

POSTAL REGULATORY COMMISSION
39 CFR Parts 3002 and 3004

[Docket No. RM2019–15; Order No. 5257]

Freedom of Information Act

AGENCY: Postal Regulatory Commission.
ACTION: Direct final rule.

SUMMARY: The Commission seeks to adopt direct final rules making minor changes related to its Freedom of Information Act (FOIA) regulations indicating that FOIA requests will be processed by the Office of the General Counsel.

DATES: This rule is effective November 18, 2019 without further action, unless adverse comment is received by November 4, 2019. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: For additional information, Order No. 5257 can be accessed electronically through the Commission’s website at <https://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Background
- II. Basis and Purpose of Rule Change
- III. Final Rule

I. Background

In the past, the Commission processed FOIA requests through its Office of Secretary & Administration. As the nature of the Commission’s FOIA requests has evolved, however, the Commission has determined that it is most efficient to process these requests within its Office of the General Counsel.

II. Basis and Purpose of Rule Change

Section 552(a)(1)(B) of title 5 of the United States Code requires federal agencies to separately state and currently publish “statements of the general course and method by which [their] functions are channeled and determined” in the **Federal Register** for the guidance of the public. Section 552(a)(1)(E) requires agencies to publish “each amendment, revision, or repeal” of these statements.

This direct final rule is intended to amend the Commission’s FOIA regulations to more accurately reflect the Commission’s current organization and practice. The revised rule complies with section 552(a)(1)(E)’s requirement that the Commission inform the public that it has made internal organizational

changes that affect how it executes its FOIA-related functions.

III. Final Rule

List of Subjects

39 CFR Part 3002

Organization and functions (Government Agencies), Seals and insignia.

39 CFR Part 3004

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3002—ORGANIZATION

■ 1. The authority citation for part 3002 continues to read as follows:

Authority: 39 U.S.C. 503; 5 U.S.C. 552.

■ 2. Amend § 3002.11 by revising paragraph (d) to read as follows:

§ 3002.11 Office of Secretary and Administration.

* * * * *

(d) The Office of Secretary and Administration manages the Commission’s records, including the Commission’s seal, administrative policies, orders, reports, and official correspondence. In this role, the Office of Secretary and Administration manages the Commission’s dockets and docket room, website, reference materials, and inter-agency reporting. All orders and other actions of the Commission shall be authenticated or signed by the Secretary or any such other person as may be authorized by the Commission.

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■ 3. Amend § 3002.13 by revising paragraph (b) to read as follows:

§ 3002.13 Office of the General Counsel.

* * * * *

(b) The Office of the General Counsel provides legal assistance on matters involving the Commission’s responsibilities; defends Commission decisions before the courts; and advises the Commission on the legal aspects of proposed legislation, rulemaking, requests made under the Freedom of Information Act, and policies on procurement, contracting, personnel matters, ethics, and other internal legal matters.

PART 3004—PUBLIC RECORDS AND FREEDOM OF INFORMATION ACT

■ 4. The authority citation for part 3004 continues to read as follows:

Authority: 5 U.S.C. 552; 39 U.S.C 503.

■ 5. Amend § 3004.3 by revising paragraph (a) to read as follows:

§ 3004.3 How to make a request.

(a) To request Commission records, please contact the Commission via letter or use the online request form provided on the Commission’s website at <http://www.prc.gov/foia/onlinequest>.

* * * * *

■ 6. Amend § 3004.40 by revising paragraph (a)(7) to read as follows:

§ 3004.40 Hard copy requests for records and for expedited processing.

(a) * * *

(7) Be submitted to the Commission at the offices of the Commission (901 New York Avenue NW, Suite 200, Washington, DC 20268–0001).

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■ 7. Amend § 3004.43 by revising paragraphs (a) through (c), (d) introductory text, and (e) introductory text to read as follows:

§ 3004.43 Response to requests.

(a) *Determination.* Within 20 days (excluding Saturdays, Sundays, and legal holidays) after receipt of a request for a Commission record, the Chief FOIA Officer or his/her designee will notify the requester of its determination to grant or deny the request and the right to seek assistance from the Commission’s FOIA Public Liaison. In the case of an adverse determination, the Commission will notify the requester of his/her right to appeal and right to seek dispute resolution services from the Commission’s FOIA Public Liaison or the Office of Government Information Services.

(b) *Granting request.* If granting the request, the Chief FOIA Officer or his/her designee will notify the requester of any fees that must be paid.

(c) *Partial granting of request.* If the Commission is unable to grant the request in its entirety, any reasonably segregable portion of the request shall be provided, with deleted portions treated as specified in paragraph (d) of this section, and the Chief FOIA Officer or his/her designee will notify the requester of any fees that must be paid.

(d) *Denying request.* If denying the request, in whole or in part, the Chief FOIA Officer or his/her designee will inform the requester in writing of:

* * * * *

(e) *Expedited processing.* Within 10 days (excluding Saturdays, Sundays and legal holidays) after receipt of a request for expedited processing, the Chief FOIA Officer or his/her designee will:

* * * * *

■ 8. Amend § 3004.44 by revising paragraph (a) to read as follows:

§ 3004.44 Appeals.

(a) The Commission may review any decision of the Chief FOIA Officer or his/her designee on its own initiative.

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■ 9. Revise § 3004.60 to read as follows:

§ 3004.60 Chief Freedom of Information Act Officer.

The Commission designates the General Counsel of the Commission as the Chief FOIA Officer. The Chief FOIA Officer shall be responsible for the administration of and reporting on the Commission's Freedom of Information Act program.

By the Commission.

Darcie S. Tokioka,

Acting Secretary.

[FR Doc. 2019-21431 Filed 10-3-19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R08-OAR-2019-0047; FRL-10000-48-Region 8]

Approval and Promulgation of Implementation Plans; Montana; Regional Haze 5-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of Montana's Regional Haze Progress Report ("Progress Report"), submitted by the State of Montana through the Montana Department of Environmental Quality (MDEQ) on November 7, 2017, as a revision to the Montana Regional Haze State Implementation Plan (SIP). Montana's Progress Report addresses requirements of the Clean Air Act (CAA or Act) and the Federal Regional Haze Rule that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). The EPA is finalizing approval of Montana's

determination that the State's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018.

DATES: This rule is effective on November 4, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2019-0047. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD-IO, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6175, gregory.kate@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," and "our" means the EPA.

I. Background

States are required to submit a progress report in the form of a SIP revision for the first implementation period that evaluates progress towards the RPGs for each mandatory Class I Federal area¹ (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state (40 CFR 51.308(g)). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR 51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The first progress report is due 5 years after submittal of the initial regional haze plan. Montana declined to submit a regional haze SIP covering all required elements in the EPA's Regional Haze Rule, which resulted in the EPA administration of the majority of the Regional Haze program in the State since the effective date of the Federal

¹ Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

Implementation Program (FIP) of October 18, 2012.²

On November 7, 2017, Montana submitted its Progress Report which, among other things, detailed the progress made in the first implementation period toward the long-term strategy (LTS) outlined in the State's regional haze plan, the visibility improvement measured at the twelve Class I areas within Montana, and a determination of the adequacy of the State's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on July 9, 2019 (84 FR 32682), the EPA proposed to approve Montana's Progress Report. The details of Montana's submission and the rationale for the EPA's actions are explained in the NPRM.

II. Response to Comments

Comments on the proposed rulemaking were due on or before August 8, 2019. The EPA received a total of three public comment submissions on the proposed approval. All public comments received on this rulemaking action are available for review by the public and may be viewed by following the instructions for access to docket materials as outlined in the **ADDRESSES** section of this preamble. After reviewing the comments, the EPA has determined that two of the comment submissions are outside the scope of our proposed action and/or fail to identify any material issue necessitating a response. We received one comment letter from the Montana Environmental Information Center (MEIC) and the National Parks Conservation Association (NPCA), containing three significant comments that we are responding to here. Below is a summary of those comments and the EPA's responses.

Comment: In a comment letter dated August 8, 2019, the MEIC and NPCA stated that one of the nitrogen oxides (NO_x) control technologies included in Montana's report is the SmartBurn[®] technology at Colstrip that "reduce[s] NO_x emissions by '80% to 86%.'"³ The commenters assert these reductions are anecdotal, do not represent an enforceable emission limit, and cannot be relied on to show actual reductions for NO_x sufficient to satisfy requirements for Montana to make

² 77 FR 57864 (September 18, 2012).

³ It is unclear whether the commenter understands SmartBurn[®] technology to be capable of (1) reducing NO_x between 80% and 86%, or (2) improving NO_x reductions from 80% to 86% (i.e., by six percentage points). It is also unclear whether the commenter understands these reductions to be relative to the emission rates immediately prior to the SmartBurn[®] modifications or some even earlier baseline.