

# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## FEDERAL LABOR RELATIONS AUTHORITY

### 5 CFR Part 2429

#### Unfair Labor Practice Proceedings and Miscellaneous and General Requirements

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Final rule.

**SUMMARY:** The Federal Labor Relations Authority (FLRA) is engaged in an initiative to make electronic filing or “eFiling” available to parties in all cases before the FLRA. Making eFiling available is another way in which the FLRA is using technology to improve the customer-service experience. These eFiling enhancements are expected to increase efficiency by reducing procedural filing errors and processing delays.

**DATES:** Effective March 23, 2015.

**ADDRESSES:** Written comments about this final rule can be emailed to [engage@flra.gov](mailto:engage@flra.gov) or sent to the Case Intake and Publication Office, Federal Labor Relations Authority, 1400 K Street NW., Washington, DC 20424. All written comments will be available for public inspection during normal business hours at the Case Intake and Publication Office.

**FOR FURTHER INFORMATION CONTACT:** Gina Grippando, Counsel for Regulatory and Public Affairs, Federal Labor Relations Authority, Washington, DC 20424, (202) 218-7776.

**SUPPLEMENTARY INFORMATION:** In the first stage of its eFiling initiative, the FLRA enabled parties to use eFiling to file requests for Federal Service Impasses Panel assistance in the resolution of negotiation impasses. See 77 FR 5987 (Feb. 7, 2012). The second stage of the FLRA’s eFiling initiative provided parties with an option to use eFiling to electronically file 11 types of documents

in cases filed with the FLRA’s three-member adjudicatory body, the Authority. Parties may now file such documents. See 77 FR 26430 (May 4, 2012). The third stage of the FLRA’s eFiling initiative provided parties with the option to use eFiling to electronically file certain documents involved in representation and unfair labor practice proceedings. See 77 FR 37751 (June 25, 2012).

The fourth stage of the FLRA’s eFiling initiative is the subject of this Final Rule. In this stage, parties will be able to use the FLRA’s eFiling system to file certain documents involved in unfair labor practice proceedings before the FLRA’s Office of Administrative Law Judges. This rule modifies the FLRA’s existing regulations to allow eFiling of those documents. As the FLRA’s eFiling procedures develop, the revisions set forth in this action may be evaluated and revised further.

#### Sectional Analysis

Sectional analysis of the amendments and revisions to part 2429, Miscellaneous and General Requirements, are as follows:

#### Part 2429—Miscellaneous and General Requirements

##### Section 2429.24(d)

This section is amended to reflect the addition of eFiling as an authorized means of filing documents with the Office of Administrative Law Judges pursuant to paragraph (f)(15) of this section and corrects the person with whom such documents must be filed by replacing appropriate administrative law judge with Chief Administrative Law Judge.

##### Section 2429.24(f)(15)

This section is added to reflect that documents filed with the Office of Administrative Law Judges are now documents that can be filed using eFiling as an alternative to the filing methods discussed in paragraph (e) of this section.

As described above, this amendment updates the regulations to merely expand the Federal Labor Relations Authority’s current electronic filing system. This rule pertains to agency organization, procedure, or practice, and it is exempt from prior notice and public comment pursuant to 5 U.S.C. 553(b)(A).

#### Executive Order 12866

The FLRA is an independent regulatory agency, and as such, is not subject to the requirements of E.O. 12866.

#### Executive Order 13132

The FLRA is an independent regulatory agency, and as such, is not subject to the requirements of E.O. 13132.

#### Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the FLRA has determined that this rule, as amended, will not have a significant impact on a substantial number of small entities, because this rule applies only to federal agencies, federal employees, and labor organizations representing those employees.

#### Unfunded Mandates Reform Act of 1995

This rule change will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This action is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Paperwork Reduction Act of 1995

The amended regulations contain no additional information collection or record-keeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

**List of Subjects in 5 CFR Part 2429**

Administrative practice and procedure, Government employees, Labor management relations.

For the reasons stated in the preamble, the FLRA amends 5 CFR part 2429, as follows:

**PART 2429—[AMENDED]**

■ 1. The authority citation for part 2429 continues to read as follows:

**Authority:** 5 U.S.C. 7134; § 2429.18 also issued under 28 U.S.C. 2112(a).

■ 2. Section 2429.24 is amended by revising paragraph (d) and adding paragraph (f)(15) to read as follows:

**§ 2429.24 Place and method of filing; acknowledgement.**

\* \* \* \* \*

(d) Unless electronically filed pursuant to paragraph (f)(15) of this section, a document filed with the Office of Administrative Law Judges pursuant to this subchapter shall be submitted to the address for the Chief Administrative Law Judge, as set forth in the appendix.

(f) \* \* \*

(15) Documents submitted to the Office of Administrative Law Judges under 5 CFR part 2423, including answers to complaints, motions, briefs, pre-hearing disclosures, stipulations, and any other documents as permitted by the eFiling system for the Office of Administrative Law Judges.

\* \* \* \* \*

Dated: February 12, 2015.

**Carol Waller Pope,**  
*Chairman.*

[FR Doc. 2015-03315 Filed 2-19-15; 8:45 am]

**BILLING CODE 6727-01-P**

**POSTAL SERVICE****39 CFR Part 241****Relocating Retail Services; Adding New Retail Service Facilities**

**AGENCY:** Postal Service™.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the Postal Service's current procedures concerning the expansion, relocation, and construction of Post Offices™ to clarify these procedures, and to require the Postal Service to provide more information to communities and elected officials about certain types of projects earlier in the planning phase. Under the final rule, the Postal Service will notify communities and officials, and solicit and consider their input, regarding

proposals to relocate retail services or add a new retail service facility. The final rule also will require the Postal Service to provide information about the anticipated new location for relocated services or for a new retail service facility when the Postal Service first gives notice of the proposal.

**DATES:** *Effective date:* March 23, 2015.

**FOR FURTHER INFORMATION CONTACT:** Richard Hancock, Real Estate Specialist, U.S. Postal Service®, at *Richard.A.Hancock2@usps.gov* or 919-420-5284.

**SUPPLEMENTARY INFORMATION:** On October 27, 2014, the Postal Service published a proposed rule (79 FR 63880) to revise the Postal Service's procedures concerning the expansion, relocation, and construction of Post Offices to clarify those procedures, and to require the Postal Service to provide more information to communities and elected officials about certain types of projects earlier in the planning phase. The proposed rule would require the Postal Service to notify communities and officials, and solicit and consider their input, regarding proposals to relocate retail services or add a new retail service facility. As a significant change from the current rule, the proposed rule would require the Postal Service to provide information about the anticipated new location for relocated services or for a new retail service facility when the Postal Service first gives notice of the proposal. The Postal Service established a 30-day comment period and invited comments on the proposed rule. The Postal Service received five responses.

**Comments and Response**

Below is a summary of the comments, in order of the specific sections of the proposed rule to which they relate.

*General Comments; 241.4(a)*

One respondent asserted that there is no substantive reason for changing the current rule and that the Postal Service should retain the current rule. The respondent suggested that defining "customer service facility" is unnecessary.

We disagree with the comment. The Postal Service Office of Inspector General (OIG) specifically recommended that the Postal Service revise its regulations to enhance transparency and public input. Based on past experience, we agreed with the OIG's recommendation. The current rule does not define "customer service facility" and as the Postal Service evolves to adapt to a fast changing marketplace, providing definitions in

the new rule will clarify when the new rule applies.

Another respondent commented that the new rule should define "relocation" and the definition should state a maximum permitted distance for relocating retail services.

We expect readers of the new rule will understand "relocation" to have its ordinary dictionary meaning. We also disagree that the new rule should include an arbitrary distance limitation because such a limitation could prevent appropriately accounting for important factors, such as the setting (urban, suburban, or rural), site conditions (public transit availability, location on a one-way street, etc.) and the proximity of other Postal Service retail locations.

*Temporary, Emergency, and Provisional Relocations; 241.4(a)(2)*

One respondent suggested that some causes of relocation added to the "emergency" category in the proposed rule are inconsistent with a definition of "emergency" as a sudden event requiring immediate action. The respondent also expressed concern that expanding the "emergency" category increases the universe of relocations that can occur without community input because the new rule, as proposed, provided for the Postal Service to determine when it is prudent to obtain community input on the long-term location after an emergency relocation. The respondent questioned adding examples of relocations arising from safety concerns without limiting those concerns to some specified level of seriousness, and the respondent urged retaining a 180-day limit for both temporary and emergency relocations.

We appreciate the concerns raised in these comments. The current rule lists "lease termination" as an example of an event that may require an emergency relocation, but the current rule is silent on lease expirations. Nor does the current rule recognize that some lessors reserve a right during the lease term to require the Postal Service to move to a different location, e.g., a substitute space in the lessor's project. However, the Postal Service believes it is prudent to provide in the final rule for soliciting and considering community input regarding relocations arising from such events. While these events may not be completely unexpected like other events listed as "emergencies", their timing is not always predictable. The Postal Service may not know when a lessor will exercise its right to terminate a lease or its right to require the Postal Service to move to different premises. Similarly, a lease may expire unexpectedly when the Postal Service