

COLLECTION OF INFORMATION

Information collection	OMB Control No. and estimated change in burden
This notice of proposed revisions proposes an extension for collecting and reporting information associated with Indicators (b)(1), (c)(11), and (c)(12); an alternative standard for Indicator (c)(11); proposes requirements for requests for extensions of deadlines for Indicators (b)(1), (c)(11), and (c)(12); and proposes requirements for revised plans for Indicators (b)(1), (c)(11), and (c)(12).	OMB 1810-0695. The burden would increase by 233,399 hours.

If you want to comment on the proposed information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for U.S. Department of Education. Send these comments by e-mail to OIRA_DOCKET@omb.eop.gov or by fax to (202) 395-6974. You may also send a copy of these comments to the Department contact named in the **ADDRESSES** section of this preamble.

We have prepared an Information Collection Request (ICR) for this collection. In preparing your comments you may want to review the ICR, which we maintain in the Education Department Information Collection System (EDICS) at <http://edicsweb.ed.gov>. Click on Browse Pending Collections. This proposed collection is identified as proposed collection 1810-0695.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments on the proposed collection within 30 days after publication. This does not affect the deadline for your comments to us on the proposed regulations.

Assessment of Educational Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e-4, the Department invites comment on whether these requirements require transmission of information that any other agency or authority of the United States gathers or makes available.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: <http://www.gpo.gov/fdsys>. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: <http://www.federalregister.gov>. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.394 (Education Stabilization Fund) and 84.397 (Government Services Fund).

Dated: September 19, 2011.

Arne Duncan,

Secretary of Education.

[FR Doc. 2011-24563 Filed 9-22-11; 8:45 am]

BILLING CODE 4000-01-P

POSTAL REGULATORY COMMISSION

39 CFR Part 3001

[Docket No. RM2011-13; Order No. 823]

Appeals of Post Office Closings

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rulemaking—supplement.

SUMMARY: This document supplements a recently-issued proposed rulemaking on appeals of post office closings by eliminating a publication requirement and by making several minor conforming changes. Including these changes as part of the more comprehensive rulemaking promotes efficiency by allowing interested persons to address proposed changes in one filing. These changes affect only the Commission's general rules of practice and procedure. They do not affect any of the provisions in proposed new part 3025. Persons who need additional time to comment on the changes in this supplemental proposed rule may request additional time.

DATES: *Comments are due:* October 3, 2011.

ADDRESSES: Submit comments electronically by accessing the "Filing Online" link in the banner at the top of the Commission's Web site (<http://www.prc.gov>) or by directly accessing the Commission's Filing Online system at <https://www.prc.gov/prc-pages/filingonline/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202-789-6920 (for proposal-related information) or DocketAdmins@prc.gov (for electronic filing assistance).

SUPPLEMENTARY INFORMATION: Regulatory history: 76 FR 54179 (August 31, 2011).

On August 18, 2011, the Commission issued Order No. 814 proposing to amend rules governing appeals of Postal Service final determinations to close or consolidate post offices.¹ One of the purposes of the proposed rules is to streamline the appeals process. Upon further consideration, the Commission believes that further streamlining is possible by eliminating the current requirement that notice of each appeal filed with the Commission be published in the **Federal Register**. Publication of such notice in the **Federal Register** is not required by statute or the Constitution. Accordingly, the Commission proposes to amend 39 CFR 3001.17.² Comments on the amendment to rule 17 are due October 3, 2011 (the same date comments are due pursuant to Order No. 814).

Appeals of Postal Service determinations to close or consolidate a post office are limited to persons served by that post office. 39 U.S.C. 404(d)(5). Postal Service determinations to close or consolidate a post office must be in writing and must be made available to persons served by such office. 39 U.S.C. 404(d)(3). Such determinations should apprise affected persons of their right to appeal the decision to the Commission within 30 days of its being made available to such persons.

Under its current rules, upon receipt of an appeal the Commission's practice has been to notify the Postal Service of the filing and to issue an order docketing the appeal, appointing a Public Representative, and establishing a procedural schedule governing submission of the underlying record and briefs in the proceeding. Pursuant to 39 CFR 3001.17(c), the Commission also directed that its order be published in the **Federal Register**. The Commission has determined that publication of its order in the **Federal Register** is unnecessary. It, therefore, proposes to eliminate that requirement.

Under the Administrative Procedure Act, Public Law 79-404, 60 Stat. 237, 1946 (APA), " 'adjudication' means agency process for formulation of an order." 5 U.S.C. 551(7). Appeals initiated under section 404(d) are not formal adjudications under the APA (5 U.S.C. 554) because, pursuant to section 404(d)(5)(C), the provisions of 5 U.S.C.

556 and 557 do not apply to post office appeal proceedings.

Instead, appeals of post office closings are a form of informal adjudication.³ The Commission is not required by section 404(d) or any other statutory provision to publish in the **Federal Register** notice that a post office appeal has been filed with it. As with all its orders, the Commission does publish orders issued in post office appeal proceedings on its Web site and, if needed, mails a copy of it to parties without access to the Commission's Web site. Moreover, both the Commission's and the Postal Service's rules require that documents relating to an appeal be displayed at a post office to be closed.⁴ Such postings also serve to apprise persons served by such post office that an appeal has been initiated.

Accordingly, the Commission proposes to amend rule 3001.17 to eliminate the requirement that notice of each post office appeal be published in the **Federal Register**. In addition, the Commission proposes several housekeeping changes to that rule to delete outdated provisions:

- Remove subparagraphs (a)(1) and (2) and redesignate subparagraphs (a)(3), (4), and (5) as (a)(1), (2), and (3), respectively;
- Revise redesignated subparagraph (a)(2) by changing "subpart E of this part" to "part 3030 of this chapter";
- Revise redesignated subparagraph (a)(3) by changing "to institute any other proceeding under the Act." to "it is appropriate.";
- Remove paragraph (b) and redesignate paragraphs (c) and (d) as (b) and (c), respectively;
- Revise redesignated paragraph (b) by inserting "and" after "on the Postal Service," and by striking " , and the appellant in the appeal of a Postal Service determination to close or consolidate a post office";
- Revise redesignated subparagraph (c)(1) by changing "paragraphs (a) and (b)" to "paragraph (a)"; and
- Revise redesignated subparagraph (c)(3) by inserting "and" after "nature of postal services;" and by striking "or, in the case of an appeal, an identification of the appellant and a summarization of the Postal Service determination to close or consolidate under review".

Lastly, in Order No. 814, the Commission proposed to allow participants in appeal proceedings

(other than the Postal Service) to file hard copy documents thereby eliminating the need for participants to request a waiver of the Commission's online filing requirements. *See* Order No. 814 at 2, 13. This change is reflected in proposed revisions to rules 3001.9(a) and 10(d). To conform to the proposed changes and to eliminate an outdated reference, the Commission proposes the following change to rule 3001.10(b):

- Revise redesignated paragraph (b) by removing "Participants in proceedings conducted under subpart H who are unable to comply with these requirements may seek to have them waived."

It is ordered:

1. Comments on the amendments to 39 CFR 3001.17 and 3001.10(b) specified in the body of this Order are due October 3, 2011.

2. The Secretary shall arrange for publication of this document in the **Federal Register**.

List of Subjects in Part 3001

Administrative practice and procedure; Freedom of information; Postal service; Sunshine Act.

Ruth Ann Abrams,

Acting Secretary.

For the reasons discussed in the preamble, the Postal Regulatory Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows.

PART 3001—[AMENDED]

1. The authority citation for part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

Subpart A—Rules of General Applicability

2. In § 3001.10, revise paragraph (b) to read as follows:

§ 3001.10 Form and number of copies of documents.

* * * * *

(b) *Hard copies.* Each document filed in paper form must be produced on letter-size paper, 8 to 8½ inches wide by 10½ to 11 inches long, with left- and right-hand margins not less than 1 inch and other margins not less than .75 inches, except that tables, charts or special documents attached thereto may be larger if required, provided that they are folded to the size of the document to which they are attached. If the document is bound, it shall be bound on the left side. Copies of documents for filing and service must be printed from a text-based pdf version of the

¹ Notice of Proposed Rulemaking Appeals of Postal Service Determinations to Close or Consolidate Post Offices, August 18, 2011 (Order No. 814).

² As noted below, the Commission also proposes several conforming changes to rule 3001.17 to remove outdated provisions and one change to rule 3001.10(b).

³ Informal adjudications are not covered by the APA at all, generally do not involve a hearing, and are subject to the specific enabling statute of each agency." James T. O'Reilly, *Administrative Rulemaking: Structuring, Opposing, and Defending Federal Agency Regulations* 621 (2d ed. 2011).

⁴ *See* 39 CFR 241.3(g)(3)(ii) and 3001.117.

document, where possible. Otherwise, they may be reproduced by any duplicating process that produces clear and legible copies. Each person filing a hardcopy document with the Commission must prove an original and two fully conformed copies of the document required or permitted to be filed under this part, except for a document filed under seal, for which only the original and two (2) copies need be filed. The copies need not be signed but shall show the full name of the individual signing the original document and the certificate of service attached thereto.

* * * * *

2. Revise § 3001.17 to read as follows:

§ 3001.17 Notice of proceeding.

(a) *When issued.* The Commission shall issue a notice of proceeding to be determined on the record with an opportunity for any interested person to request a hearing whenever:

(1) The Postal Service files a request with the Commission to issue an advisory opinion on a proposed change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis;

(2) The Commission in the exercise of its discretion determines that an opportunity for hearing should be provided with regard to a complaint filed pursuant to part 3030 of this chapter; or

(3) The Commission in the exercise of its discretion determines it is appropriate.

(b) *Service of notice.* Each notice of proceeding shall be served on the Postal Service and the complainant in a complaint proceeding.

(c) *Contents of notice.* The notice of proceeding shall include the following:

(1) The general nature of the proceeding involved in terms of categories listed in paragraph (a) of this section;

(2) A reference to the legal authority under which the proceeding is to be conducted;

(3) A concise description of proposals for changes in rates or fees; proposals for changes in the nature of postal services; and in the case of a complaint, an identification of the complainant and a concise description of the subject matter of the complaint;

(4) The date by which notices of intervention and requests for hearing must be filed; and

(5) Such other information as the Commission may desire to include.

[FR Doc. 2011-24311 Filed 9-22-11; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R03-OAR-2011-0721; FRL-9470-9]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Adhesives and Sealants Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revision submitted by the State of Delaware. The SIP revision adds section 4.0, under Regulation 1141, relating to the control of emissions of volatile organic compounds (VOC) from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before October 24, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R03-OAR-2011-0721 by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail:* fernandez.cristina@epa.gov.

C. *Mail:* EPA-R03-OAR-2011-0721, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Number EPA-R03-OAR-2011-0721. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which

means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. 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 in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814-2036, or by e-mail at *becoat.gregory@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On June 9, 2009, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a revision to the Delaware SIP. The SIP revision consists of Delaware's regulation for reducing VOCs from commercially-used adhesive and sealant products by adding section 4.0—Adhesives and Sealants under Regulation 1141—Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products. The revisions are part of Delaware's strategy to achieve and maintain the 8-hour ozone national ambient air quality standard (NAAQS) throughout the State.