

information on a disk or CD-ROM, mark the outside of the disk or CD-ROM, and identify electronically within the disk or CD-ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. Any such proprietary information is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

#### Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies); or
3. Accessing the Government Printing Office's web page at <http://www.gpoaccess.gov/fr/index.html>.

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

#### List of Subjects in 14 CFR Part 35

Air transportation, Aircraft, Aviation Safety, Safety.

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of Title 14, Code of Federal Regulations, as follows:

#### PART 35—AIRWORTHINESS STANDARDS: PROPELLERS

1. The authority citation for part 35 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701-44702, 44704.

2. Amend § 35.15 by revising paragraphs (c) and (d) to read as follows:

#### § 35.15 Safety Analysis.

\* \* \* \* \*

(c) The primary failures of certain single propeller elements (for example, blades) cannot be sensibly estimated in numerical terms. If the failure of such elements is likely to result in hazardous propeller effects, those elements must be identified as propeller critical parts.

(d) For propeller critical parts, applicants must meet the prescribed integrity specifications of § 35.16. These instances must be stated in the safety analysis.

\* \* \* \* \*

3. Add § 35.16 to subpart B to read as follows:

#### § 35.16 Propeller Critical Parts.

The integrity of each propeller critical part identified by the safety analysis required by § 35.15 must be established by:

(a) A defined engineering process for ensuring the integrity of the propeller critical part throughout its service life,

(b) A defined manufacturing process that identifies the requirements to consistently produce the propeller critical part as required by the engineering process, and

(c) A defined service management process that identifies the continued airworthiness requirements of the propeller critical part as required by the engineering process.

Issued in Washington, DC, on October 31, 2011.

**Dorenda D. Baker,**

*Director, Aircraft Certification Service.*

[FR Doc. 2011-30952 Filed 11-30-11; 8:45 am]

**BILLING CODE 4910-13-P**

#### POSTAL SERVICE

#### 39 CFR Part 501

#### Authority To Manufacture and Distribute Postage Evidencing Systems

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is proposing an editorial revision of the rules governing the inventory control processes of Postage Evidencing Systems (PES) provided to customers by manufacturers or distributors. The proposed changes are intended to clarify the rules, and reflect a change in the name of the office responsible for enforcing them.

**DATES:** Comments on the proposed procedures must be received on or before January 3, 2012.

**ADDRESSES:** Mail or deliver written comments to the Manager, Payment Technology, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3660, Washington, DC 20260-4110. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Payment Technology office.

**FOR FURTHER INFORMATION CONTACT:** Marlo Kay Ivey, Business Programs Specialist, Payment Technology, U.S. Postal Service, at (202) 268-7613.

**SUPPLEMENTARY INFORMATION:** The office formerly known as Postage Technology Management (PTM) is now known as Payment Technology. Accordingly, the Postal Service finds it is necessary to modify the numerous references to PTM in 39 CFR 501.14 to reflect the new name. In addition, the Postal Service believes it is appropriate to take this opportunity to make a number of minor editorial changes throughout § 501.14 to improve its clarity. None of these changes is intended to modify the substantive requirements of the section.

#### List of Subjects in 39 CFR Part 501

Administrative practice and procedure.

Accordingly, 39 CFR Part 501 is proposed to be amended as follows:

#### PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE EVIDENCING SYSTEMS

1. The authority citation for 39 CFR Part 501 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605, Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended); 5 U.S.C. App. 3.

2. Section 501.14 is revised to read as follows:

#### § 501.14 Postage Evidencing System inventory control processes.

(a) Each authorized provider of Postage Evidencing Systems must permanently hold title to all Postage Evidencing Systems that it manufactures or distributes, except those purchased by the Postal Service or distributed outside the United States.

(b) An authorized provider must maintain sufficient facilities for and records of the business relationship, distribution, control, storage, maintenance, repair, replacement, and destruction or disposal of all Postage Evidencing Systems and their components to enable accurate accounting and location thereof throughout the entire life cycle of each Postage Evidencing System. A complete record shall entail a list by serial

number of all Postage Evidencing Systems manufactured or distributed showing all movements of each system from the time that it is produced until it is scrapped, and the reading of the ascending register each time the system is checked into or out of service. These records must be available for inspection by Postal Service officials at any time during business hours.

(c) To ensure adequate control over Postage Evidencing Systems, plans for the following processes must be submitted for prior approval, in writing, to the office of Payment Technology.

(1) *Check in to service procedures for all Postage Evidencing Systems*—the procedures are to address the process to be used for new Postage Evidencing Systems as well as those previously leased to another customer.

(2) *Transportation and storage of Postage Evidencing Systems*—these are procedures that provide reasonable precautions to prevent use by unauthorized individuals. Providers must ship all postage meters by Postal Service Registered Mail® service unless given written permission by the Postal Service to use another carrier. The provider must demonstrate that the alternative delivery carrier employs security procedures equivalent to those for Registered Mail service.

(3) *Postage Evidencing System examination/inspection procedures and schedule*—the provider is required to perform postage meter examinations or inspections based on an approved schedule. Failure to complete the postage meter examination or inspections by the due date may result in the Postal Service requiring the provider to disable the meter's resetting capability. If necessary, the Postal Service shall notify the customer that the postage meter is to be removed from service and the authorization to use a Postage Evidencing System revoked, following the procedures for revocation specified by regulation. The Postal Service shall notify the provider to remove the postage meter from the customer's location.

(4) *Check out-of-service procedures for a non-faulty Postage Evidencing System*—these must be used when the system is to be removed from service for any reason.

(5) *Postage Evidencing System repair process*—any physical or electronic access to the internal components of a postage meter, as well as any access to software or security parameters, must be conducted within an approved facility under the provider's direct control and active supervision. To prevent unauthorized use, the provider or any third party acting on its behalf must

keep secure any equipment or other component that can be used to open or access the internal, electronic, or secure components of a postage meter.

(6) *Handling procedures for faulty meters*—the provider must maintain handling procedures for faulty meters, including those that are inoperable, misregistering, have unreadable registers, inaccurately reflect their current status, show any evidence of possible tampering or abuse, and those for which there is any indication that the postage meter has some mechanical or electrical malfunction of any critical security component, such as any component the improper operation of which could adversely affect Postal Service revenues, or of any memory component, or that affects the accuracy of the registers or the accuracy of the value printed.

(7) *Lost or stolen postage meter procedures*—the provider must promptly report to the Postal Service the loss or theft of any postage meter or the recovery of any lost or stolen postage meter. Such notification to the Postal Service will be made by completing and filing a standardized lost and stolen meter incident report within ten (10) calendar days of the provider's determination of a meter loss, theft, or recovery.

(8) *Postage meter destruction*—when required, the postage meter must be rendered completely inoperable by the destruction process and associated postage; printing dies and components must be destroyed. Manufacturers or distributors of meters must submit the proposed destruction method; a schedule listing the postage meters to be destroyed, by serial number and model; and the proposed time and place of destruction to Payment Technology for approval prior to any meter destruction. Providers must record and retain the serial numbers of the meters to be destroyed and provide a list of such serial numbers in electronic form in accordance with Postal Service requirements for meter accounting and tracking systems. Providers must give sufficient advance notice of the destruction to allow Payment Technology to schedule observation by its designated representative who shall verify that the destruction is performed in accordance with a Postal Service—approved method or process. To the extent that the Postal Service elects not to observe a particular destruction, the provider must submit a certification of destruction, including the serial number(s) to the Postal Service within 5 calendar days of destruction. These requirements for meter destruction apply to all postage meters, Postage Evidencing Systems, and postal security

devices included as a component of a Postage Evidencing System.

(d) If the provider uses a third party to perform functions that may have an impact upon a Postage Evidencing System (especially its security), including, but not limited to, business relationships, repair, maintenance, and disposal of Postage Evidencing Systems, Payment Technology must be advised in advance of all aspects of the relationship, as they relate to the custody and control of Postage Evidencing Systems and must specifically authorize in writing the proposed arrangement between the parties.

(1) Postal Service authorization of a third-party relationship to perform specific functions applies only to the functions stated in the written authorization but may be amended to embrace additional functions.

(2) No third-party relationship shall compromise the Postage Evidencing System, or its components, including, but not limited to, the hardware, software, communications, and security components, or of any security-related system with which it interfaces, including, but not limited to, the resetting system, reporting systems, and Postal Service support systems. The functions of the third party with respect to a Postage Evidencing System, its components, and the systems with which it interfaces are subject to the same scrutiny as the equivalent functions of the provider.

(3) Any authorized third party must keep adequate facilities for and records of Postage Evidencing Systems and their components in accordance with paragraph (b) of this section. All such facilities and records are subject to inspection by Postal Service representatives, insofar as they are used to distribute, control, store, maintain, repair, replace, destroy, or dispose of Postage Evidencing Systems.

(4) The provider must ensure that any party acting on its behalf in any of the functions described in paragraph (b) of this section maintains adequate facilities, records, and procedures for the security of the Postage Evidencing Systems. Deficiencies in the operations of a third party relating to the custody and control of Postage Evidencing Systems, unless corrected in a timely manner, can place at risk a provider's approval to manufacture and/or distribute Postage Evidencing Systems.

(5) The Postal Service reserves the right to review all aspects of any relationship if it appears that the relationship poses a threat to Postage Evidencing System security and may require the provider to take appropriate

corrective action. By entering into any relationship under this section, the provider is not relieved of any responsibility to the Postal Service, and such must be stated in any memorialization of the relationship.

**Stanley F. Mires,**

*Attorney, Legal Policy & Legislative Advice.*

[FR Doc. 2011-30876 Filed 11-30-11; 8:45 am]

**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[Regional Docket Nos. V-2010-1, FRL-9498-6]

#### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Carmeuse Stone and Lime

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

**ACTION:** Denial of petition.

**SUMMARY:** This document announces that the EPA Administrator has denied a petition from the Sierra Club asking EPA to object to a Title V operating permit for Carmeuse Stone and Lime (Carmeuse) issued by the Wisconsin Department of Natural Resources (WDNR).

Sections 307(b) and 505(b)(2) of the Act provide that a petitioner may ask for judicial review of those portions of the petition which EPA denies in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final Order, the petition, and other supporting information at the EPA Region 5 Office, 77 West Jackson Boulevard, Chicago, Illinois 60604. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. Additionally, the final Order for the Carmeuse petition is available electronically at: <http://www.epa.gov/region7/air/title5/petitiondb/petitiondb.htm>.

**FOR FURTHER INFORMATION CONTACT:** Genevieve Damico, Chief, Air Permits Section, Air Programs Branch, Air and Radiation Division, EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, telephone (312) 353-4761.

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and object, as appropriate, to Title V operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of the EPA review period to object to a Title V operating permit if EPA has not done so. A petition must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise issues during the comment period, or the grounds for the issues arose after this period.

On December 15, 2009, EPA received a petition from the Sierra Club requesting that EPA object to the Title V operating permit for Carmeuse. The Petitioner alleged that the permit is not in compliance with the requirements of the Act. Specifically, the Petitioner alleged that: (1) A Prevention of Significant Deterioration permit issued by EPA in 1979 did not allow Carmeuse to burn petroleum coke as a fuel and the permit never was modified to allow for it; (2) WDNR was not authorized to revise EPA's 1979 permit; and (3) a construction permit issued by WDNR in 1995 was flawed because WDNR did not use the correct permit process, and did not do the netting analysis or the modeling and increment analyses correctly.

On November 4, 2011, the Administrator issued an Order denying the Sierra Club's petition. The Order explains the reasons behind EPA's conclusion.

Dated: November 16, 2011.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2011-30843 Filed 11-30-11; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF AGRICULTURE

### 48 CFR Part 422

**RIN 0599-AA19**

#### Office of Procurement and Property Management; Agriculture Acquisition Regulation, Labor Law Violations

**AGENCY:** Office of Procurement and Property Management, Department of Agriculture.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Procurement and Property Management (OPPM) of the Department of Agriculture (USDA)

proposes to amend the Agriculture Acquisition Regulation (the "AGAR") to add a new clause at subpart 422.70 entitled "Labor Law Violations." In the final rule section of the **Federal Register**, the Agency is publishing this action as a direct final rule without prior proposal because OPPM views this as a non-controversial action and expects no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule, and the action will become effective at the time specified in the direct final rule. If the Agency receives adverse comments, a timely document will be published withdrawing the direct final rule, and all public comments received will be addressed in a subsequent final rule based on this action.

**DATES:** Interested parties should submit written comments to the Department of Agriculture, OPPM on or before January 30, 2012 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified in the subject line as "48 CFR 422 Proposed Rule" by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [Procurement@usda.gov](mailto:Procurement@usda.gov).

- *Mail:* Office of Procurement and Property Management, Procurement Policy Division, MAIL STOP 9306, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250-9303.

- *Hand Delivery/Courier:* Room 262, Reporters' Building, 300 7th Street SW., Washington, DC.

*Instructions:* All submissions must be identified as "48 CFR 422 Proposed Rule" for this proposed rulemaking. Please include your name, company name (if applicable), email address and/or phone number where you can be contacted if additional clarification is required regarding your comment(s).

**FOR FURTHER INFORMATION CONTACT:** Donna Calacone, Office of Procurement and Property Management, at (202) 205-4036 or by mail at OPPM, MAIL STOP 9304, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250-9303. Please cite "48 CFR 422 (Proposed Rule)" in all correspondence.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

The U.S. Department of Agriculture (USDA) highly respects and follows the policies and laws regarding worker labor protections particularly as they