fuel from marketers, who are not also the generators, to burners or other marketers."

J. Regulatory Status of Non-Listed Commercial Chemical Products

Under the final rules, commercial chemical products and intermediates, off-specification variants, spill residues, and container residues listed in 40 CFR 261.33 are not considered solid wastes when recycled except when they are recycled in ways that differ from their normal use—namely, when they are burned for energy recovery or used to produce a fuel. A number of questions have been raised as to the regulatory status of commercial chemical products that are not listed in § 261.33 but exhibit one or more of the hazardous waste characteristics (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity).

Although we do not directly address non-listed commercial chemical products in the rules, their status would be the same as those that are listed in § 261.33—That is, they are not considered solid wastes when recycled except when they are recycled in ways that differ from their normal manner of use. This is the same relationship that exists between discarded commercial chemical products that are listed in § 261.33, and those that exhibit a characteristic of hazardous waste. We believe this point is implicit in the rules, as it is implicit in existing §§ 261.3 and 261.33.

K. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. Since this notice simply makes typographical and technical corrections and does not change the previously approved final rule, this rule is not a major rule and, therefore, no Regulatory Impact Analysis was conducted.

List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous materials, Waste treatment and disposal.

40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

40 CFR Part 266

Hazardous materials.

Dated: April 2, 1985.

Jack W. McGraw,

Assistant Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, and 3010 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921 through 6927, and 6930].

2. In § 260.30, paragraph (a) is revised to read as follows:

§ 260.30 Variances from classification as a solid waste.

* * * * *

(a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in § 261.1(c)(8) of this chapter);

* * * * *

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

4. Section 261.3 is amended by revising paragraph (c)(2) to read as follows:

§ 261.3 Definition of hazardous waste.

* * * * *

(c) * * *

(2)(i) Except as otherwise provided in paragraph (c)(2)(ii) of this section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste: (A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

* * * * *

5. Section 261.4 is amended by revising paragraph (a)(6) to read as follows:

§ 261.4 Exclusions.

(a) * * *

(6) Pulping liquors (*i.e.*, black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in § 261.1(c) of this chapter.

* * * * *

6. Section 261.5 is amended by revising the second sentence in paragraph (c) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by small quantity generators.

* * * * *

(c) * * * Hazardous waste that is subject to the requirements of § 261.6 (b) and (c) and Subparts C, D, and F of Part 266 is included in the quantity determination of this section and is subject to the requirements of this section.

* * * * *

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

7. The authority citation for Part 266 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), and 6924].

8. In § 266.30, paragraphs (b) (3) and (4) are added to read as follows:

§ 266.30 Applicability.

* * * * *

(b) * * *

(3) Hazardous waste fuels that are exempt from the labeling requirements of RCRA Section 3004(r).

(4) Coke from the iron and steel industry that contains hazardous waste from the iron and steel production process.

* * * * *

9. Section 266.33 is amended by revising paragraph (b) to read as follows:

266.33 Standards applicable to transporters of hazardous waste fuel.

* * * *

(b) Transporters of hazardous waste fuel are not presently subject to regulation when they transport hazardous wastes fuel from marketers, who are not also the generators of the waste, to burners or other marketers.

* * * *

[FR Doc. 85-8585 Filed 4-10-85; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 201

[FIRMR Temp. Reg. 12]

Establishing Integrated Records Management Provisions for the Federal Information Resources Management Regulation (FIRMR)

AGENCY: Office of Information Resources Management, GSA

ACTION: Temporary regulation.

SUMMARY: This regulation establishes FIRMR Parts 201-22, Records Management Programs, and 201-45, Management of Records. This regulation consists of those provisions of Federal Property Management Regulations (FPMR) Part 101-11, Records Management, for which GSA will continue to be responsible after April 1, 1985, when the National Archives and Records Service (NARS) becomes an independent agency to be known as the National Archives and Records Administration (NARA). The subject matter includes the management of mail, files, records, directives, forms, reports, micrographics, copy, correspondence, and records equipment and supplies. Regulations governing records disposition and adequacy of documentation are not included in this temporary regulation since NARA will be responsible for those areas, effective April 1, 1985. Except as noted no substantive changes have been made in authorities, policies, or procedures from those contained in FPMR Part 101-11, from which these provisions are derived.

DATES: *Effective date:* April 1, 1985. *Expiration date:* December 31, 1986. *Comments are due:* April 30, 1985.

ADDRESS: Comments should be submitted to the General Services Administration, Office of Information Resources Management, Policy Branch (KMPP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: David R. Mullins, Policy Branch (KMPP), telephone (202) 566-0194 or FTS, 566-0194.

SUPPLEMENTARY INFORMATION: (1) Public Law 98-497, the National Archives and Records Administration Act of 1984, was signed on October 19, 1984. Under the act, NARS will become an independent agency known as The National Archives and Records Administration (NARA), effective April 1, 1985. As a result, responsibility for the administration of the provisions now contained in FPMR Part 101-11 will be divided between GSA and NARA. This regulation incorporates into the FIRMR those provisions of FPMR Part 101-11 which promote economy and efficiency in records management. NARA intends to establish a regulation in 36 CFR XII that will include the FPMR provisions that address records disposition and adequacy of documentation. A subsequent FPMR amendment will rescind the provisions now in FPMR Part 101-11.

(2) The FIRMR was initially established effective April 1, 1984 (49 FR 20994 May 17, 1984). The integrated text, consisting of the provisions governing ADP and telecommunications procurement and management previously contained in FPMR Subpart 101-35, 36, and 37, and Federal Procurements Regulations (FPR) Subparts 1-4.11, 1-4.12, and 1-4.13, was published in the **Federal Register** on January 30, 1985. This issuance integrates the third IRM component (records management) for which GSA is responsible into the FIRMR text.

(3) The intent of this regulation is to reformat the FPMR provision into the FIRMR format and numbering system and to make editorial changes to accurately reflect the current organizational structure within GSA's Office of Information Resources Management and the division of responsibilities between NARA and GSA. Otherwise, substantive changes from the text now appearing in the FPMR are contained only in § 201-45.104, Forms management; Subpart 201-45.5, Standard and Optional Forms Management Programs; and Subpart 201-45.6, Interagency Reports Management Program. These provisions represent the reconciled versions of proposed FPMR amendments that were previously circulated for public comments. Due to the enactment of Public Law 98-497 and its April 1, 1985, effective date, the proposed changes were not issued as FPMR amendments and are included in this temporary regulation.

(4) Pursuant to section 22(d) of the Office of Federal Procurement Policy Act (section 302(a) of Pub. L. 98-577), the publication of proposed rules has been waived because of the necessity to implement Pub. L. 98-497 effective April 1, 1985.

(5) However, notice of proposed rulemaking regarding this action (as a FIRMR amendment) was published in the **Federal Register** (50 FR 6970, February 19, 1985) with comments due by March 21, 1985. Comments received on the amendment are being reconciled, and a FIRMR amendment is being prepared to replace this temporary regulation. Although the deadline for comments on the amendment has passed any comments on this temporary issuance received before April 30, 1985, will be considered to the maximum practicable extent in preparation of the final amendment.

(6) This regulation was developed in coordination with the Archivist of the United States in accordance with § 201-1.201(a).

(7) The General Services Administration has determined that this rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Government-wide management regulation that will have little or no net cost effect on society.

(8) *Derivation Tables for Individual Parts.*

FIRMR sections	FPMR sources
Derivation Table for Part 201-22	
201-22.000	101-11.000
201-22.001	101-11.101
201-22.001-1	101-11.101-1
201-22.001-2	101-11.101-2
201-22.001-3	None
201-22.001-4	101-11.103-1
	101-11.104
201-22.002	101-11.102
201-22.002-1	101-11.102-1
201-22.002-2	101-11.102-2
201-22.002-3	101-11.102-3