

**§ 224.3 [Amended]**

2. Section 224.3 is amended as follows:

- a. Paragraph (a) is revised;
  - b. Paragraph (b)(6) is removed, and paragraphs (b)(7) and (8) are redesignated as (b)(6) and (7) respectively.
  - c. Paragraph (c) is revised;
  - d. Paragraph (d) is removed.
- The revisions read as follows:

\* \* \* \* \*

(a) The Postal Inspection Service is headed by the Chief Postal Inspector who also acts as the Chief Security Officer and Defense Coordinator for the Postal Service.

\* \* \* \* \*

(c) The Inspection Service through the Chief Postal Inspector shall promptly report to the Inspector General the significant activities being carried out by the Inspection Service and on all other matters as required by law.

**§ 224.4 [Amended]**

6. In sections 224.4(b)(1) and (2), remove the reference to “§ 224.3(d)” each place it appears and add in its place “§ 230.1(c)”.

**PART 229—FIELD ORGANIZATIONS**

B. Part 229 is amended as follows:

1. The authority citation for part 229 continues to read as follows:

**Authority:** 39 U.S.C. 401, 402, 403, and 404.

**§ 229.2 [Amended]**

2. In § 229.2(b)(1), remove “auditing,”

**PART 233—INSPECTION SERVICE AUTHORITY**

C. Part 233 is amended as follows:

1. The authority citation for part 233 continues to read as follows:

**Authority:** 39 U.S.C. 101, 102, 202, 204, 401, 402, 403, 404, 406, 410, 411, 1003, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Omnibus Budget Reconciliation Act of 1996, sec. 662 (Pub. L. No. 104–208).

2. The heading for Part 233 is revised to read as set forth above.

**§ 233.1 [Amended]**

3. In § 233.1 paragraph (c) is revised and in paragraph (d) the words “or audit” are removed. The revision to paragraph (c) reads as follows:

\* \* \* \* \*

(c) Administrative subpoenas may be served by delivering a copy to a person or by mailing a copy to his or her last known address. For the purposes of this provision, delivery of a copy includes handing it to the party or leaving it at the party's office or residence with a person of suitable age and discretion

employed or residing therein. Service by mail is complete upon mailing.

**PART 266—PRIVACY OF INFORMATION**

D. Part 266 is amended as follows:

1. The authority citation for part 266 continues to read as follows:

**Authority:** 39 U.S.C. 401; 5 U.S.C. 552a.

**§ 266.6 [Amended]**

2. Section 266.6(a)(1) is amended by adding the following after “268–2608.”:

\* \* \* \* \*

(a)\*\*\*(1)\*\*\* Requests submitted to the Office of Inspector General should be submitted to the Freedom of Information Act/Privacy Officer, Office of Inspector General, 1735 North Lynn Street, Arlington, Virginia, 22209–2020.\*\*\*

**PART 273—ADMINISTRATION OF PROGRAM FRAUD CIVIL REMEDIES ACT**

E. Part 273 is amended as follows:

1. The authority citation for part 273 continues to read as follows:

**Authority:** 31 U.S.C. Chapter 38; 39 U.S.C. 401.

2. Section 273. 2 (c) is revised to read as follows:

**§ 273.2 Definitions.**

\* \* \* \* \*

(c) Investigating Official refers to the Inspector General of the Postal Service or any designee within the United States Office of the Inspector General who serves in a position for which the rate of basic pay is not less than the minimum rate of basic pay for grade GS–16 under the General Schedule.

\* \* \* \* \*

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02–8105 Filed 4–3–02; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****39 CFR Part 230****Responsibilities of the Office of Inspector General**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending the Code of Federal Regulations to reflect the role the Inspector General plays in the audit, investigative, and oversight activity of the Postal Service. This is the first comprehensive revision of the Postal Service Inspector General regulations since the independent postal Inspector

General came into existence in 1997. The intent of this revision is to clarify the responsibilities and duties of the Inspector General for postal customers and employees.

**DATES:** Effective April 4, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Andrea Bernardo, Managing Counsel, Legal Services, Office of Inspector General, 703–248–4676.

**SUPPLEMENTARY INFORMATION:** The primary responsibility of the Office of Inspector General is to conduct audits and investigations to prevent, detect, and report fraud, waste, abuse, and mismanagement; to promote efficiency in the programs and operations of the Postal Service, and to provide oversight of the Inspection Service.

The 1996 amendments to the Inspector General Act (Act) created an independent inspector general for the Postal Service. The responsibility of serving as the inspector general was removed from the Chief Postal Inspector. The basic purpose of the Act was to strengthen audit and investigative activities in order to obtain greater efficiency and effectiveness in federal government operations. This purpose was to be achieved by consolidating audit and investigative units under a single individual reporting directly to the agency head; providing protections designed to ensure that the new offices had independence and authority to carry out their responsibilities; and by requiring periodic reports to agency heads and Congress on their activities.

Section 2 of the Act specifically provided that the Inspector General shall audit all programs and operations of the Postal Service. With the creation of the independent postal inspector general, representatives of the Inspection Service and the Office of Inspector General met to work out the transition of selected functions from the Inspection Service to the Office of Inspector General. After several negotiation sessions, the two parties agreed to a formal designation of functions. As a result, certain activities formerly performed by the Inspection Service were now to be performed by the Office of Inspector General. References in Title 39 of Code of Federal Regulations citing the Inspection Service as the party responsible for a variety of audit and oversight duties became outdated. This situation has been thoroughly addressed in this revision. The inaccurate references to the Inspector Service and the Chief

Postal Inspector have been corrected. A new Part 230, relating to the Office of Inspector General, is hereby created.

#### List of Subjects in 39 CFR Part 230

Freedom of information, Organization functions and authority delegations, Privacy.

For the reasons stated in the preamble, the Postal Service amends 39 CFR by adding the following new part 230, as follows:

#### PART 230—OFFICE OF INSPECTOR GENERAL

Sec.

- 230.1 Establishment and authority.
- 230.2 Access to information and other responsibilities.
- 230.3 Cooperation with the Office of Inspector General.
- 230.4 Arrest and investigative powers of criminal investigators.
- 230.5 Release of information.

**Authority:** Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended), 5 U.S.C. App. 3; 39 U.S.C. 401(2).

##### § 230.1 Establishment and authority.

(a) There is established, pursuant to the Inspector General Act of 1978, as amended (5 U.S.C. App.3), and 39 U.S.C. 410, an independent Office of Inspector General.

(b) The Inspector General reports directly to the nine presidentially appointed Governors and shall not be supervised by, nor report to, the Postmaster General and/or any designee appointed by the Postmaster General.

(c) The Office of Inspector General includes an Inspector General, an Assistant Inspector General for Audit, and an Assistant Inspector General for Investigations. The Office of Inspector General maintains its own legal counsel independent of the Postal Service Law Department for matters that are within the jurisdiction of the Office.

(d) The Office of Inspector General is responsible for detecting and preventing fraud, waste, and abuse in the programs and operations of the Postal Service, and for reviewing existing and proposed legislation and regulations relating to the programs and operations of the Postal Service.

(e) The Inspector General has oversight responsibilities for all activities of the Postal Inspection Service. The Chief Postal Inspector must promptly report to the Inspector General significant activities and other information related to the Inspection Service as required by law.

(f) The Inspector General has sole responsibility for directing the Office of Inspector General, including the authority to select, appoint, and employ

such officers and employees that the Inspector General deems necessary and appropriate to fulfill the mission of the Office. In addition, the Inspector General may delegate to such officers and employees of the Inspector General such powers, duties, and responsibilities, as the Inspector General deems necessary and appropriate for the proper functioning of the Office.

(g) All employees in the Office of Inspector General shall take and subscribe to the oath of office required of all Postal Service employees under 39 U.S.C. 1011, and the Inspector General, or designee, is authorized to administer such oath and affirmation.

(h) The Inspector General has the authority to enter into contracts or other arrangements with public agencies and with private entities, and to make such payments as may be necessary to carry out the duties and responsibilities of the Office of Inspector General.

(i) The Inspector General may hire and retain the services of expert consultants and other personnel as necessary to fulfill the duties and responsibilities of the Office.

(j) Except as required by law, the Governors may not transfer to the Inspector General responsibility for performing any of the program activities of the Postal Service.

##### § 230.2 Access to information and other responsibilities.

(a) The Inspector General has authority to have access to all postal records, reports, audits, reviews, documents, papers, information, and other material relating to any matter related to the responsibilities of the Inspector General;

(b) The Inspector General shall be the Investigating Official for purposes of the Program Fraud Civil Remedies Act.

##### § 230.3 Cooperation with the Office of Inspector General.

(a) All Postal Service employees shall cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General. Deliberately submitting information known to be false or misleading to the Office of Inspector General or failing to cooperate with all audits, reviews, and investigations conducted by the Office of Inspector General may be grounds for disciplinary or other legal action.

(b) Any employee who has authority to take, direct another to take, recommend or approve any personnel action shall not retaliate against any employee as a reprisal for cooperating and assisting with any Office of Inspector General audit, review, or investigation (including reporting facts

or information to the Office of Inspector General that leads to any audit, review, or investigation).

##### § 230.4 Arrest and investigative powers of criminal investigators.

Under the authority of 18 U.S.C. 3061, criminal investigators employed by the Office of Inspector General are authorized to perform the following functions in connection with their official duties:

(1) Serve warrants and subpoenas issued under the authority of the United States;

(2) Make arrests without warrant for offenses against the United States committed in their presence;

(3) Make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

(4) Carry firearms; and

(5) Make seizures of property as provided by law.

##### § 230.5 Release of information.

(a) The Office of Inspector General is responsible for maintaining and storing its own records and for assuring compliance with applicable records management, retention, and disclosure requirements.

(b) The Inspector General or a designee serves as the official custodian of the records and documents of the Office of Inspector General and is responsible for administering the rules and regulations relating to public availability of Postal Service Office of Inspector General records insofar as the information is subject to the provisions of the Freedom of Information Act, contained in Section 552 of Title 5 of the U.S. Code and 39 U.S.C. 410 (c), and/or the Privacy Act, Section 552a of Title 5 of the U.S. Code.

(c) Requests for records and information under the Freedom of Information Act or Privacy Act should be submitted in writing to the Office of Inspector General, Freedom of Information/Privacy Act Officer, located at 1735 N. Lynn Street, Arlington, Virginia, 22209-2020.

(d) The Office of Inspector General shall comply with and adhere to the procedures governing the release of information maintained by the U.S. Postal Service as set forth in Part 265 and related provisions of these regulations to the extent such procedures do not conflict with any provision in this part.

(e) Appeals from the denial of any request for information should be directed to the General Counsel for the

Office of Inspector General, who is responsible for deciding any timely appeals authorized under this section.

(f) Postal Service records in the custody of the Office of Inspector General that contain proprietary information will not be released by the Inspector General without consultation with the appropriate Postal Service official responsible for the record.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 02-8104 Filed 4-3-02; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 071-0335; FRL-7164-6]

**Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on December 31, 2001 and concerns PM-10 emissions from industrial processes. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act) this action approves a local rule that regulates this emission source.

**EFFECTIVE DATE:** This rule is effective on May 6, 2002.

**ADDRESSES:** You can inspect a copy of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect a copy of the submitted rule revision at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200

Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Street, Fresno, CA 93726.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX; (415) 947-4118.

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

**I. Proposed Action**

On December 31, 2001 (66 FR 67497), EPA proposed to approve the following rule into the California SIP.

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
SJVUAPCD .....	4201	Particulate Matter Concentration .....	12/17/92	11/18/93

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

**II. Public Comment and EPA Response**

EPA's proposed action provided a 30-day public comment period. During this period, we did not receive any comments.

**III. EPA Action**

As authorized in sections 110(k)(3) and 301(a) of the CAA, EPA is fully approving the submitted rule into the California SIP.

**IV. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by

state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in

Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the