

will govern proceedings docketed on or after March 30, 2011.

#### List of Subjects in 39 CFR Part 965

Administrative practice and procedure, Mail disputes, Postal Service.

Accordingly, the Postal Service adopts amendments to 39 CFR part 965 as set forth below.

### PART 965—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAIL DISPUTES

■ 1. The authority citation for part 965 continues to read as follows:

**Authority:** 39 U.S.C. 204, 401.

■ 2. Section 965.1 is revised to read as follows:

#### § 965.1 Authority for rules.

These rules of practice are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General.

■ 3. Section 965.2 is revised to read as follows:

#### § 965.2 Scope of rules.

The rules in this part shall be applicable to mail dispute cases forwarded to the Judicial Officer pursuant to Postal Operations Manual section 616.21.

■ 4. Section 965.3 is revised to read as follows:

#### § 965.3 Notice to parties.

Upon receipt of a mail dispute case, the Recorder, Office of the Judicial Officer, United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078, will send a notice of docketing and submission due date to the parties together with a copy of these rules.

■ 5. Section 965.4 is amended by revising paragraph (b)(2) to read as follows:

#### § 965.4 Presiding officers.

\* \* \* \* \*

(b) \* \* \*

(2) Render an initial decision, if the presiding officer is not the Judicial Officer; or if the presiding officer is the Judicial Officer, issue a tentative or a final decision or order.

■ 6. Section 965.5 is revised to read as follows:

#### § 965.5 Initial submissions by parties.

Within 15 days after receipt of the Recorder's notice, each party shall file with the Recorder a sworn statement of the facts supporting its claim to receipt

of the mail together with a copy of each document on which it relies in making such claim, and any arguments supporting its claim.

■ 7. Section 965.6 is revised to read as follows:

#### § 965.6 Comments by parties.

Within 10 days of receipt of the other party's initial submission under § 965.5, each party may file with the Recorder an additional statement or rebuttal argument setting forth in detail its disagreements, if any, with its opponent's initial submission. Such rebuttal may include any additional documents relevant to the dispute.

■ 8. Section 965.8 is amended by revising paragraph (a) to read as follows:

#### § 965.8 Hearings.

(a) Generally, mail dispute cases are resolved based on written submissions. However, in the discretion of the presiding officer an oral hearing may be conducted where in the opinion of the presiding officer, the case cannot be resolved by a review of the documentary evidence.

\* \* \* \* \*

#### § 965.9 [Amended]

■ 9. Section 965.9 is amended by removing paragraph (c).

■ 10. Section 965.12 is revised to read as follows:

#### § 965.12 Appeal.

Within 10 days after receipt by the parties of the initial or tentative decision, either party may file an appeal to the Judicial Officer. The Judicial Officer, or by delegation the Associate Judicial Officer, in his or her sole discretion, also may review the initial or tentative decision on his or her own initiative. If an appeal is denied, the initial or tentative decision becomes the final agency decision upon the issuance of such denial. If an appeal is not filed and the Judicial Officer, or by delegation the Associate Judicial Officer does not review the initial or tentative decision on his or her own initiative, a final order will be issued. The Judicial Officer's decision on appeal or his or her final order is the final agency decision with no further agency review or appeal rights.

■ 11. Section 965.14 is revised to read as follows:

#### § 965.14 Public information.

The Librarian of the Postal Service maintains for public inspection in the Library copies of all initial, tentative,

and final agency decisions and orders. Copies of decisions also are available on the Judicial Officer's section of the official Web site of the U.S. Postal Service. The Recorder maintains the complete official record of every proceeding.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[EPA-R09-OAR-2008-0306; FRL-9284-3]

### Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA is making a technical amendment to the Code of Federal Regulations to reflect the final actions published by the Agency on November 12, 2008 in connection with the designations of the San Joaquin Valley Air Basin and East Kern areas for particulate matter of ten microns or less (PM-10).

**DATES:** This technical amendment is effective on March 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Doris Lo, EPA Region IX, (415) 972-3959, [lo.doris@epa.gov](mailto:lo.doris@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 12, 2008, among other actions, EPA approved the State of California's request under the Clean Air Act (CAA or the Act) to revise the designation for the San Joaquin Valley serious nonattainment area for particulate matter of ten microns or less (PM-10) by splitting the area into two separate nonattainment areas: The San Joaquin Valley Air Basin (SJVAB) serious nonattainment area and the East Kern serious nonattainment area. See 73 FR 66759 (November 12, 2008). In the November 12, 2008 final rule, EPA also redesignated the SJVAB to attainment for the PM-10 national ambient air quality standard (NAAQS).

In relevant part, the amendatory language on page 66773 of the November 12, 2008 final rule states: "In § 81.305 the "California-PM-10" table is amended under Fresno, Kern, Kings,

Madera, Merced, San Joaquin, Stanislaus, Tulare Counties by revising the entry for the “San Joaquin Valley planning area” to read as follows.” Following this amendatory language, in the PM–10 table itself, the final rule retains the entry for the Indian Wells Valley planning area (which was unaffected by EPA’s November 12, 2008 final rule) by use of asterisks and identifies the two areas, East Kern and San Joaquin Valley Air Basin, and their respective designations and classifications for the PM–10 NAAQS consistent with the final Agency actions published in the November 12, 2008 final rule, that EPA intended as a replacement for the then-existing entry for the “San Joaquin Valley planning area.”

With one exception, the descriptions of the areas and their designations and classifications are correct as set forth in the final rule; however, the amendatory language introducing the change to part

81 and referring to a revision of the entry for the “San Joaquin Valley planning area” was unclear to the Office of the Federal Register, and as a result, the electronic version of the CFR (“e-CFR”) and hard-copy publication of “Parts 81 and 84” of title 40 in years 2009 and 2010 do not identify East Kern as a PM–10 nonattainment area.<sup>1</sup> EPA is today issuing a technical amendment to reconcile the CFR with the Agency’s November 12, 2008 final rule, and to do so, EPA is adding East Kern as a PM–10 area under the entry “Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare Counties” in the “California—PM–10” table in 40 CFR 81.305. Today’s technical amendment makes no changes to the substance of the November 12, 2008 final rule.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 11, 2011.

**Jared Blumenfeld,**  
*Regional Administrator, Region IX.*

Part 81, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

■ 1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

■ 2. Section 81.305 of the “California-PM–10” table is amended under Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare Counties by revising the entries for “Indian Wells Valley planning” and “San Joaquin Valley Air Basin” and by adding “East Kern” to read as follows:

**§ 81.305 California.**

\* \* \* \* \*

CALIFORNIA—PM–10

Designated Area	Designation		Classification	
	Date	Type	Date	Type
* * * * *				
Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare Counties: Indian Wells Valley planning area: That portion of Kern County contained within Hydrologic Unit #18090205.	6/6/03	Attainment		
San Joaquin Valley Air Basin; Fresno County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, Tulare County, and that portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.	12/12/08	Attainment		
East Kern: That portion of Kern County which lies between the following two lines (with the exception of that portion in Hydrologic Unit Number 18090205—the Indian Wells Valley):	11/15/90	Nonattainment	02/08/93	Serious.

<sup>1</sup> The one exception is the entry of “11/15/90” as the date for East Kern’s classification as a “serious” PM–10 nonattainment area. 73 FR 66759, at 66774

(November 12, 2008). The correct date is “02/08/93.” See 58 FR 3334 (January 8, 1993). Today’s technical amendment includes the correct date for

East Kern’s classification as a “serious” PM–10 nonattainment.

## CALIFORNIA—PM—10—Continued

Designated Area	Designation		Classification	
	Date	Type	Date	Type
<p>(1) West and north of a line described as follows: Beginning at the southwest corner of section 31, T. 10 N 16 W and running east to the northwest boundary of the Rancho La Liebre Land Grant; then running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W. and R. 16 W., San Bernardino Base and Meridian; then north along the range line to the northwest corner of section 2, T. 32 S., R. 32 E., Mount Diablo Base and Meridian; then east along the township line common to T. 32 S. and T. 31 S.; then north along the range line common to R. 35 E. and R. 34 E.; then east along the township line common to T. 29 S. and T. 28 S.; then north along the range line common to R. 36 E. and R. 35 E.; then east along the township line common to T. 28 S. and T. 27 S.; then north along the range line common to R. 37 E. and R. 36 E. to the Kern-Tulare County boundary.</p> <p>(2) East and south of a line of a line described as follows: Beginning at the southwest corner of section 31, T. 10 N 16 W and running north along the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.</p>				
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## DEPARTMENT OF TRANSPORTATION

### 49 CFR Part 1

[Docket No. DOT-OST-1999-6189]

RIN 9991-AA56

#### Organization and Delegation of Powers and Duties; Assistant Secretary for Administration

**AGENCY:** Office of the Secretary of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This rule delegates authorities vested in the Secretary of Transportation (Secretary) by the Energy Independence and Security Act of 2007 (Act) (Pub. L. 110-140; December 19, 2007) to the Assistant Secretary for Administration.

**DATES:** This rule is effective March 21, 2011.

**FOR FURTHER INFORMATION CONTACT:** Eugene Tumblin in the Office of Facilities, Information, and Asset Management at (202) 366-0266 or Brett

Jortland in the Office of the General Counsel at (202) 366-9314.

**SUPPLEMENTARY INFORMATION:** On December 19, 2007, the Act was signed into law. Title 49 of the Code of Federal Regulations (CFR) 1.59 delegates to the Assistant Secretary for Administration the authority to carry out various functions and activities related to the mission of the agency vested in or delegated to the Secretary. The Secretary has determined that certain authority vested in the Secretary under the Act concerning DOT fleet management activities should be delegated to the Assistant Secretary for Administration. This rulemaking adds subparagraph (a)(7) to § 1.59 to reflect these delegations.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment are unnecessary under 5 U.S.C. 553(b). Further, since the amendment expedites the Department's ability to meet the statutory intent of the applicable laws and regulations covered by this delegation, the Secretary finds good cause under 5 U.S.C. 553(d)(3) for the final rule to be effective on the date of publication in the **Federal Register**.

## Regulatory Analyses and Notices

### A. Executive Order 12866 and DOT Regulatory Policies and Procedures

The final rule is not considered a significant regulatory action under Executive Order 12866 and DOT Regulatory Policies and Procedures (44 FR 11034). There are no costs associated with this rule.

### B. Executive Order 13132

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 ("Federalism"). This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of the States. Therefore, the consultation requirements of Executive Order 13132 do not apply.

### C. Executive Order 13175

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Because this final rule does not significantly or uniquely affect the