

information that is not public and was prepared for use by Treasury for the purpose of evaluating an offer, quotation, or response to enter into an arrangement.

(b) *Certification.* Before a retained entity enters a new arrangement, the retained entity must certify to the following:

(1) The retained entity is aware of the prohibitions of paragraph (a) of this section and, to the best of its knowledge after making reasonable inquiry, the retained entity has no information concerning a violation or possible violation of paragraph (a) of this section.

(2) Each officer, employee, and representative of the retained entity who participated personally and substantially in preparing and submitting a bid, offer, proposal, or request for modification of the arrangement has certified that he or she:

(i) Is familiar with and will comply with the requirements of paragraph (a) of this section; and

(ii) Has no information of any violations or possible violations of paragraph (a) of this section, and will report immediately to the retained entity any subsequently gained information concerning a violation or possible violation of paragraph (a) of this section.

#### **§ 31.217 Confidentiality of information.**

(a) *Nonpublic information defined.*

Any information that Treasury provides to a retained entity under an arrangement, or that the retained entity obtains or develops pursuant to the arrangement, shall be deemed nonpublic until the Treasury determines otherwise in writing, or the information becomes part of the body of public information from a source other than the retained entity.

(b) *Prohibitions.* The retained entity shall not:

(1) Disclose nonpublic information to anyone except as required to perform the retained entity's obligations pursuant to the arrangement, or pursuant to a lawful court order or valid subpoena after giving prior notice to Treasury.

(2) Use or allow the use of any nonpublic information to further any private interest other than as contemplated by the arrangement.

(c) *Retained entity's responsibility.* A retained entity shall take appropriate measures to ensure the confidentiality of nonpublic information and to prevent its inappropriate use. The retained entity shall document these measures in sufficient detail to demonstrate compliance, and shall maintain this documentation for three years after the

arrangement has terminated. The retained entity shall notify the TARP Chief Compliance Officer in writing within five business days of detecting a violation of the prohibitions in paragraph (b), above. The security measures required by this paragraph shall include:

(1) Security measures to prevent unauthorized access to facilities and storage containers where nonpublic information is stored.

(2) Security measures to detect and prevent unauthorized access to computer equipment and data storage devices that store or transmit nonpublic information.

(3) Periodic training to ensure that persons receiving nonpublic information know their obligation to maintain its confidentiality and to use it only for purposes contemplated by the arrangement.

(4) Programs to ensure compliance with federal securities laws, including laws relating to insider trading, when the arrangement relates to the acquisition, valuation, management, or disposition of troubled assets.

(5) A certification from each key individual stating that he or she will comply with the requirements in section 31.217(b). The retained entity shall obtain this certification, in the form of a nondisclosure agreement, before a key individual performs work under the arrangement, and then annually thereafter.

(d) *Certification.* No later than ten business days after the effective date of the arrangement, the retained entity shall certify to the Treasury that it has received a certification form from each key individual stating that he or she will comply with the requirements in § 31.217(b). In making this certification, the retained entity may rely on the information obtained pursuant to paragraph (b) of this section, unless the retained entity knows or should have known that the information provided is false or inaccurate.

#### **§ 31.218 Enforcement.**

(a) Compliance with these rules concerning conflicts of interest is of the utmost importance. In the event a retained entity or any individual or entity providing information pursuant to 31 U.S.C. part 31 violates any of these rules, Treasury may impose or pursue one or more of the following sanctions:

(1) Rejection of work tainted by an organizational conflict of interest or a personal conflict of interest and denial of payment for that work.

(2) Termination of the arrangement for default.

(3) Debarment of the retained entity for Federal government contracting and/or disqualification of the retained entity from future financial agency agreements.

(4) Imposition of any other remedy available under the terms of the arrangement or at law.

(5) In the event of violation of a criminal statute, referral to the Department of Justice for prosecution of the retained entity and/or its officers or employees. In such cases, the Department of Justice may make direct and derivative use of any statements and information provided by any entity, its representatives and employees or any individual, to the extent permitted by law.

(b) To the extent Treasury has discretion in selecting or imposing a remedy, it will give significant consideration to a retained entity's prompt disclosure of any violation of these rules.

Dated: September 19, 2011.

**Timothy G. Massad,**

*Assistant Secretary for Financial Stability.*

[FR Doc. 2011-25443 Filed 9-30-11; 8:45 am]

**BILLING CODE 4810-25-P**

## **POSTAL SERVICE**

### **39 CFR Part 122**

#### **Service Standards for Market-Dominant Special Services Products**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule adds a service standard for Stamp Fulfillment Services to the set of service standards for stand-alone market-dominant special services products set forth in our regulations.

**DATES:** *Effective date:* November 2, 2011.

#### **FOR FURTHER INFORMATION CONTACT:**

Khalid Hussain at 816-545-1250.

**SUPPLEMENTARY INFORMATION:** Section 301 of the Postal Accountability and Enhancement Act of 2006, Public Law 109-435, 120 Stat. 3198 *et seq.*, requires the Postal Service to establish modern service standards for its market-dominant products within a year of the law's December 20, 2006, enactment. Section 301 also requires that these service standards be revised "from time to time." With this final rule, the Postal Service adds a set of service standards for Stamp Fulfillment Services (SFS) to the previously-established set of modern service standards.

After extensive consultations with the Postal Regulatory Commission (PRC),

the Postal Service established modern service standards for market-dominant products at 39 CFR Parts 121 and 122. See 72 FR 58946–70 (October 17, 2007) (proposed rule); 72 FR 72216–31 (December 19, 2007) (final rule).<sup>1</sup> The Postal Service also requested the PRC's approval of proposed systems for the measurement of service standard achievement for its market-dominant products. See PRC Docket No. PI2008–1, Notice of Request for Comments on Service Performance Measurement Systems for Market Dominant Products (December 4, 2007).

Since the establishment of the Postal Service's service standards, the PRC added SFS to the market-dominant products list. PRC Order No. 487 (July 13, 2010). As a result of SFS'

classification as a market-dominant product, the Postal Service now considers it necessary to add a set of service standards for SFS to 39 CFR Part 122.

SFS provides the fulfillment of stamp and product orders received by mail, phone, fax, or Internet at the Postal Service's SFS center in Kansas City, Missouri. Orders can include stamps, stamped cards, envelopes, and stationery, and other philatelic items such as First Day Covers and stamp collecting materials. The Postal Service charges a fee for order processing and handling.

Based on the nature of the fee, the distinct aspect of SFS service consists of SFS' intake, processing, and handling of orders for stamps (both mail use and

philatelic), stamp products, and retail items. Once the order is processed, the Postal Service transmits the items as First-Class Mail, Priority Mail, Express Mail, Certified Mail, or Registered Mail, depending on the nature and priority of the order. These mail channels are subject to their own service standards, performance measurement, and reporting, where applicable, and so the Postal Service does not consider it necessary or reasonable to add a separate standard for the time that SFS is in transit as a mail shipment. Due to the variety of customer orders received at SFS (mail use stamps, collectible stamps, retail product, etc.), the Postal Service establishes a set of service standards for SFS based upon order profiles.

#### STAMP FULFILLMENT SERVICES—SERVICE STANDARDS FOR FULFILLMENT PROCESS

Customer order	Service standard <sup>1</sup>
Internet Orders: Non-Philatelic/Non-Custom .....	≤2 Business Days.
Business Level Orders .....	≤5 Business Days.
Philatelic/Custom and All Other Order Sources .....	≤10 Business Days.

These service standards apply to the period from receipt of the order with payment in Stamp Fulfillment Services' order intake system thru order completion for entry (pick up by mail truck) into USPS mail stream. These standards exclude orders which may be comprised of pre-orders, backorders, or orders where merchandise is not fulfilled at SFS.

The service standards for SFS reflects thorough consideration of the objectives listed in 39 U.S.C. 3691(b)(1) and the factors listed in 39 U.S.C. 3691(c), with an emphasis on customer satisfaction and customer needs.

39 U.S.C. 3691(b) requires that market-dominant product service

standard performance be measured by some objective external system, or by internal methods approved by the PRC under 39 U.S.C. 3691(b)(2). The Postal Service will submit a plan for service performance measurement to the PRC for review.

#### List of Subjects in 39 CFR Part 122

Mail, Postal service.

For the reasons stated in the preamble, the Postal Service amends 39 CFR Part 122 as follows:

#### PART 122—[AMENDED]

■ 1. The authority citation for 39 CFR Part 122 continues to read as follows:

**Authority:** 39 U.S.C. 101, 401, 403, 404, 1001, 3691.

■ 2. Section 122.2 is amended by adding paragraph (e) to read as follows:

#### § 122.2 Stand-Alone Special Services.

\* \* \* \* \*

(e) The service standards for Stamp Fulfillment Services order fulfillment service is shipment of orders within the following timeframes, based from the time of order receipt within SFS systems, excluding designated postal holidays.

#### STAMP FULFILLMENT SERVICES—SERVICE STANDARDS FOR FULFILLMENT PROCESS

Customer order	Service standard <sup>1</sup>
Internet Orders: Non-Philatelic/Non-Custom .....	≤2 Business Days.
Business Level Orders .....	≤5 Business Days.
Philatelic/Custom and All Other Order Sources .....	≤10 Business Days.

<sup>1</sup> By operation of 39 U.S.C. 410(a), the Postal Service is exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rule

makings. The Postal Service determined that public comment was appropriate for the initial service standards rulemaking in light of its unprecedented role. Given the limited scope of the rules issued in

this notice, however, the Postal Service is exercising its discretion to forego notice-and-comment rulemaking in this instance.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2011-25336 Filed 9-30-11; 8:45 am]

BILLING CODE 7710-12-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2007-0649; FRL-9290-2]

#### Approval and Promulgation of State Implementation Plans; State of Colorado Regulation Number 3: Revisions to the Air Pollutant Emission Notice Requirements and Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** EPA is partially approving and partially disapproving State Implementation Plan (SIP) revisions regarding the Air Pollutant Emission Notice (APEN) regulations submitted by the State of Colorado on September 16, 1997, June 20, 2003, July 11, 2005, August 8, 2006 and August 1, 2007. The APEN provisions in Sections II.A. through II.D., Part A of Colorado's Regulation Number 3, specify the APEN filing requirements for stationary sources and exemptions from such requirements. This action is being taken under section 110 of the Clean Air Act (CAA).

**DATES:** This final rule is effective November 2, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R08-OAR-2007-0649. All documents in the docket are listed in the <http://www.regulations.gov> index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <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 Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Crystal Freeman, Air Program, U.S.

Environmental Protection Agency, Region 8, Mailcode 8P-AR, 1595 Wynkoop, Denver, Colorado 80202-1129, (303) 312-6602, [freeman.crystal@epa.gov](mailto:freeman.crystal@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *Colorado* mean the State of Colorado, unless the context indicates otherwise.

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##### I. Background

The State of Colorado submitted formal revisions to their SIP between 1997 and 2007 with Governor's letters dated as follows: September 16, 1997; June 20, 2003; July 11, 2005; August 8, 2006; and August 1, 2007. These submittals included revisions to the Colorado APEN provisions in Regulation Number 3, Part A, Sections II.A. through II.D. The Colorado APEN provisions in Regulation Number 3, Part A, Sections II.A. through II.C., specify requirements for stationary sources (major and minor) to file emission notices. These notices provide information such as the location where a source's emissions will occur, the nature of the source or of the activity generating the expected emissions, and an estimate of the emissions' quantity and composition. The Colorado APEN provisions in Regulation Number 3, Part A, Section II.D. exempt specific categories of sources from APEN requirements.

EPA's last final rulemaking action addressing revisions to Colorado's APEN provisions was published January 21, 1997 (62 FR 2910). The final rule today addresses the APEN SIP revisions discussed above. EPA's final rule action on the revisions submitted by the State does not trace the APEN provision changes through each of the submissions noted above. For reasons of efficiency and clarity, EPA compared the language of each APEN provision as submitted by the State on August 1,

2007 with the EPA-approved text of the same APEN provision in the 1997 Colorado SIP. These changes are detailed in the technical support document available in the docket for this action. In Table 1 of Section IV. below, EPA provides the approvals, disapprovals and no actions being taken for each provision number as of the August 1, 2007 submittal. The reasons for EPA's final action are discussed in our notice proposing action on these revisions and in the associated technical support document. (76 FR 4271 (Jan. 25, 2011)). Through this approach to the cumulative revisions, EPA is taking final action on all APEN revisions—with certain exceptions noted below—as submitted by the State of Colorado on September 16, 1997, June 20, 2003, July 11, 2005, August 8, 2006, and August 1, 2007.

##### II. Response to Comments

EPA did not receive comments on our January 25, 2011 **Federal Register** proposed action regarding the partial approval and partial disapproval of Colorado's SIP revisions to their Regulation Number 3, Part A, Sections II.A. through II.D.

##### III. Section 110(l) of the CAA

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress toward attainment of the National Ambient Air Quality Standards (NAAQS) or any other applicable requirements of the Act. Those portions of the revisions to Colorado's Regulation Number 3, Part A, Sections II.A. through II.D. that we are approving satisfy section 110(l), because those portions do not relax existing SIP requirements. Instead, the revisions that EPA is approving increase stringency of existing provisions, clarify existing provisions, or remove obsolete provisions. Therefore, section 110(l) is satisfied for the provisions that EPA is approving. However, EPA is disapproving some exemptions in part because those provisions relax existing SIP requirements. (See 76 FR 4271.) Because EPA is disapproving those provisions, section 110(l) is satisfied.

##### IV. Final Action

EPA is partially approving and partially disapproving the Colorado SIP revisions for APEN requirements and exemptions submitted by the State on September 16, 1997, June 20, 2003, July 11, 2005, August 8, 2006, and August 1, 2007. As noted above, EPA's evaluation of the revisions submitted by the State