

Authority and Issuance

PART 478—COMMERCE IN FIREARMS AND AMMUNITION

Accordingly, the interim rule amending 27 CFR part 478, which was published at 74 FR 1875 on January 14, 2009, is adopted as a final rule without change.

Dated: May 27, 2010.

Eric H. Holder, Jr., Attorney General.

[FR Doc. 2010-13392 Filed 6-2-10; 8:45 am]

BILLING CODE 4410-FY-P

POSTAL SERVICE

39 CFR Part 111

Plant-Verified Drop Shipment (PVDS)—Nonpostal Documentation

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 705.15. 2.14 to clarify that PS Form 8125, Plant-Verified Drop Shipment (PVDS) Verification and Clearance, is the sole source of evidence for USPS® purposes of the transfer of the custody of pieces entered as a mailing at the time of induction; to clarify that Postal employees may, upon request, sign additional nonpostal documents when presented by transportation providers; and to require segregation of documentation presented at the time of induction.

DATES: Effective Date: July 6, 2010.

FOR FURTHER INFORMATION CONTACT: Susan Thomas at 202-268-8069.

SUPPLEMENTARY INFORMATION: As a result of reviews of USPS policy concerning practices at induction points of plant-verified drop shipment mailings, the Postal Service is adopting this final rule to clarify the use and purpose of PS Form 8125 as well as other documents that mailers' nonpostal transportation providers (carriers) may present at the time of induction. The final rule provides that PS Forms 8125 must be segregated from any other documentation presented at the time of mailing. This measure ensures that postal personnel will be able to easily identify and process necessary postal documentation at the time of induction, thereby promoting the efficiency of operations. Further, the final rule clarifies that a PS Form 8125 serves as the sole source of evidence for USPS purposes of the transfer of the custody of pieces entered at the time of

induction. No other form of documentation serves this purpose.

The Postal Service adopts the following changes to the Mailing Standards for the United States Postal Service, Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 C.F.R. Part continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301-307; 18 U.S.C. 1692-1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

\* \* \* \* \*

700 Special Standards

\* \* \* \* \*

705 Advanced Preparation and Special Postage Payment Systems

\* \* \* \* \*

15.0 Plant-Verified Drop Shipment

\* \* \* \* \*

15.2 Program Participation

\* \* \* \* \*

[Add new 705.15.2.14 as follows:]

15.2.14 Form 8125—Segregation and Nonpostal Documentation

PS Forms 8125 must be segregated from all other nonpostal documentation and presented separately to USPS personnel at the time of induction. Nonpostal proof-of-delivery documents such as delivery receipts or bills of lading presented by a mailer's transportation provider [carrier] are not substitutes for PS Forms 8125. USPS personnel may, upon request, sign such documents when presented by carriers. A PS Form 8125 signed by a postal employee (or electronic equivalent file in the Electronic Verification System (eVS)) serves as the sole evidence of the transfer of the custody of pieces entered as a mailing at the time of induction. The Postal Service does not consider a proof-of-delivery document such as a

delivery receipt or a bill of lading furnished by a USPS customer's carrier as proof of mailing, acceptance, or the amount of mail tendered. Any signature by a postal employee or agent on any nonpostal form does not serve any mail acceptance purpose. If an inconsistency between the information on a PS Form 8125 and a carrier- or mailer-provided document designed to evidence the transfer of custody of pieces entered as a mailing at the time of induction exists, the information on PS Form 8125 prevails insofar as the USPS is concerned.

\* \* \* \* \*

We will publish an amendment to 39 CFR 111 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 2010-12885 Filed 6-2-10; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2009-0705; A-1-FRL-9157-4]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is determining that the Providence (All of Rhode Island) moderate 8-hour ozone nonattainment area has attained the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon complete, quality-assured and certified ambient air monitoring data that show the area has monitored attainment of the 8-hour ozone NAAQS for the 2006-2008 monitoring period. In addition, quality-assured and certified ozone data for 2009, show that this area continues to attain the 1997 8-hour ozone NAAQS. This determination results in the suspension of the requirements for Rhode Island to submit an attainment demonstration, a reasonable further progress plan, contingency measures, and other planning State Implementation Plans for this area related to attainment of the 8-hour ozone NAAQS. These requirements shall remain suspended for so long as the area continues to attain the ozone NAAQS.

DATES: Effective Date: This rule is effective on July 6, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2009-0705. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone number (617) 918-1664, fax number (617) 918-0664, e-mail [Burkhart.Richard@epa.gov](mailto:Burkhart.Richard@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. What action is EPA taking?
- II. What is the effect of this action?
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. What action is EPA taking?**

EPA is determining that the Providence (All of Rhode Island) moderate 8-hour ozone nonattainment area has attained the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone. This determination is based upon complete, quality-assured and certified ambient air monitoring data that show the area has monitored attainment of the 1997 ozone NAAQS for the 2006–2008 monitoring period. In addition, quality-assured and certified ozone data for 2009, show that this area continues to attain the 1997 8-hour ozone NAAQS.

Other specific details related to the determination and the rationale for EPA's action are explained in the Notice of Proposed Rulemaking (NPR) published on February 25, 2010 (75 FR 8571) and will not be restated here. No public comments were received on the NPR.

**II. What is the effect of this action?**

Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the requirements for the Providence (All of Rhode Island) moderate ozone nonattainment area to submit an attainment demonstration, a reasonable further progress plan, section 172(c)(9) contingency measures, and any other planning State Implementation Plans (SIPs) related to attainment of the 1997 8-hour ozone NAAQS for so long as the area continues to attain the 1997 ozone NAAQS.

For the Rhode Island area, EPA started a Federal Implementation Plan clock on March 24, 2008 (73 FR 15416) for failure to submit an ozone attainment demonstration and Reasonable Further Progress (RFP) SIPs. This action stays the Federal Implementation Plan clock started on March 24, 2008, for both the attainment demonstration and the RFP SIP. If the area subsequently violates the 1997 8-hour standard before it is redesignated to attainment, the Federal Implementation Plan clock would restart for Rhode Island for these SIPs. It should be noted that the Rhode Island Department of Environmental Management did submit an ozone attainment demonstration and Reasonable Further Progress SIP on April 30, 2008. EPA has not taken action on these SIPs.

This action does not constitute a redesignation to attainment under CAA section 107(d)(3), because the area does not have an approved maintenance plan as required under section 175A of the CAA, nor a determination that the area has met the other requirements for redesignation. The classification and designation status of the area remains moderate nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA determines that it meets the CAA requirements for redesignation to attainment. If EPA subsequently determines, after notice-and-comment rulemaking in the **Federal Register**, that the area has violated the 1997 8-hour ozone standard, the basis for the suspension of these requirements would no longer exist, and the area would thereafter have to address the pertinent requirements.

**III. Final Action**

EPA is determining that the Providence (All of Rhode Island) 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard based on complete, quality-assured and certified ozone monitoring data through 2008, and quality-assured and certified, ozone data for 2009 that indicate continued attainment. As provided in 40 CFR 51.918, this determination suspends the requirements for Rhode Island to submit an attainment demonstration, a reasonable further progress plan, and contingency measures under section 172(c)(9), and any other planning SIP related to attainment of the 1997 8-hour ozone NAAQS for this area, for so long as the area continues to attain the standard.

**IV. Statutory and Executive Order Reviews**

This action makes a determination of attainment based on air quality, and results in the suspension of certain Federal requirements, and would not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as

appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 2, 2010. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 20, 2010.

**Ira W. Leighton,**

*Acting, Regional Administrator, EPA New England.*

■ Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

#### Subpart OO—Rhode Island

■ 2. Section 52.2088 is amended by adding paragraph (c) to read as follows:

##### § 52.2088 Control strategy: Ozone.

\* \* \* \* \*

(c) Determination of Attainment. Effective July 6, 2010, EPA is determining that the Providence (All of Rhode Island) 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard. Under the provisions of EPA's ozone implementation rule (*see* 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area does not monitor any violations of the 1997 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Providence (All of Rhode Island) 8-hour ozone nonattainment area, this determination shall no longer apply.

[FR Doc. 2010-13211 Filed 6-2-10; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R08-OAR-2009-0282; FRL-9155-6]

#### Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM<sub>2.5</sub> and 8-Hour Ozone NAAQS: "Significant Contribution to Nonattainment" and "Interference With Prevention of Significant Deterioration" Requirements

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency is approving State Implementation Plan (SIP) revisions submitted by the State of North Dakota on April 6, 2009. Specifically, EPA is approving revisions to the North Dakota air pollution control rules regarding prevention of significant deterioration of air quality, and partially approving the SIP revision "Interstate Transport of Air

Pollution" addressing the requirements of Clean Air Act section 110(a)(2)(D)(i) for the 1997 PM<sub>2.5</sub> and 8-hour ozone National Ambient Air Quality Standards (NAAQS). These revisions, referred to as the Interstate Transport of Air Pollution SIP, address the requirements of Clean Air Act section 110(a)(2)(D)(i) for the 1997 8-hour ozone and 1997 PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS). In this action, EPA is approving the North Dakota Interstate Transport SIP provisions that address the requirement of section 110(a)(2)(D)(i)(I) that emissions from the state's sources do not "contribute significantly" to nonattainment of the 1997 8-hour ozone NAAQS and the 1997 PM<sub>2.5</sub> NAAQS in any other state. In addition, EPA is approving the provisions of this SIP that address the requirement of section 110(a)(2)(D)(i)(II) that emissions from the state's sources do not interfere with measures required in the SIP of any other state under part C of the Clean Air Act (CAA) to prevent "significant deterioration of air quality." EPA will act at a later date on the North Dakota Interstate Transport SIP provisions that address the remaining two requirements of section 110(a)(2)(D)(i), that emissions from the state's sources do not "interfere with maintenance" of the 1997 8-hour ozone and 1997 PM<sub>2.5</sub> NAAQS in any other state, and do not interfere with measures required in the SIP of any other state to "protect visibility." This action is being taken under section 110 of the Clean Air Act.

**DATES:** *Effective Date:* This final rule is effective July 6, 2010.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2009-0282. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov), or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through