

*Section 213.3360 Consumer Product Safety Commission*

PSGS00070 Special Assistant (Legal) to the Chairman, Consumer Product Safety Commission. Effective February 03, 2005.

PSGS60008 Program Assistant to the Chairman, Consumer Product Safety Commission. Effective February 14, 2005.

PSGS60066 Supervisory Public Affairs Specialist to the Executive Director. Effective February 16, 2005.

PSGS60014 General Counsel to the Chairman, Consumer Product Safety Commission. Effective February 17, 2005.

*Section 213.3384 Department of Housing and Urban Development*

DUGS60211 Staff Assistant to the Director of Executive Scheduling. Effective February 14, 2005.

DUGS60160 Special Assistant to the Assistant Secretary for Policy Development and Research. Effective February 18, 2005.

DUGS60470 Staff Assistant to the General Counsel. Effective February 23, 2005.

*Section 213.3388 President's Commission on White House Fellowships*

WHGS0016 Deputy Director, President's Commission on White House Fellowships to the Director, President's Commission on White House Fellowships. Effective February 28, 2004.

*Section 213.3391 Office of Personnel Management*

PMGS0050 Special Assistant to the Director, Office of Congressional Relations. Effective February 18, 2005.

PMGS00051 Special Assistant to the Director, Office of Communications. Effective February 18, 2005.

*Section 213.3394 Department of Transportation*

DTGS60370 Senior Policy Advisor to the Administrator. Effective February 03, 2005.

DTGS60129 Counselor to the General Counsel. Effective February 04, 2005.

DTGS60055 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs. Effective February 08, 2005.

DTGS60195 Special Assistant for Public Relations to the Administrator. Effective February 09, 2005.

DTGS60313 Director of External Affairs to the Administrator. Effective February 22, 2005.

DTGS60371 Deputy Assistant Secretary for Governmental Affairs. Effective February 25, 2005.

*Section 213.3397 Federal Housing Finance Board*

FBOT00011 Special Assistant to the Chairman. Effective February 02, 2005.

FBOT00010 Special Assistant to the Board Director. Effective February 25, 2005.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., P.218

Office of Personnel Management.

**Dan Blair,**

*Acting Director*

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**OFFICE OF PERSONNEL MANAGEMENT**

**Privacy Act of 1994; Computer Matching Programs; Office of Personnel Management/Social Security Administration**

**AGENCY:** Office of Personnel Management (OPM).

**ACTION:** Publication of notice of computer matching to comply with Public Law 100-503, the Computer Matching and Privacy Act of 1988.

**SUMMARY:** OPM is publishing notice of its computer matching program with the Social Security Administration (SSA) to meet the reporting requirements of Pub. L. 100-503. The purpose of this match is for SSA to establish the conditions under which the SSA agrees to disclose tax return information to the Office of Personnel Management (OPM). The SSA records will be used in a matching program in which OPM will match SSA's tax return records with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS).

**DATES:** The matching program will begin 40 days after the **Federal Register** notice has been published and the letters to Congress and OMB have been issued. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. The data exchange will begin at a date mutually agreed upon between OPM and SSA after February 2005, unless comments on the match are received that result in cancellation of the program. Subsequent matches will take place semi-annually on a recurring basis until one of the

parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

**ADDRESSES:** Send comments to Marc Flaster, Chief, RIS Support Services Group, Office of Personnel Management, Room 4316, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** James Sparrow, (202) 606-1803.

**SUPPLEMENTARY INFORMATION:** The SSA will agree to provide OPM with the disclosure of tax return information. The SSA records will be used with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the FERS, and certain annuitant receiving a discontinued service retirement benefit under CSRS. The SSA components responsible for the disclosure are the Office of Income Security Programs. The responsible component for OPM is the Center for Retirement and Insurance Services. OPM, as the agency actually using the results of this matching activity in its programs, will publish the notice required by Title 5 United States Code (U.S.C.) 552a(e)(12) in the **Federal Register**.

Office of Personnel Management.

**Dan G. Blair,**

*Acting Director.*

**Report of Computer Matching Program Between the Office of Personnel Management and Social Security Administration**

*A. Participating Agencies*

OPM and SSA.

*B. Purpose of the Matching Program*

This computer matching agreement sets forth the responsibilities of the Social Security Administration (SSA) and the Office of Personnel Management (OPM) with respect to information disclosed pursuant to this agreement and is executed under the Privacy Act of 1974, 5 U.S.C. 552a, as amended, and the regulations and guidance promulgated thereunder.

*C. Description of the Match and Records*

SSA will disclose data from its MBR file (60-0090, Master Beneficiary Record, SSA/OEEAS) and MEF file (60-0059, Earning Recording and Self-Employment Income System, SSA/OEEAS), and manually extracted military wage information from SSA's "1086" microfilm file when required. OPM will provide SSA with a electronic finder file from the OPM System of Records published as OPM/Central-1 (Civil Service and Insurance Records),

on October 8, 1999 (64 FR 54930), as amended on May 3, 2000 (65 FR 2575). The systems of records involved have routine uses permitting the disclosures needed to conduct this match.

The systems of records are protected under the Privacy Act of 1974, as amended, and in accordance with Internal Revenue Manual 1.16.8, Physical Security Standards Handbook. Either OPM or SSA may make onsite inspection or make other provisions to ensure that adequate safeguards are being maintained by the other agency.

#### D. Privacy Safeguards and Security

Both SSA and OPM will safeguard information provided by the reciprocal agency as follows: Access to the records matched and to any records created by the match will be restricted to only those authorized employees and officials who need the records to perform their official duties in connection with the uses of the information authorized in the agreement. SSA and OPM will protect Federal Tax information in the same manner which IRS systems of records are protected under the Privacy Act of 1974, as amended, and in accordance with Internal Revenue Manual 1.16.8, Physical Security Standards Handbook. Either OPM or SSA may make onsite inspection or make other provisions to ensure that adequate safeguards are being maintained by the other agency.

#### E. Disposal of Records

Records causing closeout or suspend actions would also be annotated and returned to OPM for record keeping purposes. All records returned to OPM are considered "response" records and any not used in the update process must be purged by SSA immediately after all processing is completed.

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## POSTAL RATE COMMISSION

[Docket No. MC2004-3; Order No. 1433]

### Negotiated Service Agreement

**AGENCY:** Postal Rate Commission.

**ACTION:** Notice and order concerning reconsideration and establishing procedures.

**SUMMARY:** This document informs the public that at the request of the United States Postal Service Governors, the Commission will reconsider its opinion and recommended decision approving a negotiated service agreement in docket number MC2004-3. The Postal Service

has been allowed until April 15, 2005, to submit arguments in favor of reconsideration. The dates for further procedural steps will be determined after the Postal Service submission has been reviewed.

**DATES:** The Postal Service's memorandum and proposal is due April 15, 2005.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, general counsel, at 202-789-6818.

#### SUPPLEMENTARY INFORMATION:

##### Procedural History

*Negotiated Service Agreement Proposed Rule*, 68 FR 52546 (September 4, 2003).

*Negotiated Service Agreement Final Rule*, 69 FR 7574 (September 4, 2003).

*Rate and Service Changes To Implement Functionally Equivalent Negotiated Service Agreement*, 69 FR 39520 (June 25, 2004).

On December 17, 2004, the Commission issued its Opinion and Recommended Decision Approving Negotiated Service Agreement in Docket No. MC2004-3 (Bank One Negotiated Service Agreement). On March 7, 2005, the Postal Service informed the Commission of the Governors' direction<sup>1</sup> for the Postal Service to initiate proceedings on reconsideration consistent with the Governors' decision.<sup>2</sup> The Postal Service also proposed procedures and requested leave to file a memorandum on reconsideration.

In the Governors' decision, the Governors conclude that the changes recommended by the Commission to give effect to the negotiated service agreement warrant implementation. However, the Governors disagree with the Commission's determination to place an overall limit on the discounts available to Bank One during the course of the agreement. The Governors ask the Commission to reconsider the recommendation of an overall limit (stop-loss cap) in light of the Governors' views and based on the existing record. The Governors do not ask the Commission to reopen the record to receive additional testimony, but do expect that the Commission will solicit comments from participants in this matter.

<sup>1</sup> Decision of the Governors of the United States Postal Service on the Opinion and Recommended Decision of the Postal Rate Commission Approving Negotiated Service Agreement with Bank One Corporation, Docket No. MC2004-3, February 16, 2005 (Governors' decision).

<sup>2</sup> United States Postal Service Motion for Leave to File Memorandum on Reconsideration and for Proposed Procedures, March 7, 2005.

If the Commission again recommends that the negotiated service agreement includes a stop-loss cap, the Governors request that the Commission clarify and explain further the comments in its Opinion and Recommended Decision, and in its separate Concurring Opinion, regarding the potential for uncapped negotiated service agreements that are functionally equivalent to the agreement with Capital One Services, Inc. approved in Docket No. MC2002-2.

The Governors also request that the Commission elaborate on the type and level of proof that the Commission might find persuasive in avoiding stop-loss caps in future baseline negotiated service agreement cases.

Finally, the Governors ask the Commission to discuss the role of settlement in uncontested cases involving functionally equivalent negotiated service agreements.

The Postal Service has proposed procedures to facilitate the Commission's reconsideration of its recommendations. The Postal Service proposes to present its views on the questions raised by the Governors in their decision in the form of a memorandum addressing the pertinent legal, economic, and practical issues. It also is prepared to propose an evidentiary approach that could serve as a standard for future negotiated service agreement proposals.

The Postal Service requests until April 15, 2005, to prepare its memorandum. It explains it needs this fairly lengthy period of time to prepare its submissions because it is simultaneously involved in preparation for the filing of an omnibus rate case. Participants as well as prospective negotiated agreement partners would then be allowed to comment on the Postal Service's views. The Postal Service suggests that the Commission next would address the Postal Service's and other participant's comments and proposals, and also would propose an approach to overcome its concerns that led to imposing a stop-loss cap in this case. Participants then would be allowed to comment on the Commission's views. Finally, the Commission would issue a further recommended decision including further explanations and guidance for future cases.

The Commission understands the need to promptly respond to the issues raised by the Governors upon reconsideration. Nonetheless, the Commission assumes that the Governors are aware of the multiple obligations of the Postal Service legal staff, and that if an omnibus rate case is filed this will impose heavy time pressure on