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Briefing on How To Use the Federal Register
For information on a briefing in Atlanta, GA, see announcement on the inside cover of this issue.

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

WHEN: January 11, at 9:00 a.m.
WHERE: Centers for Disease Control
1600 Clifton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
RESERVATIONS: 1–800–347–1997.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 748]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to domestic markets during the period from December 16 through December 22, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh lemons with the demand for such lemons during the period specified. This action was recommended by the Lemon Administrative Committee (Committee), which is responsible for local administration of the lemon marketing order.

EFFECTIVE DATE: Regulation 748 (7 CFR part 910) is effective for the period from December 16 through December 22, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture (Department), room 2524–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 475–3861.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 910 (7 CFR part 910), as amended, regulating the handling of lemons grown in California and Arizona. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 70 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,000 lemon producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

The California-Arizona lemon industry is characterized by a large number of growers located over a wide area. The Committee's estimate of the 1990–91 production is 42,412 cars (one car equals 1,000 cartons at 38 pounds net weight each), compared to 37, 881 cars during the 1989–90 season. The production area is divided into three districts which span California and Arizona. The Committee estimates District 1, central California, 1990–91 production at 6,600 cars compared to the 4,158 cars produced in 1989–90. In District 2, southern California, the crop is expected to be 24,700 cars compared to the 24,292 cars produced last year. In District 3, the California desert and Arizona, the Committee estimates a production of 11,112 cars compared to the 9,436 cars produced last year. According to the National Agricultural Statistics Service, 1990–91 lemon production is expected to total 40,200 cars, 8 percent above the 1989–90 season and 1 percent more than the crop utilized in 1988–89.

The three basic outlets for California-Arizona lemons are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona lemons. Based on its crop estimate of 42,412 cars, the Committee estimates that about 42.2 percent of the 1990–91 crop will be utilized in fresh domestic channels (17,900 cars), compared with the 1989–90 total of 16,600 cars, about 44 percent of the total production of 37,881 cars in 1989–90. Fresh exports are projected at 20 percent of the total 1990–91 crop utilization compared with 22 percent in 1989–90. Processed and other uses would account for the residual 37.8 percent compared with 34 percent of the 1989–90 crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 910 are intended to provide benefits to growers and consumers. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of lemons in the market throughout the marketing season and to avoid unreasonable fluctuations in supplies and prices.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the lemon marketing order are required by the Committee from handlers of lemons. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

The Committee submitted its marketing policy for the 1990–91 season to the Department on June 19. The marketing policy discussed, among other

things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Rodriguez. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on December 11, 1990, in Newhall, California, to consider the current and prospective conditions of supply and demand and unanimously recommended that 310,000 cartons is the quantity of lemons deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations were compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, the preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1990–91 marketing policy. This recommended amount is 20,000 cartons below the estimated projections in the Committee's current shipping schedule.

During the week ending on December 8, 1990, shipments of lemons to fresh domestic markets, including Canada, totaled 297,000 cartons compared with 321,000 cartons shipped during the week ending on December 9, 1989. Export shipments totaled 116,000 cartons compared with 145,000 cartons shipped during the week ending on December 9, 1989. Processing and other uses accounted for 449,000 cartons compared with 374,000 cartons shipped during the week ending on December 9, 1989.

Fresh domestic shipments to date for the 1990–91 season total 5,723,000 cartons compared with 5,540,000 cartons shipped by this time during the 1989–90 season. Export shipments total 2,817,000 cartons compared with 2,977,000 cartons shipped by this time during 1989–90. Processing and other use shipments total 5,432,000 cartons compared with 3,887,000 cartons shipped by this time during 1989–90.

For the week ending on December 8, 1990, regulated shipments of lemons to the fresh domestic market were 297,000 cartons on an adjusted allotment of 301,000 cartons, resulting in undershipments of 4,000 cartons. Regulated shipments for the current week (December 9 through December 15, 1990) are estimated at 320,000 cartons on an adjusted allotment of 316,000 cartons. Thus, overshipments of 4,000 cartons should be carried forward to the week ending on December 22, 1990.

The average f.o.b. shipping point price for the week ending on December 8, 1990, was $9.49 per carton based on a reported sales volume of 302,000 cartons compared with last week's average of $9.89 per carton on a reported sales volume of 286,000 cartons. The 1990–91 season average f.o.b. shipping point price to date is $12.24 per carton. The average f.o.b. shipping point price for the week ending on December 9, 1989, was $12.49 per carton; the season average f.o.b. shipping point price at this time during 1989–90 was $14.04 per carton.

The Department's Market News Service reported that, as of December 11, the demand for lemons is "moderate" and the market for lemons is "about steady." At the meeting, a Committee member indicated that demand is good. However, that member commented that the problem of inventory buildup of small-sized fruit (165's and smaller) will likely continue through the winter. One Committee member reported that current Japanese inventory levels are high, the highest level in five years. Several Committee members and an observer commented that the weak export market will ultimately have an adverse impact on the domestic market. The Committee unanimously recommended volume regulation for the week ending on December 22, 1990.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the California-Arizona 1990–91 season average fresh on-tree price is estimated at $8.83 per carton, 106 percent of the projected season average fresh on-tree parity equivalent price of $8.35 per carton. The California-Arizona 1989–90 season average fresh on-tree price is estimated at $9.02, 121 percent of the projected season average fresh on-tree parity equivalent price of $7.47 per carton.

Limiting the quantity of lemons that may be shipped during the period from December 16 through December 22, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of lemons to market.

Based on considerations of supply and market conditions, it is found that this action will tend to effectuate the declared policy of the Act.

Based on the above information, the Administrator of the AMS has determined that issuance of this rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register.** This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until December 11, 1990, and this action needs to be effective for the regulatory week which begins on December 16, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.1048 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.1048 Lemon Regulation 748.

The quantity of lemons grown in California and Arizona which may be handled during the period from December 16 through December 22, 1990, is established at 310,000 cartons.

Dated: December 12, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-29488 Filed 12-14-90; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1030

[DA-90-033]

Milk in the Chicago Regional Marketing Area; Revision of Supply Plant Shipping Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Revision of rules.

SUMMARY: This action revises certain provisions of the Chicago Regional milk order for the months of November 1990 through January 1991. The action reduces the shipping percentages for pooling individual supply plants by 3 percentage points (from 5 to 2 percent of receipts) and units of supply plants by 5 percentage points (from 10 to 5 percent of receipts) for the months of November and December 1990, and reduces the shipping percentage for individual supply plants by 2 percentage points (from 3 to 1 percent) and for units of supply plants by 3 percentage points (from 6 to 3 percent) for January 1991. The revision is made in response to a request by Central Milk Producers Cooperative, a federation of cooperatives that represents producers who supply the market. The action is necessary to prevent uneconomic shipments of milk from supply plants to distributing plants.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Revision of Supply Plant Shipping Percentages: Issued November 16, 1990; published November 23, 1990 (55 FR 48852).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The action reduces the regulatory impact on milk handlers and tends to insure that the market will be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1030.7(b)(5) of the Chicago Regional order.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that supply plant shipping percentages should be lowered by 3 percentage points (from 5 to 2 percent of receipt) for individual supply plants and by 5 percentage points (from 10 to 5 percent of receipts) for supply plants units during November and December 1990, and the supply plant shipping percentages should be lowered 2 percentage points (from 3 to 1 percent of receipts) from individual supply plants and by 3 percentage points (from 6 to 3 percent of receipts) for supply plant units during January 1991.

Currently, the order provides that individual supply plants must ship at least 5 percent of milk receipts to other plants to qualify as pool plants while a unit of supply plants must ship at least 10 percent of total receipts for pooling purposes during the months of September through December. During other months the shipping standards are 3 percent for individual plants and 6 percent for a unit of plants.

The Chicago order provides that the market administrator may adjust the shipping standards for individual plants and units of plants by up to 2 percentage points. The order also provides that the Director of the Dairy Division may increase the shipping standards by up to 5 percentage points or decrease the shipping standard by up to 10 percentage points. The adjustments can be made to encourage additional milk shipments or to prevent uneconomic shipments.

The revision was requested by Central Milk Producers Cooperative (CMPC), a federation of cooperative associations that represent a substantial number of the producers who supply the market. CMPC contends that a reduction of the shipping percentages is necessary to prevent uneconomic shipments of milk from distant supply plants solely for pooling purposes.

Based on supply and sales estimates, CMPC requested and was granted a reduction of the supply plant shipping percentages for the months of August through October. CMPC indicates that these reductions permitted the use of nearby milk to satisfy fluid milk needs and saved substantial transportation costs because milk did not have to be shipped from distant supply plants.

Based on the most recent supply and demand estimates, CMPC indicates that a further reduction of the shipping percentages for November 1990 through January 1991 is necessary. CMPC contends that in order to make the most efficient use of available milk supplies, as much as possible of nearby milk supplies will have to be utilized with reliance on distant supplies only on days when nearer milk supplies have been exhausted. For the months of November and December, CMPC indicates that such efficiencies can only be realized if the shipping standards for individual plants and units of supply plants are reduced to 2 and 5 percent of receipts, respectively. In addition, CMPC indicates that the January 1991 shipping standards should be reduced to 1 and 3 percent of receipts for individual plants and units of supply plants, respectively, on the basis of supply and demand projections.

The current supply/demand relationship for the market indicates that the supply plant shipping percentages should be reduced for the months of November and December 1990, as proposed. Furthermore, a reduction for the month of January 1991 is also supported by projections of milk supplies and sales. These reductions of the shipping percentages will contribute to orderly marketing in that costly and inefficient shipments of milk from distant supply plants will not be necessary. Thus, dairy farmers who have supplied the market will continue to have their milk pooled under the order without making uneconomic shipments of milk.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of November 1990 through January 1991;

(b) This revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed revision was given interested parties and they

were afforded the opportunity to file written data, views, or arguments concerning this issue. The action was supported by a number of interested parties and no opposing views were received.

Therefore, good cause exists for making this revision effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1030

Milk marketing orders.

It is therefore ordered that the following provisions of § 1030.7(b) of the Chicago Regional milk order are hereby revised for the months of November 1990 through January 1991.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. The authority for 7 CFR part 1030 continues to read as follows:

Authority: Sections 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

§ 1030.7 [Amended]

2. In the introductory text of § 1030.7(b) the provision "5 percent" is revised to "2 percent" and the provision "10 percent" is revised to "5 percent" for the months of November and December 1990, and the provision "3 percent" is revised to "1 percent" and the provision "6 percent" is revised to "3 percent" for the month of January 1991.

Signed at Washington, DC, on: December 10, 1990.

Richard M. McKee,

Acting Director, Dairy Division.

[FR Doc. 90–29409 Filed 12–14–90; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

RIN 0960–AD01

Prohibition Against Termination of Coverage for American Citizens and Residents Working Abroad for a Foreign Affiliate of an American Employer and Extension of Disability Insurance Program Demonstration Project Authority

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final rules revise a reference in our regulations to section 3121(l) of the Internal Revenue Code (the Code) to reflect changes made by section 10201 of Public Law (Pub. L.) 101–239, the Omnibus Budget Reconciliation Act of 1989. Section 3121(l) of the Code governs the Social Security coverage agreements entered into by American employers with respect to their foreign affiliates. These final rules also reflect section 10103 of Public Law 101–239 which, among other things, extends to June 9, 1993, the date by which the Secretary of Health and Human Services must submit to Congress his final report on the demonstration projects conducted under section 505(a) of the Social Security Disability Amendments of 1980, Public Law 96–265. These demonstration projects, which under section 10103 of Public Law 101–239, may be initiated through June 9, 1993, are to test ways to encourage individuals entitled to disability insurance benefits to return to work.

EFFECTIVE DATE: This rule is effective on December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (301) 965–1762.

SUPPLEMENTARY INFORMATION:

Termination of Social Security Coverage Agreements Entered into by American Employers with Respect to Foreign Affiliates

United States citizens and residents employed abroad by a foreign affiliate of an American employer are covered by Social Security at the option of the employer through an agreement between the employer and the Secretary of the Treasury. Prior to the enactment of section 10201 of Public Law 101–239, the employer could terminate this coverage by giving a 2 years advance notice after the agreement had been in effect for at least 8 years. Section 10201 amended section 3121(l) of the Code to provide, among other things, that with respect to any such coverage agreement in effect on or after June 15, 1989, for which there is no notice of termination in effect on this date, American employers no longer have the option of terminating the coverage of United States citizens and residents employed abroad in their foreign affiliate. Section 10201 also amended section 3121(l) of the Code to provide that these coverage agreements would terminate at the end of any calendar quarter in which a foreign entity, at any time in such quarter, ceased to be a foreign affiliate of an American employer. It additionally redesignated the paragraph of section 3121(l) of the Code that defines a foreign affiliate from paragraph 8 to paragraph 6. To reflect this latter change in the Code, section 10201 of Public Law 101–239 made a conforming amendment to section 210(a) of the Social Security Act (the Act) by striking the reference to section 3121(l)(8) and inserting, in its place, a reference to section 3121(l)(6) of the Code. Section 210(a) of the Act defines the term "employment" for purposes of Social Security coverage and provides that it includes any service outside the United States by a citizen or resident of the United States as an employee of a foreign affiliate of an American employer during any period for which there is in effect an agreement, entered into pursuant to section 3121(l) of the Code, with respect to the affiliate. We are, accordingly, amending § 404.1004(b)(5) of our regulations by removing the reference to section 3121(l)(8) of the Code and adding, in its place, a reference to section 3121(l)(6) of the Code.

We are also amending § 404.1004(a)(2)(ii) of our regulations to correct a typographical error. This amendment is not related to section 10201 of Public Law 101–239.

Demonstration Project Authority

We published final regulations covering the rules on demonstration projects in the disability insurance program on February 23, 1983 (48 FR 7573) implementing section 505(a) of the Social Security Disability Amendments of 1980, Public Law 96–265. Section 505(a) directed the Secretary of Health and Human Services to develop and carry out experiments and demonstration projects to test the advantages of various ways to facilitate and encourage the return to employment of individuals entitled to disability insurance benefits who would otherwise remain dependent on disability insurance benefits.

Section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99–272, among other things, extended the Secretary's authority to initiate disability insurance demonstration projects under section 505(a) of Public Law 96–265 and the time for the Secretary to submit to Congress a final report on these projects from June 9, 1985, to June 9, 1990. Regulations reflecting this change were published on October 8, 1987 (52 FR 37604). Section 10103 of Public Law 101–239, among other things, further extended the Secretary's demonstration authority under section 505(a) of Public Law 96–265 and the date for a final report to June 9, 1993. This final rule amends § 404.1599(e) of our regulations by removing the reference to "1990" and

adding, in its place, a reference to "1993."

Justification for Final Rules

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act (APA) Notice of Proposed Rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of Notice of Proposed Rulemaking and public comment procedures on this regulation since opportunity for public comment is unnecessary in this case because the rules simply reflect self-executing statutory provisions involving no discretionary policy making and correct a typographical error in our regulations.

Regulatory Procedures

Executive Order 12291

The Secretary has determined that these are not major rules under Executive Order 12291 because these regulations do not meet any of the threshold criteria for a major rule. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they only reflect self-executing statutory provisions and correct a typographical error in our regulations. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no reporting/recordkeeping requirements requiring Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security-Disability Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

Dated: August 27, 1990.

Gwendolyn S. King,

Commissioner of Social Security.

Approved: October 31, 1990.

Louis W. Sullivan,

Secretary of Health and Human Services.

For the reasons set out in the preamble, subparts K and P, part 404, chapter III of title 20, Code of Federal Regulations are amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950-)

Subpart K—[Amended]

1. The authority citation for 20 CFR part 404, subpart K continues to read as follows:

Authority: Secs. 205(a), 209, 210, 211, 226, 226A, 229(a), 230, 231, and 1102 of the Social Security Act; 42 U.S.C. 405(a), 409, 410, 411, 426, 426A, 429(a), 430, 431, and 1302.

§ 404.1004 [Amended]

2. In § 404.1004 paragraph (a)(2)(ii) is amended by removing the word "than" and adding, in its place, the word "that" and paragraph (b)(5) is amended by removing the reference to "3121(l)(8)" and adding, in its place, a reference to "3121(l)(6)".

Subpart P—[Amended]

3. The authority citation for 20 CFR part 404, subpart P is revised to read as follows:

Authority: Secs. 202, 205 (a), (b), and (d)–(h), 216(i), 221 (a) and (i), 222(c), 223, 225, and 1102 of the Social Security Act; 42 U.S.C. 402, 405 (a), (b), and (d)–(h), 416(i), 421 (a) and (i), 422(c), 423, 425, and 1302; sec. 505(a) of Pub. L. 96-265; 94 Stat. 473; secs. 2(d)(2), 5, 6, and 15 of Pub. L. 98-460, 98 Stat. 1797, 1801, 1802, and 1808; sec. 10103 of Pub. L. 101-239, 103 Stat. 2472.

§ 404.1599 [Amended]

4. In § 404.1599, the third sentence of paragraph (e) is amended by removing the reference to "1990" and adding, in its place, "1993."

[FR. Doc. 90-29334 Filed 12-14-90; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Center for Drug Evaluation and Research (CDER)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the regulations for delegations of authority in five sections of 21 CFR part 5 concerning approval of new drug applications. These authorities will be delegated to specified titles in the Pilot Drug Evaluation Staff (PDES), CDER.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: On July 7, 1989, CDER established PDES for a trial period to facilitate improvements in the quality, efficiency, and speed of CDER's drug review process. PDES' responsibilities are to analyze barriers to innovation, develop new methods of review, and evaluate alternative methods of conducting the review process, all with effective management controls.

Inclusion in the delegations of authority listed below will provide the PDES director with signatory authority for drug evaluation and regulatory activities; it will also provide signatory authority on particular decisions to supervisory consumer safety officers, supervisory medical officers, and other supervisory reviewers in PDES.

The affected sections of 21 CFR Part 5 to which PDES titles will be added are as follows: § 5.31 Petitions under part 10 (21 CFR 5.31) is amended by adding paragraph (a)(2)(iv); § 5.58 Orphan products (21 CFR 5.58) is amended by adding paragraph (c)(l)(iv); § 5.71 Termination of exemptions for new drugs for investigational use in human beings and in animals (21 CFR 5.71) is amended by revising paragraphs (b)(2) and (c)(2); § 5.80 Approval of new drug applications and their supplements (21 CFR 5.80) is amended by adding paragraph (a)(l)(iii); and § 5.94 Extensions or stays of effective dates for compliance with certain labeling requirements for human prescription drugs (21 CFR 5.94) is amended by adding paragraph (b)(4).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such a position in an acting capacity or on a temporary basis.

Lists of Subjects in 21 CFR Part 5

Authority delegations (Government agencies); Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–393); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.31 is amended by adding new paragraph (a)(2)(iv) to read as follows:

§ 5.31 Petitions under part 10.

(a) * * *

(2) * * *

(iv) The Director and supervisory consumer safety officers, Pilot Drug Evaluation Staff, Office of the Center Director, CDER.

* * * * *

3. Section 5.58 is amended by adding new paragraph (c)(1)(iv) to read as follows:

§ 5.58 Orphan products.

* * * * *

(c) * * *

(1) * * *

(iv) The Director and supervisory medical officers, Pilot Drug Evaluation Staff, Office of the Center Director, CDER.

* * * * *

4. Section 5.71 is amended by revising paragraphs (b)(2) and (c)(2) to read as follows:

§ 5.71 Termination of exemptions for new drugs for investigational use in human beings and in animals.

* * * * *

(b) * * *

(2) The Directors and Deputy Directors in the divisions in the Offices of Drug Evaluation I and Drug Evaluation II and the Director and supervisory medical officers, Pilot Drug Evaluation Staff, Office of the Center Director, CDER.

* * * * *

(c) * * *

(2) The Directors and Deputy Directors in the divisions in the Offices of Drug Evaluation I and Drug Evaluation II and the Director and supervisory medical officers, Pilot Drug Evaluation Staff, Office of the Center Director, CDER.

* * * * *

5. Section 5.80 is amended by adding new paragraph (a)(1)(iii) to read as follows:

§ 5.80 Approval of new drug applications and their supplements.

(a) * * *

(1) * * *

(iii) The Director, Pilot Drug Evaluation Staff, Office of the Center Director, CDER, plus at least one supervisory reviewer, selected by the Director, Pilot Drug Evaluation Staff, through their joint signatures, for drugs under their jurisdiction.

* * * * *

6. Section 5.94 is amended by adding new paragraph (b)(4) to read as follows:

§ 5.94 Extensions of stays of effective dates for compliance with certain labeling requirements for human prescription drugs.

* * * * *

(b) * * *

(4) The Director and supervisory consumer safety officers, Pilot Drug Evaluation Staff, Office of the Center Director, CDER.

Dated: December 11, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–29435 Filed 12–14–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8318]

RIN 1545–AO38

Limitations on Passive Activity Losses and Credits; Developer Rule Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to amendments of temporary regulations.

SUMMARY: This document contains a correction to temporary regulations (T.D. 8318), which was published, Monday, November 19, 1990, (55 FR 48107). The temporary regulations relate to the limitations on passive activity losses and passive activity credits.

FOR FURTHER INFORMATION CONTACT: Dexter A. Johnson (202) 566–4751 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 1.469–2T(f)(5) reduces a taxpayer's passive activity gross income by the net income and gain from certain rental property. This rule applies to certain property that is not used in an activity involving the rental of the property for a period of at least 12 months between its development and its disposition.

Need for Correction

As published, the temporary regulations contain an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8318) which was the subject of FR Doc. 90-27122 is corrected as follows:

§ 1.469–2T [Corrected]

1. In § 1.469–2T, page 48108, column 2, paragraph (f)(5)(ii)(A), lines 5 and 6, remove the language "rental of the property commences on the first date on".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 90–29381 Filed 12–14–90; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Parts 1, 31, and 602

[T.D. 8324]

RIN 1545–AO06

Employee Business Expenses—Reporting and Withholding on Employee Business Expense Reimbursements and Allowances

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains final and temporary regulations concerning the taxation of and reporting and withholding on payments with respect to employee business expenses under a reimbursement or other expense allowance arrangement. These final and temporary regulations reflect changes to the law made by the Family Support Act of 1988. These final and temporary regulations will affect employees who receive payments and payors who make payments under reimbursement or other expense allowance arrangements.

EFFECTIVE DATES: The provisions of these temporary regulations under

§ 1.62–1T are effective for expenses paid or incurred in taxable years beginning before January 1, 1989. The income tax provisions of these final regulations under § 1.62–2 are effective for payments made under reimbursement or other expense allowance arrangements received by an employee in taxable years of the employee beginning on or after January 1, 1989, with respect to expenses paid or incurred in taxable years beginning on or after January 1, 1989. However, the provisions of § 1.62–2(h) of these regulations are effective for payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990 with respect to expenses paid or incurred on or after July 1, 1990, and the provisions of §§ 1.62–2(d)(3) and 1.62–2(h)(2)(i)(B) of these regulations are effective for payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991 with respect to expenses paid or incurred on or after January 1, 1991. The provisions of § 1.162–17(e)(3) of these regulations are effective for taxable years beginning on or after January 1, 1989. The reporting provisions of these final regulations under § 1.6041–3(i) are effective for payments made under reimbursement or other expense allowance arrangements that are received by an employee on or after January 1, 1989, with respect to expenses paid or incurred on or after January 1, 1989; however, a transition rule is provided under § 1.6041–3(i) effective for payments made prior to July 1, 1990. The provisions of these final regulations under §§ 31.3121(a)–1(h), 31.3121(a)–3, 31.3231(e)–1, 31.3231(e)–3, 31.3306(b)–1, 31.3306(b)–2, 31.3401(a)–(1)(b)(2) and 31.3401(a)–4 are effective for amounts that are received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990. The amendment to part 602 is effective December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Richard Pavel at 202–377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information requirements contained in this final regulation have been reviewed and approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545–1148. The estimated average annual burden per recordkeeper is one-half hour.

This estimate is an approximation of the average time expected to be necessary for a collection of information. It is based on such information as is available to the Internal Revenue Service. Individual recordkeepers may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of these burden estimates and suggestions for reducing the burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Background

On December 12, 1989, the **Federal Register** published temporary regulations (54 FR 51021) on employee business expense reimbursements and allowances. Those regulations provided guidance concerning the taxation of and reporting and withholding on payments with respect to employee business expenses under a reimbursement or other expense allowance arrangement. The text of those temporary regulations also served as the comment document for a notice of proposed rulemaking ("the proposed regulations") published in the **Federal Register** for the same day (54 FR 51038).

Written comments were received from the public on the proposed regulations. In addition, on June 11, 1990, the Internal Revenue Service held a public hearing concerning the regulations. After consideration of the comments received and the statements made at the public hearing, the proposed regulations are adopted as revised by this Treasury decision. This Treasury decision also supersedes and obsoletes Announcement 90–127, 1990–48 I.R.B. 8.

Summary of Comments and Explanation of Provisions:

More Than One Expense Allowance Arrangement

Commentators requested that the regulations provide guidance on what factors are considered in determining whether an employer has one arrangement or more than one arrangement with an employee. Commentators were especially concerned that small amounts of nonaccountable payments might be treated as part of an otherwise accountable plan, thereby "tainting" the accountable payments if clearly separate plans were not adopted. The final regulations clarify that if an arrangement provides advances, allowances, or reimbursements for deductible employee business expenses and for other bona fide expenses related to the employer's business that are not deductible, the payor will be treated as maintaining two arrangements. The portion of the arrangement that provides payments for the deductible employee business expenses will be treated as one arrangement that satisfies the business connection test and the portion of the arrangement that provides payments for the nondeductible employee business expenses will be treated as a second arrangement that does not satisfy the business connection test.

Reimbursement Requirement

Some practitioners have asked whether a portion of an employee's salary may be recharacterized as being paid under a reimbursement arrangement. The final regulations clarify that if a payor arranges to pay an amount to an employee regardless of whether the employee incurs (or is reasonably expected to incur) deductible business expenses or other bona fide expenses related to the employer's business that are not deductible, the arrangement does not meet the business connection requirement of § 1.62–2(d) of the regulations and all amounts paid under the arrangement are treated as paid under a nonaccountable plan. These amounts are subject to withholding and payment of employment taxes when paid. Thus, no part of an employee's salary may be recharacterized as being paid under a reimbursement arrangement or other expense allowance arrangement.

The final regulations also provide that an arrangement providing a per diem allowance for travel expenses (whether or not deductible) that is computed on a basis similar to that used in computing the employee's wages or other compensation (e.g., the number of hours worked, miles traveled, or pieces produced) satisfies the business connection requirement of § 1.62–2(d) only if, as of December 12, 1989, (1) the per diem allowance was identified by the payor either by making a separate payment or by specifically identifying the amount of the per diem allowance, or (2) a per diem allowance computed on that basis was commonly used in the industry in which the employee is employed. A per diem allowance that satisfies this requirement may be adjusted in a manner that reasonably reflects actual increases in employee

business expenses occurring after December 12, 1989.

Special Withholding Rules for Per Diem or Mileage Allowances

Some practitioners have suggested that the safe harbors provided for satisfying the reasonable period of time requirements can be used to avoid reporting and withholding on per diem or mileage allowances where the amount paid exceeds the amount of expenses deemed substantiated. The safe harbors were not intended to be used in that manner.

Accordingly, the final regulations provide that, if (under an arrangement that meets the business connection, substantiation, and return of excess requirements of the regulation) a payor pays a per diem or mileage allowance, the portion, if any, of the allowance paid that relates to days or miles of travel substantiated and that exceeds the amount of the employee's expenses deemed substantiated for those days or miles of travel is treated as paid under a nonaccountable plan. Because the employee is not required to return this excess portion, the reasonable period of time provisions (relating to the return of excess amounts) do not apply to this excess portion.

The final regulations also provide that in the case of a per diem or mileage allowance paid as a reimbursement at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel (e.g., the employer reimburses at a rate of 30 cents per mile when the amount deemed substantiated is 26 cents per mile), the excess portion is subject to withholding and payment of employment taxes in the payroll period in which the payor reimburses the expenses for the days or miles of travel substantiated. The final regulations further provide that in the case of a per diem or mileage allowance paid as an advance at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated. Of course, the expenses with respect to which the advance was paid must be substantiated within a reasonable period of time.

The final regulations also provide that the Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

The Employer's Obligation to Report

Commentators requested clarification as to whether amounts treated as paid under an accountable plan may, in certain circumstances, be reported by the employer on the employee's Form W–2. The proposed regulations provided that such amounts "are not required to be reported" on the employee's Form W–2. The final regulations clarify that amounts treated as paid under an accountable plan are not reported as wages or other compensation on the employee's Form W–2. Thus, if an employer operates an accountable plan and the employee meets all the requirements of the regulations in terms of timely substantiation and return of excess, the employer may not report such amounts as wages or other compensation on the employee's Form W–2. However, the regulations do not require the employer to provide an accountable plan. Thus, if the employer chooses to provide an expense allowance arrangement that does not meet the accountable plan requirements, the employer must report all amounts paid under the plan as wages or other compensation on the employee's Form W–2 even though an employee might voluntarily substantiate expenses to the employer and return any excess amounts to the employer.

Pattern of Overreimbursements

The safe harbors provided for satisfying the reasonable period of time requirements are designed to meet reasonable administrative needs of employers, not to permit avoidance of the rules regarding accountable plans. Accordingly, the final regulations clarify that if, under a reimbursement or other expense allowance arrangement, a payor has a plan or practice to provide amounts in excess of substantiated expenses to employees and to avoid reporting and withholding on such amounts, the payor may not use either of the safe harbors provided under the reasonable period of time requirement for any years during which such plans or practice exists.

Anti-Abuse Rule

The final regulations provide that if a payor's reimbursement or other expense allowance arrangement evidences a pattern of abuse of the rules under section 62(c) of the Code and the regulations thereunder, regarding reimbursement and other expense allowance arrangements, all payments made under the arrangement will be treated as made under a nonaccountable plan and the appropriate penalties will be imposed.

Examples

As a result of questions raised by commentators, examples have been added to the final regulations to illustrate the application of the regulations.

Exempting State, County, and Local Governments

Commentators from state, county, and local governments requested that they be exempted from the requirements of the regulations. There is no indication in the statute or the legislative history that Congress intended that there be an exemption for government employers. The final regulations therefore treat government employers and private sector employers in the same manner and do not exempt federal, state, county, and local governments.

Country Club Dues

Practitioners have requested that the final regulations provide special rules for country club dues because of special deduction limitations applicable to such dues. These rules would create a special reasonable period safe harbor for country club dues and would provide an exception to the return of excess requirement for country club dues that are reported as wages and subjected to withholding and payment of employment taxes. These suggestions have not been adopted because they would create needless complexity in the regulations and they are not supported by the statute or the legislative history.

Deemed Substantiation Issues

Commentators submitted several comments regarding issues raised by Revenue Procedures 89–66 and 89–67, 1989–2 C.B. 792, 795, and their progeny. Those issues are generally not addressed by these final regulations, but will instead be addressed in revenue procedures or other pronouncements of general applicability.

Moving Expenses

Some practitioners have asked whether the regulations are intended to apply to reimbursements for moving expenses. Section 62(a)(2)(A) of the Code and the regulations refer to advances, allowances, or reimbursements for business expenses that are allowable as deductions by part VI (section 161 and the following), subchapter B, chapter 1 of the Code. Therefore, neither the proposed regulations nor the final regulations deal

with deductions, such as moving expense deductions under section 217, that are not found in part VI.

Reporting Rules

The final regulations generally retain the same reporting rules that were provided in the temporary regulations. However, in order to simplify reporting in 1990 and because of the July 1, 1990 effective date for withholding, the transitional reporting rule that was provided in the temporary regulations for payments received by an employee on or after January 1, 1989, and prior to January 1, 1990 has been extended to payments received by an employee prior to July 1, 1990 (rather than January 1, 1990, as provided in the proposed regulations).

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Richard Pavel, Office of the Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However, personnel from other offices of the Service and Treasury Department participated in their development.

List of Subjects

26 CFR 1.61–1 through 1.281–4

Deductions, Exemptions, Income taxes, Taxable income.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social Security, Unemployment tax, Withholding.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1, 31, and 602 are amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority citation for part 1 is amended in part by removing the citation "§ 1.62–1T and 1.62–2T also issued under 26 U.S.C. 62" and by adding the following citations:

Authority: 26 U.S.C. 7805 * * * secs. 1.62–1T and 1.62–2 also issued under 26 U.S.C. 62 * * * sec. 1.6041–3 also issued under 26 U.S.C. 62.

Par. 2. In § 1.62–1T, paragraph (c)(2) is revised to read as follows:

§ 1.62–1T Adjusted gross income (temporary).

* * * * *

(c) *Deductions allowable in computing adjusted gross income.* * * *

(2) Deductions allowable under part VI, subchapter B, chapter 1 of the Code, (section 161 and following) that consist of expenses paid or incurred by the taxpayer in connection with the performance of services as an employee under an express reimbursement or other expense allowance arrangement (as defined in paragraph (f) of this section or § 1.62–2, whichever is applicable) with his or her employer;

* * * * *

Par. 3. Section 1.62–2T is removed and § 1.62–2 is added in the appropriate place to read as follows:

§ 1.62–2 Reimbursements and other expense allowance arrangements.

(a) Table of contents.
(b) Scope.
(c) Reimbursement or other expense allowance arrangement.
(1) Defined.
(2) Accountable plans.
(i) In general.
(ii) Special rule for failure to return excess.
(3) Nonaccountable plans.
(i) In general.
(ii) Special rule for failure to return excess.
(4) Treatment of payments under accountable plans.
(5) Treatment of payments under nonaccountable plans.
(d) Business connection.
(1) In general.
(2) Other bona fide expenses.
(3) Reimbursement requirement.
(i) In general.
(ii) Per diem allowances.
(e) Substantiation.
(1) In general.
(2) Expenses governed by section 274(d).
(3) Expenses not governed by section 274(d).
(f) Returning amounts in excess of expenses.
(1) In general.
(2) Per diem or mileage allowances.
(g) Reasonable period.
(1) In general.
(2) Safe harbors.
(i) Fixed date method.
(ii) Periodic payment method.
(3) Pattern of overreimbursements.
(h) Withholding and payment of employment taxes.
(1) When excluded from wages.
(2) When included in wages.
(i) Accountable plans.
(A) General rule.
(B) Per diem or mileage allowances.
(1) In general.
(2) Reimbursements.
(3) Advances.
(4) Special rules.
(ii) Nonaccountable plans.
(i) Application.
(j) Examples.
(k) Anti-abuse provision.
(l) Cross references.
(m) Effective dates.

(b) *Scope.* For purposes of determining "adjusted gross income," section 62(a)(2)(A) allows an employee a deduction for expenses allowed by part VI (section 161 and following), subchapter B, chapter 1 of the Code, paid by the employee, in connection with the performance of services as an employee of the employer, under a reimbursement or other expense allowance arrangement with a payor (the employer, its agent, or a third party). Section 62(c) provides that an arrangement will not be treated as a reimbursement or other expense allowance arrangement for purposes of section 62(a)(2)(A) if—

(1) Such arrangement does not require the employee to substantiate the expenses covered by the arrangement to the payor, or

(2) Such arrangement provides the employee the right to retain any amount in excess of the substantiated expenses covered under the arrangement.

This section prescribes rules relating to the requirements of section 62(c).

(c) *Reimbursement or other expense allowance arrangement*—(1) *Defined.* For purposes of §§ 1.62–1T and 1.62–2, the phrase "reimbursement or other expense allowance arrangement" means an arrangement that meets the requirements of paragraphs (d) (business connection, (e) (substantiation), and (f) (returning amounts in excess of expenses) of this section. A payor may have more than one arrangement with respect to a particular employee, depending on the facts and circumstances. See paragraph (d)(2) of this section (payor treated as having two arrangements under certain circumstances).

(2) *Accountable plans*—(i) *In general.* Except as provided in paragraph

(c)(2)(ii) of this section, if an arrangement meets the requirements of paragraphs (d), (e), and (f) of this section, all amounts paid under the arrangement are treated as paid under an "accountable plan."

(ii) *Special rule for failure to return excess.* If an arrangement meets the requirements of paragraphs (d), (e), and (f) of this section, but the employee fails to return, within a reasonable period of time, any amount in excess of the amount of the expenses substantiated in accordance with paragraph (e) of this section, only the amounts paid under the arrangement that are not in excess of the substantiated expenses are treated as paid under an accountable plan.

(3) *Nonaccountable plans*—(i) *In general.* If an arrangement does not satisfy one or more of the requirements of paragraphs (d), (e), or (f) of this section, all amounts paid under the arrangement are treated as paid under a "nonaccountable plan." If a payor provides a nonaccountable plan, an employee who receives payments under the plan cannot compel the payor to treat the payments as paid under an accountable plan by voluntarily substantiating the expenses and returning any excess to the payor.

(ii) *Special rule for failure to return excess.* If an arrangement meets the requirements of paragraphs (d), (e), and (f) of this section, but the employee fails to return, within a reasonable period of time, any amount in excess of the amount of the expenses substantiated in accordance with paragraph (e) of this section, the amounts paid under the arrangement that are in excess of the substantiated expenses are treated as paid under a nonaccountable plan.

(4) *Treatment of payments under accountable plans.* Amounts treated as paid under an accountable plan are excluded from the employee's gross income, are not reported as wages or other compensation on the employee's Form W–2, and are exempt from the withholding and payment of employment taxes (Federal Insurance Contributions Act (FICA), Federal Unemployment Tax Act (FUTA), Railroad Retirement Tax Act (RRTA), Railroad Unemployment Repayment Tax (RURT), and income tax.) See paragraph (l) of this section for cross references.

(5) *Treatment of payments under nonaccountable plans.* Amounts treated as paid under a nonaccountable plan are included in the employee's gross income, must be reported as wages or other compensation on the employee's Form W–2, and are subject to withholding and payment of employment taxes (FICA, FUTA, RRTA, RURT, and income tax). See paragraph (h) of this section. Expenses attributable to amounts included in the employee's gross income may be deducted, provided the employee can substantiate the full amount of his or her expenses (i.e., the amount of the expenses, if any, the reimbursement for which is treated as paid under an accountable plan as well as those for which the employee is claiming the deduction) in accordance with § 1.274–5T or § 1.162–17, but only as a miscellaneous itemized deduction subject to the limitations applicable to such expenses (e.g., the 80-percent limitation on meal and entertainment expenses provided in section 274(n) and the 2-percent floor provided in section 67).

(d) *Business connection*—(1) *In general.* Except as provided in paragraphs (d)(2) and (d)(3) of this section, an arrangement meets the requirements of this paragraph (d) if it provides advances, allowances (including per diem allowances, allowances only for meals and incidental expenses, and mileage allowances), or reimbursements only for business expenses that are allowable as deductions by part VI (section 161 and the following), subchapter B, chapter 1 of the Code, and that are paid or incurred by the employee in connection with the performance of services as an employee of the employer. The payment may be actually received from the employer, its agent, or a third party for whom the employee performs a service as an employee of the employer, and may include amounts charged directly or indirectly to the payor through credit card systems or otherwise. In addition, if both wages and the reimbursement or other expense allowance are combined in a single payment, the reimbursement or other expense allowance must be identified either by making a separate payment or by specifically identifying the amount of the reimbursement or other expense allowance.

(2) *Other bona fide expenses.* If an arrangement provides advances, allowances, or reimbursements for business expenses described in paragraph (d)(1) of this section (i.e., deductible employee business expenses) and for other bona fide expenses related to the employer's business (e.g., travel that is not away from home) that are not deductible under part VI (section 161 and the following), subchapter B, chapter 1 of the Code, the payor is treated as maintaining two arrangements. The portion of the arrangement that provides payments for the deductible employee business expenses is treated as one arrangement that satisfies this paragraph (d). The portion of the arrangement that provides payments for the nondeductible employee expenses is treated as a second arrangement that does not satisfy this paragraph (d) and all amounts paid under this second arrangement will be treated as paid under a nonaccountable plan. See paragraphs (c)(5) and (h) of this section.

(3) *Reimbursement requirement*—(i) *In general.* If a payor arranges to pay an amount to an employee regardless of whether the employee incurs (or is reasonably expected to incur) business expenses of a type described in paragraph (d)(1) or (d)(2) of this section, the arrangement does not satisfy this paragraph (d) and all amounts paid under the arrangement are treated as paid under a nonaccountable plan. See paragraphs (c)(5) and (h) of this section.

(ii) *Per diem allowances.* An arrangement providing a per diem allowance for travel expenses of a type described in paragraph (d)(1) or (d)(2) of this section that is computed on a basis similar to that used in computing the employee's wages or other compensation (e.g., the number of hours worked, miles traveled, or pieces produced) meets the requirements of this paragraph (d) only if, on December 12, 1989, the per diem allowance was identified by the payor either by making a separate payment or by specifically identifying the amount of the per diem allowance, or a per diem allowance computed on that basis was commonly used in the industry in which the employee is employed. See section 274(d) and § 1.274–5T(g). A per diem allowance described in this paragraph (d)(3)(ii) may be adjusted in a manner that reasonably reflects actual increases in employee business expenses occurring after December 12, 1989.

(e) *Substantiation*—(1) *In general.* An arrangement meets the requirements of this paragraph (e) if it requires each business expense to be substantiated to the payor in accordance with paragraph (e)(2) or (e)(3) of this section, whichever is applicable, within a reasonable period of time. See § 1.274–5T or § 1.162–17.

(2) *Expenses governed by section 274(d).* An arrangement that reimburses travel, entertainment, use of a passenger automobile or other listed property, or other business expenses governed by section 274(d) meets the requirements of this paragraph (e)(2) if information sufficient to satisfy the substantiation requirements of section 274(d) and the regulations thereunder is submitted to the payor. See § 1.274–5T. Under section 274(d), information sufficient to substantiate the requisite elements of each expenditure or use must be

submitted to the payor. For example, with respect to travel away from home, § 1.274–5T(b)(2) requires that information sufficient to substantiate the amount, time, place, and business purpose of the expense must be submitted to the payor. Similarly, with respect to use of a passenger automobile or other listed property, § 1.274–5T(b)(6) requires that information sufficient to substantiate the amount, time, use, and business purpose of the expense must be submitted to the payor. See § 1.274–5T(g), however, which grants the Commissioner authority to prescribe rules permitting the amount of certain expenses to be deemed substantiated to the payor (in lieu of substantiating the actual amount of such expenses) where an arrangement provides for a reimbursement, a per diem allowance, or a mileage allowance for travel away from home or transportation expenses. See also § 1.274–5T(j), which grants the Commissioner the authority to establish a method under which a taxpayer may elect to use a specified amount for meals while traveling away from home in lieu of substantiating the actual cost of meals. Substantiation of the amount of a business expense in accordance with rules prescribed pursuant to the authority granted by § 1.274–5T(g) or § 1.274–5T(j) will be treated as substantiation of the amount of such expense for purposes of this section.

(3) *Expenses not governed by section 274(d).* An arrangement that reimburses business expenses not governed by section 274(d) meets the requirements of this paragraph (e)(3) if information is submitted to the payor sufficient to enable the payor to identify the specific nature of each expense and to conclude that the expense is attributable to the payor's business activities. Therefore, each of the elements of an expenditure or use must be substantiated to the payor. It is not sufficient if an employee merely aggregates expenses into broad categories (such as "travel") or reports individual expenses through the use of vague, nondescriptive terms (such as "miscellaneous business expenses"). See § 1.162–17(b).

(f) *Returning amounts in excess of expenses—(1) In general.* Except as provided in paragraph (f)(2) of this section, an arrangement meets the requirements of this paragraph (f) if it requires the employee to return to the payor within a reasonable period of time may amount paid under the arrangement in excess of the expenses substantiated in accordance with paragraph (e) of this section. The determination of whether an arrangement requires an employee to return amounts in excess of substantiated expenses will depend on the facts and circumstances. An arrangement whereby money is advanced to an employee to defray expenses will be treated as satisfying the requirements of this paragraph (f) only if the amount of money advanced is reasonably calculated not to exceed the amount of anticipated expenditures, the advance of money is made on a day within a reasonable period of the day that the anticipated expenditures are paid or incurred, and any amounts in excess of the expenses substantiated in accordance with paragraph (e) of this section are required to be returned to the payor within a reasonable period of time after the advance is received.

(2) *Per diem or mileage allowances.* The Commissioner may, in his discretion, prescribe rules in pronouncements of general applicability under which a reimbursement or other expense allowance arrangement that provides per diem allowances providing for ordinary and necessary expenses of traveling away from home (exclusive of transportation costs to and from destination) or mileage allowances providing for ordinary and necessary expenses of local travel and tranportation while traveling away from home will be treated as satisfying the requirements of this paragraph (f), even though the arrangement does not require the employee to return the portion of such an allowance that relates to the days or miles of travel substantiated and that exceeds the amount of the employee's expenses deemed substantiated pursuant to rules prescribed under section 274(d), provided the allowance is paid at a rate for each day or mile of travel that is reasonably calculated not to exceed the amount of the employee's expenses or anticipated expenses and the employee is required to return to the payor within a reasonable period of time any portion of such allowance which relates to days or miles of travel not substantiated in accordance with paragraph (e) of this section.

(g) *Reasonable period—(1) In general.* The determination of a reasonable period of time will depend on the facts and circumstances.

(2) *Safe harbors—(i) Fixed date method.* An advance made within 30 days of when an expense is paid or incurred, an expense substantiated to the payor within 60 days after it is paid or incurred, or an amount returned to the payor within 120 days after an expense is paid or incurred will be treated as having occurred within a reasonable period of time.

(ii) *Periodic statement method.* If a payor provides employees with periodic statements (no less frequently than quarterly) stating the amount, if any, paid under the arrangement in excess of the expenses the employee has substantiated in accordance with paragraph (e) of this section, and requesting the employee to substantiate any additional business expenses that have not yet been substantiated (whether or not such expenses relate to the expenses with respect to which the original advance was paid) and/or to return any amounts remaining unsubstantiated within 120 days of the statement, an expense substantiated or an amount returned within that period will be treated as being substantiated or returned within a reasonable period of time.

(3) *Pattern of overreimbursements.* If, under a reimbursement or other expense allowance arrangement, a payor has a plan or practice to provide amounts to employees in excess of expenses substantiated in accordance with paragraph (e) of this section and to avoid reporting and withholding on such amounts, the payor may not use either of the safe harbors provided in paragraph (g)(2) of this section for any years during which such plan or practice exists.

(h) *Withholding and payment of employment taxes—(1) When excluded from wages.* If an arrangement meets the requirements of paragraphs (d), (e), and (f) of this section, the amounts paid under the arrangement that are not in excess of the expenses substantiated in accordance with paragraph (e) of this section (i.e., the amounts treated as paid under an accountable plan) are not wages and are not subject to withholding and payment of employment taxes.

(2) *When included in wages—(i) Accountable plans—(A) General rule.* Except as provided in paragraph (h)(2)(i)(B) of this section, if the expenses covered under an arrangement that meets the requirements of paragraphs (d), (e), and (f) of this section are not substantiated to the payor in accordance with paragraph (e) of this section within a reasonable period of time or if any amounts in excess of the substantiated expenses are not returned to the payor in accordance with paragraph (f) of this section within a reasonable period of time, the amount which is treated as paid under a nonaccountable plan under paragraph (c)(3)(ii) of this section is subject to withholding and payment of employment taxes no later than the first payroll period following the end of the

reasonable period. A payor may treat any amount not substantiated or returned within the periods specified in paragraph (g)(2) of this section as not substantiated or returned within a reasonable period of time.

(B) *Per diem or mileage allowances*—(*1*) *In general.* If a payor pays a per diem or mileage allowance under an arrangement that meets the requirements of the paragraphs (d), (e), and (f) of this section, the portion, if any, of the allowance paid that relates to days or miles of travel substantiated in accordance with paragraph (e) of this section and that exceeds the amount of the employee's expenses deemed substantiated for such travel pursuant to rules prescribed under section 274(d) and § 1.274–5T (g) or (j) is treated as paid under a nonaccountable plan. See paragraph (c)(3)(ii) of this section. Because the employee is not required to return this excess portion, the reasonable period of time provisions of paragraph (g) of this section (relating to the return of excess amounts) do not apply to this excess portion.

(*2*) *Reimbursements.* Except as provided in paragraph (h)(2)(i)(B)(*4*) of this section, in the case of a per diem or mileage allowance paid as a reimbursement at a rate for each day or mile of travel that exceeds the amounts of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion described in paragraph (h)(2)(i) of this section is subject to withholding and payment of employment taxes in the payroll period in which the payor reimburses the expenses for the days or miles of travel substantiated in accordance with paragraph (e) of this section.

(*3*) *Advances.* Except as provided in paragraph (h)(2)(i)(B)(*4*) of this section, in the case of a per diem or mileage allowance paid as an advance at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion described in paragraph (h)(2)(i) of this section is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated in accordance with paragraph (e) of this section. The expenses with respect to which the advance was paid must be substantiated within a reasonable period of time. See paragraph (g) of this section.

(*4*) *Special rules.* The Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

(ii) *Nonaccountable plans.* If an arrangement does not satisfy one or more of the requirements of paragraphs (d), (e), or (f) of this section, all amounts paid under the arrangement are wages and are subject to withholding and payment of employment taxes when paid.

(i) *Application.* The requirements of paragraphs (d) (business connection), (e) (substantiation), and (f) (returning amounts in excess of expenses) of this section will be applied on an employee-by-employee basis. Thus, for example, the failure by one employee to substantiate expenses under an arrangement in accordance with paragraph (e) of this section will not cause amounts paid to other employees to be treated as paid under a nonaccountable plan.

(j) *Examples.* The rules contained in this section may be illustrated by the following examples:

Example (1). *Reimbursement requirement.* Employer S pays its engineers $200 a day. On those days that an engineer travels away from home on business for Employer S, Employer S designates $50 of the $200 as paid to reimburse the engineer's travel expenses. Because Employer S would pay an engineer $200 a day regardless of whether the engineer was traveling away from home, the arrangement does not satisfy the reimbursement requirement of paragraph (d)(3)(i) of this section. Thus, no part of the $50 Employer S designated as a reimbursement is treated as paid under an accountable plan. Rather, all payments under the arrangement are treated as paid under a nonaccountable plan. Employer S must report the entire $200 as wages or other compensation on the employees' Forms W–2 and must withhold and pay employment taxes on the entire $200 when paid.

Example (2). *Reimbursement requirement, multiple arrangements.* Airline T pays all its employees a salary. Airline T also pays an allowance under an arrangement that otherwise meets the requirements of paragraphs (d), (e), and (f) of this section to its pilots and flight attendants who travel away from their home base airports, whether or not they are "away from home." Because the allowance is paid only to those employees who incur (or are reasonably expected to incur) expenses of a type described in paragraph (d)(1) or (d)(2) of this section, the arrangement satisfies the reimbursement requirement of paragraph (d)(3)(i) of this section. Under paragraph (d)(2) of this section, Airline T is treated as maintaining two arrangements. The portion of the arrangement providing the allowances for away from home travel is treated as an accountable plan. The portion of the arrangement providing the allowances for non-away from home travel is treated as a nonaccountable plan. Airline T must report the non-away from home allowances as wages or other compensation on the employees' Forms W–2 and must withhold and pay employment taxes on these payments when paid.

Example (3). *Reimbursement requirement.* Corporation R pays all its salespersons a salary. Corporation R also pays a travel allowance under an arrangement that otherwise meets the requirements of paragraphs (d), (e), and (f) of this section. This allowance is paid to all salespersons, including salespersons that Corporation R knows, or has reason to know, do not travel away from their offices on Corporation R business and would not be reasonably expected to incur travel expenses. Because the allowance is not paid only to those employees who incur (or are reasonably expected to incur) expenses of a type described in paragraph (d)(1) or (d)(2) of this section, the arrangement does not satisfy the reimbursement requirement of paragraph (d)(3)(i) of this section. Thus, no part of the allowance Corporation R designated as a reimbursement is treated as paid under an accountable plan. Rather, all payments under the arrangement are treated as paid under a nonaccountable plan. Corporation R must report all payments under the arrangement as wages or other compensation on the employees' Forms W–2 and must withhold and pay employment taxes on the payments when paid.

Example (4). *Separate arrangement, miscellaneous expenses.* Under an arrangement that meets the requirements of paragraphs (d), (e), and (f) of this section, County U reimburses its employees for lodging and meal expenses incurred when they travel away from home on County U business. For its own convenience, County U also separately pays certain of its employees a $25 monthly allowance to cover the cost of small miscellaneous office expenses. County U does not require its employees to substantiate these miscellaneous expenses and does not require them to return the amounts by which the monthly allowance exceeds the miscellaneous expenses. The monthly allowance arrangement is a nonaccountable plan. County U must report the monthly allowances as wages or other compensation on the employees' Forms W–2 and must withhold and pay employment taxes on the monthly allowances when paid. The nonaccountable plan providing the monthly allowances is treated as separate from the accountable plan providing reimbursements for lodging and meal expenses incurred for travel away from home on County U business.

Example (5). *Excessive advances.* In anticipation of employee business expenses that Corporation V does not reasonably expect to exceed $400 in any quarter, Corporation V nonetheless advances $1,000 to Employee A for such expenses. Whenever Employee A substantiates an expense in accordance with paragraph (e) of this section, Corporation V provides an additional advance in an amount equal to the amount substantiated, thereby providing a continuing advance of $1,000. Because the amounts advanced under this arrangement are not reasonably calculated so as not to exceed the

amount of anticipated expenditures and because the advance of money is not made on a day within a reasonable period of the day that the anticipated expenditures are paid or incurred, the arrangement is a nonaccountable plan. The arrangement fails to satisfy the requirements of paragraphs (d) (business connection) and (f) (reasonable calculation of advances) of this section. Thus, Corporation V must report the entire amount of each advance as wages or other compensation and must withhold and pay employment taxes on the entire amount of each advance when paid.

Example (6). *Excess mileage advance.* Under an arrangement that meets the requirements of paragraphs (d), (e), and (f) of this section, Employer W pays its employees a mileage allowance at a rate of 30 cents per mile (when the amount deemed substantiated for each mile of travel substantiated is 26 cents per mile) to cover automobile business expenses. The allowance is paid at a rate for each mile of travel that is reasonably calculated not to exceed the amount of the employee's expenses or anticipated expenses. Employer W does not require the return of the portion of the mileage allowance (4 cents) that exceeds the amount deemed substantiated for each mile of travel substantiated in accordance with paragraph (e) of this section. In June, Employer W advances Employee B $150 for 500 miles to be traveled by Employee B during the month. In July, Employee B substantiates 500 miles of business travel. The amount deemed substantiated by Employee B is $130. However, Employer W does not require Employee B to return the remaining $20 of the advance. No later than the first payroll period following the payroll period in which the business miles of travel are substantiated, Employer W must withhold and pay employment taxes on $20 (500 miles × 4 cents per mile).

Example (7). *Excess per diem reimbursement.* Under an arrangement that meets the requirements of paragraphs (d), (e), and (f) of this section, Employer X pays its employees a per diem allowance to cover lodging, meal, and incidental expenses incurred for travel away from home on Employer X business at a rate equal to 120 percent of the amount deemed substantiated for each day of travel to the localities to which the employees travel. Employer X does not require the employees to return the 20 percent by which the reimbursement for those expenses exceeds the amount deemed substantiated for each day of travel substantiated in accordance with paragraph (e) of this section. Employee C substantiates six days of business travel away from home: Two days in a locality for which the amount deemed substantiated is $100 a day and four days in a locality for which the amount deemed substantiated is $125 a day. Employer X reimburses Employee C $840 for the six days of travel away from home (2×(120%×$100)+4×(120%×$125)), and does not require Employee C to return the excess portion ($140 excess portion=(2 days×$20 ($120−$100)+4 days×$25 ($150-$125)). For the payroll period in which Employer X reimburses the expenses, Employer X must withhold and pay employment taxes on $140.

Example (8). *Return Requirement.* Employer Y provides expense allowances to certain of its employees to cover business expenses of a type described in paragraph (d)(1) of this section under an arrangement that requires the employees to substantiate their expenses within a reasonable period of time and to return any excess amounts within a reasonable period of time. Each time an employee returns an excess amount to Employer Y, however, Employer Y pays the employee a "bonus" equal to the amount returned by the employee. The arrangement fails to satisfy the requirements of paragraph (f) (returning amounts in excess of expenses) of this section. Thus, Employer Y must report the entire amount of the expense allowance payments as wages or other compensation and must withhold and pay employment taxes on the payments when paid. Compare example (6) (where the employee is not required to return the portion of the mileage allowance that exceeds the amount deemed substantiated for each mile of travel substantiated).

Example (9). *Timely substantiation.* Employer Z provides a $500 advance to Employee D for a trip away from home on Employer Z business. Employee D incurs $500 in business expenses on the trip. Employer Z uses the periodic statement method safe harbor. At the end of the quarter during which the trip occurred, Employer Z sends a quarterly statement to Employee D stating that $500 was advanced to Employee D during the quarter and that no expenses were substantiated and no excess amounts returned. The statement advises Employee D that Employee D must substantiate any additional business expenses within 120 days of the date of the statement, and must return any unsubstantiated excess within the 120-day period. Employee D fails to substantiate any expenses or to return the excess within the 120-day period. Employer Z treats the $500 as wages and withholds and pays employment taxes on the $500. After the 120-day period has expired, Employee D substantiates the $500 in travel expenses in accordance with paragraph (e) of this section. Employer Z properly reported and withheld and paid employment taxes on the $500 and no adjustments may be made. Employee D must include the $500 in gross income and may deduct the $500 of expenses as a miscellaneous itemized deduction subject to the 2-percent floor provided in section 67.

(k) *Anti-abuse provision.* If a payor's reimbursement or other expense allowance arrangement evidences a pattern of abuse of the rules of section 62(c) and this section, all payments made under the arrangement will be treated as made under a nonaccountable plan.

(l) *Cross references.* For employment tax regulations relating to reimbursement and expense allowance arrangements, see §§ 31.3121 (a)–3, 31.3231(e)–(3), 31.3306(b)–2, and 31.3401(a)–4, which generally apply to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990 with respect to expenses paid or incurred on or after July 1, 1990. For reporting requirements, see § 1.6041–3(i), which generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1989 with respect to expenses paid or incurred on or after January 1, 1989.

(m) *Effective dates.* This section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee in taxable years of the employee beginning on or after January 1, 1989, with respect to expenses paid or incurred in taxable years beginning on or after January 1, 1989. Paragraph (h) of this section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990 with respect to expenses paid or incurred on or after July 1, 1990. Paragraphs (d)(3) and (h)(2)(i)(B) of this section apply to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991 with respect to expenses paid or incurred on or after January 1, 1991.

Par. 4. In § 1.162–17, paragraph (e)(3) is received to read as follows:

§ 1.162–17 Reporting and substantiation of certain business expenses of employees.

* * * * *

(e) *Applicability.* * * *

(3) For taxable years beginning on or after January 1, 1989, the provisions of this section are superseded by the regulations under section 62(c) to the extent this section is inconsistent with those regulations. See § 1.62–2.

Par. 5. In § 1.6041–3, paragraph (i) is revised to read as follows:

§ 1.6041–3 Payments for which no return of information is required under section 6041.

* * * * *

(i)(1) *In general.* Payments made under reimbursement or other expense allowance arrangements that meet the requirements of section 62(c) of the Code and § 1.62–2, that do not exceed the amount of the expenses substantiated (i.e., amounts which are treated as paid under an accountable plan), and that are received by an employee on or after January 1, 1989, with respect to expenses paid or incurred on or after January 1, 1989;

(2) *Transition rule.* Payments made under reimbursement or other expense allowance arrangements that are

received by an employee on or after January 1, 1989, but prior to July 1, 1990, to the extent that the employee is required to account (within the meaning of the term "account" as set forth in § 1.162–17(b)(4) or 1.274–5T(f)(4), whichever is applicable) and does so account to the payor for such expenses, provided the payor has made a reasonable, good faith effort to comply with the requirements of section 62(c). In general, compliance with the provisions of this section, as in effect for payments made under reimbursement or other expense allowance arrangements that were received by an employee before January 1, 1989, with respect to expenses paid or incurred before January 1, 1989, will constitute such reasonable good faith compliance. In no event, however, will reasonable good faith compliance exist if a payor fails to report payments made under an arrangement (other than a per diem or mileage allowance type arrangement) under which an employee is not required to substantiate expenses paid or incurred or is not required to return amounts in excess of the substantiated expenses;

* * * * *

PART 31—[AMENDED]

Par. 6. The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * * Secs. 31.3121 (a)–1, 31.3231(e)–1, 31.3306(b)–1, and 31.3401(a)–1 also issued under 26 U.S.C. 62.

Par. 7. In § 31.3121(a)–1, the last sentence of paragraph (h) is revised to read as follows:

§ 31.3121(a)–1 Wages.

* * * * *

(h) * * * For amounts that are received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990, see § 31.3121(a)–3.

* * * * *

Par. 8. Section 31.3121(a)–2T is redesignated as § 31.3121(a)–3 and revised to read as follows:

§ 31.3121(a)-3 Reimbursement and other expense allowance amounts.

(a) *When excluded from wages.* If a reimbursement or other expense allowance arrangement meets the requirements of section 62(c) of the Code and § 1.62–2 and the expenses are substantiated within a reasonable period of time, payments made under the arrangement that do not exceed the substantiated expenses are treated as paid under an accountable plan and are not wages. In addition, if both wages and the reimbursement or other expense allowance are combined in a single payment, the reimbursement or other expense allowance must be identified either by making a separate payment or by specifically identifying the amount of the reimbursement or other expense allowance.

(b) *When included in wages*—(1) *Accountable plans*—(i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, if a reimbursement or other expense allowance arrangement satisfies the requirements of section 62(c) and § 1.62–2, but the expenses are not substantiated within a reasonable period of time or amounts in excess of the substantiated expenses are not returned within a reasonable period of time, the amount paid under the arrangement in excess of the substantiated expenses is treated as paid under a nonaccountable plan, is included in wages, and is subject to withholding and payment of employment taxes no later than the first payroll period following the end of the reasonable period.

(ii) *Per diem or mileage allowances.* If a reimbursement or other expense allowance arrangement providing a per diem or mileage allowance satisfies the requirements of section 62(c) and § 1.62–2, but the allowance is paid at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion is treated as paid under a nonaccountable plan and is included in wages. In the case of a per diem or mileage allowance paid as a reimbursement, the excess portion is subject to withholding and payment of employment taxes when paid. In the case of a per diem or mileage allowance paid as an advance, the excess portion is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated. The Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

(2) *Nonaccountable plans.* If a reimbursement or other expense allowance arrangement does not satisfy the requirements of section 62(c) and § 1.62–2 (e.g., the arrangement does not require expenses to be substantiated or require amounts in excess of the substantiated expenses to be returned), all amounts paid under the arrangement are treated as paid under a nonaccountable plan, are included in wages, and are subject to withholding and payment of employment taxes when paid.

(c) *Effective dates.* This section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990. Paragraph (b)(1)(ii) of this section applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991, with respect to expenses paid or incurred on or after January 1, 1991.

Par. 9. In § 31.3231(e)–1, the last sentence of paragraph (a)(3)(iv) is revised to read as follows:

§ 31.3231(e)–1 Compensation.

(a) * * *

(3) * * *

(iv) * * * For amounts that are received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990, see § 31.3231(e)–3.

* * * * *

Par. 10. Section 31.3231(e)–3T is redesignated as § 31.3231(e)–3 and revised to read as follows:

§ 31.3231(e)–3 Reimbursement and other expense allowance amounts.

(a) *When excluded from compensation.* If a reimbursement or other expense allowance arrangement meets the requirements of section 62(c) of the Code and § 1.62–2 and the expenses are substantiated within a reasonable period of time, payments made under the arrangement that do not exceed the substantiated expenses are treated as paid under an accountable plan and are not compensation. In addition, if both wages and the reimbursement or other expense allowance are combined in a single payment, the reimbursement or other expense allowance must be identified either by making a separate payment or by specifically identifying the amount of the reimbursement or other expense allowance.

(b) *When included in compensation*—(1) *Accountable plans*—(i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, if a reimbursement or other expense allowance arrangement satisfies the requirements of section 62(c) and § 1.62–2, but the expenses are not substantiated within a reasonable period of time or amounts in excess of the substantiated expenses are not returned within a reasonable period of

time, the amount paid under the arrangement in excess of the substantiated expenses is treated as paid under a nonaccountable plan, is included in compensation, and is subject to withholding and payment of employment taxes no later than the first payroll period following the end of the reasonable period.

(ii) *Per diem or mileage allowances.* If a reimbursement or other expense allowance arrangement providing a per diem or mileage allowance satisfies the requirements of section 62(c) and § 1.62–2, but the allowance is paid at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion is treated as paid under a nonaccountable plan and is included in compensation. In the case of a per diem or mileage allowance paid as a reimbursement, the excess portion is subject to withholding and payment of employment taxes when paid. In the case of a per diem or mileage allowance paid as an advance, the excess portion is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated. The Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

(2) *Nonaccountable plans.* If a reimbursement or other expense allowance arrangement does not satisfy the requirements of section 62(c) and § 1.62–2 (e.g., the arrangement does not require expenses to be substantiated or require amounts in excess of the substantiated expenses to be returned), all amounts paid under the arrangement are treated as paid under a nonaccountable plan, are included in compensation, and are subject to withholding and payment of employment taxes when paid.

(c) *Effective dates.* This section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990. Paragraph (b)(1)(ii) of this section applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991, with respect to expenses paid or incurred on or after January 1, 1991.

Par. 11. In § 31.3306(b)–1, the last sentence of paragraph (h) is revised to read as follows:

§ 31.3306(b)–1 Wages.

* * * * *

(h) * * * For amounts that are received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990, see § 31.3306(b)–2.

* * * * *

Par. 12. Section 31.3306(b)–2T is redesignated as § 31.3306(b)–2 and revised to read as follows:

§ 31.3306(b)–2 Reimbursement and other expense allowance amounts.

(a) *When excluded from wages.* If a reimbursement or other expense allowance arrangement meets the requirements of section 62(c) of the Code and § 1.62–2 and the expenses are substantiated within a reasonable period of time, payments made under the arrangement that do not exceed the substantiated expenses are treated as paid under an accountable plan and are not wages. In addition, if both wages and the reimbursement or other expense allowance are combined in a single payment, the reimbursement or other expense allowance must be identified either by making a separate payment or by specifically identifying the amount of the reimbursement or other expense allowance.

(b) *When included in wages*—(1) *Accountable plans*—(i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, if a reimbursement or other expense allowance arrangement satisfied the requirements of section 62(c) and § 1.62–2, but the expenses are not substantiated within a reasonable period of time or amounts in excess of the substantiated expenses are not returned within a reasonable period of time, the amount paid under the arrangement in excess of the substantiated expenses is treated as paid under a nonaccountable plan, is included in wages, and is subject to withholding and payment of employment taxes no later than the first payroll period following the end of the reasonable period.

(ii) *Per diem or mileage allowances.* If a reimbursement or other expense allowance arrangement providing a per diem or mileage allowance satisfies the requirements of section 62(c) and § 1.62–2, but the allowance is paid at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion is treated as paid under a nonaccountable plan and is included in wages. In the case of a per diem or mileage allowance paid as a reimbursement, the excess portion is subject to withholding and payment of employment taxes when paid. In the case of a per diem or mileage allowance paid as an advance, the excess portion is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated. The Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

(2) *Nonaccountable plans.* If a reimbursement or other expense allowance arrangement does not satisfy the requirements of section 62(c) and § 1.62–2 (e.g., the arrangement does not require expenses to be substantiated or require amounts in excess of the substantiated expenses to be returned), all amounts paid under the arrangement are treated as paid under a nonaccountable plan, are included in wages, and are subject to withholding and payment of employment taxes when paid.

(c) *Effective dates.* This section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990. Paragraph (b)(1)(ii) of this section applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991, with respect to expenses paid or incurred on or after January 1, 1991.

Par. 13. In § 31.3401 (a)–1, the last sentence of paragraph (b)(2) is revised to read as follows:

§ 31.3401 (a)–1 Wages.

* * * * *

(b) * * *

(2) *Traveling and other expenses.* * * * For amounts that are received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990, see § 31.3401 (a)–4.

* * * * *

Par. 14. Section 31.3401 (a)–2T is redesignated as § 31.3401 (a)–4 and revised to read as follows:

§ 31.3401 (a)–4 Reimbursements and other expense allowance amounts.

(a) *When excluded from wages.* If a reimbursement or other expense allowance arrangement meets the requirements of section 62(c) of the Code and § 1.62–2 and the expenses are substantiated within a reasonable period of time, payments made under the arrangement that do not exceed the substantiated expenses are treated as paid under an accountable plan and are not wages. In addition, if both wages and the reimbursement or other expense allowance are combined in a single payment, the reimbursement or other expense allowance must be identified either by making a separate payment or by specifically identifying the amount of the reimbursement or other expense allowance.

(b) *When included in wages*—(1) *Accountable plans*—(i) *General rule.* Except as provided in paragraph (b)(1)(ii) of this section, if a reimbursement or other expense allowance arrangement satisfies the requirements of section 62(c) and § 1.62–2, but the expenses are not substantiated within a reasonable period of time or amounts in excess of the substantiated expenses are not returned within a reasonable period of time, the amount paid under the arrangement in excess of the substantiated expenses is treated as paid under a nonaccountable plan, is included in wages, and is subject to withholding and payment of employment taxes no later than the first payroll period following the end of the reasonable period.

(ii) *Per diem or mileage allowances.* If a reimbursement or other expense allowance arrangement providing a per diem or mileage allowance satisfies the requirements of section 62(c) and § 1.62–2, but the allowance is paid at a rate for each day or mile of travel that exceeds the amount of the employee's expenses deemed substantiated for a day or mile of travel, the excess portion is treated as paid under a nonaccountable plan and is included in wages. In the case of a per diem or mileage allowance paid as a reimbursement, the excess portion is subject to withholding and payment of employment taxes when paid. In the case of a per diem or mileage allowance paid as an advance, the excess portion is subject to withholding and payment of employment taxes no later than the first payroll period following the payroll period in which the expenses with respect to which the advance was paid (i.e., the days or miles of travel) are substantiated. The Commissioner may, in his discretion, prescribe special rules in pronouncements of general applicability regarding the timing of withholding and payment of employment taxes on per diem and mileage allowances.

(2) *Nonaccountable plans.* If a reimbursement or other expense allowance arrangement does not satisfy the requirements of section 62(c) and § 1.62–2 (e.g., the arrangement does not require expenses to be substantiated or require amounts in excess of the substantiated expenses to be returned), all amounts paid under the arrangement are treated as paid under a nonaccountable plan, are included in wages, and are subject to withholding and payment of employment taxes when paid.

(c) *Withholding rate.* Employers may add any payments made under reimbursement or other expense allowance arrangements that are subject to income tax withholding to the employee's regular wages for a payroll period and compute withholding taxes on the total. Alternatively, the employer may withhold income tax from the reimbursement or other expense allowance at the flat 20-percent rate applicable to supplemental wages, provided the employer withholds income tax from the employee's regular wages and provided the reimbursement or allowance is paid separately (or separately identified if wages and reimbursement amounts are combined in a single payment). See § 31.3401 (g)–1 regarding supplemental wage payments.

(d) *Effective dates.* This section generally applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after July 1, 1990, with respect to expenses paid or incurred on or after July 1, 1990. Paragraph (b)(1)(ii) of this section applies to payments made under reimbursement or other expense allowance arrangements received by an employee on or after January 1, 1991, with respect to expenses paid or incurred on or after January 1, 1991.

PART 602—[AMENDED]

Par. 15. The authority for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 16. The table of OMB control numbers in § 602.101 (c) is amended as follows: The entry reading: "1.62.2 * * * 1545–1148" is revised to read: "1.62–2 ..... 1545–1148."

Dated: December 4, 1990.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 90–29475 Filed 12–14–90; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218–AA82

Occupational Exposure to Formaldehyde

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of administrative stay.

SUMMARY: On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a final rule in the **Federal Register** on occupational exposure to formaldehyde (29 CFR 1910.1048, 52 FR 46168). In response to numerous public comments which indicated confusion about the hazard warning provisions of the newly revised Formaldehyde Standard, on December 13, 1988, OSHA announced an administrative stay of paragraphs (m)(1)(i) through (m)(4)(ii) for a period of nine months. OSHA also announced its intention to revoke paragraphs (m)(1)(i) through (m)(4)(ii) and invite comments on replacing them with the Hazard Communication Standard (29 CFR 1910.1200) or another equally protective alternative which would be less confusing to the public (53 FR 50198).

The stay was subsequently extended until December 11, 1990 (54 FR 35639, August 29, 1989; 55 FR 24070, June 13, 1990; 55 FR 32616, August 10, 1990). OSHA is completing its re-evaluation of the need to stay these paragraphs. More time is needed to complete this evaluation. Consequently the stay is extended an additional 90 days so that OSHA may complete this process. While this stay is in effect, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.

EFFECTIVE DATE: The administrative stay of 29 CFR 1910.1048 (m)(1)(i) through (m)(4)(ii) will be effective until March 11, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety

and Health Administration, Office of Information and Consumer Affairs, U.S. Department of Labor, room N-3647, 200 Constitution Avenue NW., Washington, DC 20210. Telephone (202) 523-8151.

Authority and Signature

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210.

This action is taken pursuant to section 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1597, 1599; 29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

List of Subjects in 29 CFR Part 1910

Formaldehyde, Cancer, Chemicals, Health, Occupational safety and health, Risk assessment.

§ 1910.1048 [Stayed in Part]

Therefore, 29 CFR 1910.1048 (m)(1)(i) through (m)(4)(ii) is stayed until March 11, 1991.

Signed at Washington, DC this 11th day of December, 1990.

Gerard F. Scannell,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 90-29404 Filed 12-11-90; 4:49 pm]

BILLING CODE 4510-26-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Jacksonville, FL Regulation 90-124]

Safety/Security Zone Regulations; St. Johns River, Jacksonville, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Since 15 August 1990, the Coast Guard has been enforcing a concurrent safety and security zone around specified military supply vessels during their transit of the St. Johns River and while berthed at Blount Island Terminal. This zone was initiated to protect boats and onlookers from harm and to prevent interference with ongoing Department of Defense operations. Entry into this zone has been strictly prohibited except for those with prior authorization from the Captain of the Port. The present regulation, 33 CFR 165.T0754, was established as an emergency rule and was published in the **Federal Register** on 19 October 1990. It expires on 11 December 1990, however, the DOD operations, now known as "Operation Desert Shield," are expected to continue with no foreseeable end. Rather than extending the time frame of the current regulation, making it a final rule appears to be more appropriate, particularly due to the uncertainties of the Iraq/Kuwait situation. The temporary regulation is also modified to include all waterfront facilities where a laden military vessel may be located (including Talleyrand Docks and Terminal, Crowley TMT docks, and the various shipyards in Jacksonville).

DATES: This regulation becomes effective on 11 December 1990. Comments on this regulation must be received on or before 28 January 1991.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, FL 32206-3497. The comments will be available for inspection and copying at MSO Jacksonville, room 222. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Maes, Tel: (904) 791-2648.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Following normal rulemaking procedures was unnecessary in that little or no economic impact is envisioned and no adverse comments are expected concerning the terms of the regulation.

Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "ADDRESS" in this preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give their comments. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of this regulation are Lieutenant Christopher K. Lockwood, project officer for the Captain of the Port, and Lieutenant Genelle G. Tanos, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation is the continued need for the safe outload of military supply vessels, followed by their safe transit to sea. The protection of vital United States assets as well as the safety of unwary boaters and onlookers necessitates the establishment of both a safety and security zone. Only minor delays to mariners is foreseen, mainly during the transit of these vessels.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 and 50 U.S.C. 191 as set out in the authority citation for all of part 165.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The safety/security zone established by 33 CFR 165.T0754 has been in effect since 15 August 1990; and although a few complaints have been received, those situations occurred early-on and were limited to minor delays incurred by a few commercial vessels prior to arrival or departure while waiting for laden military vessel movements to clear. Since then, better planning and coordination with the local pilots has virtually eliminated commercial vessel delays. Accordingly, the economic impact of this regulation is expected to be minimal, and the Coast Guard certifies that it will not have a significant economic impact on a substantial number of persons.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

FINAL REGULATION: In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. Section 165.720 is added to read as follows:

§ 165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL

(a) *Location.* The water and the land within the following boundaries are established as a safety and security zone during specified conditions:

(1) All waters within 200 yards of Blount Island, Jacksonville, Florida and all adjacent land within 100 yards of the island shoreline during staging of Department of Defense equipment and during the loading/unloading of military supply vessels.

(2) All waters within 200 yards of "any" waterfront facility at which a laden military vessel is located and all land at the facility, including docks and piers, within 100 yards of the St. Johns River.

(3) All waters within 200 yards of any specified military supply vessel during its transit of the St. Johns River and out to three (3) nautical miles offshore.

(b) *Regulations.* (1) For public notice, the zone described in paragraph (a)(1) of this section is effective beginning 11 December 1990 and will remain in force until cancelled by the Captain of the Port Jacksonville, Florida.

(2) The COTP Jacksonville may activate, as necessary, any portion of the safety/security zone described in paragraphs (a)(2) and (a)(3) of this section by means of locally promulgated broadcast notice to mariners. Once implemented, neither overtaking nor meeting situations will be allowed during specified vessel transits.

(3) In accordance with the general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 of this part, entry into any portion of the described zone is prohibited unless authorized by the Captain of the Port Jacksonville, Florida.

(4) This regulation does not apply to authorized law enforcement agencies operating within the safety/security zone.

Dated: November 26, 1990.

R.J. O'Pezio,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, FL.

[FR Doc. 90–29099 Filed 12–14–90; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

RIN 0596–AA44

Disposal of Mineral Materials

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture hereby adopts final regulations setting forth classifications of mineral materials subject to disposal by the Secretary under the Materials Act of 1947. These mineral materials include petrified wood and common varieties of sand, stone, gravel, pumice, pumicite, cinders, clay, and other similar materials. The intended effect of this rule is to end the long standing confusion and misinterpretation of what is a common variety of mineral.

EFFECTIVE DATE: This rule is effective January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Steve Marshall, Minerals and Geology Staff, Forest Service, USDA, (202) 453–8246.

SUPPLEMENTARY INFORMATION:

Background

The Materials Act of July 31, 1947 (61 Stat. 681), as amended by the Multiple Use Mining Act of July 23, 1955 (69 Stat. 367), 30 U.S.C. 601 et seq., authorizes the Secretary of Agriculture, under such rules and regulations as he may prescribe, to dispose of mineral materials from National Forest System lands.

Over a period of years, several hundred administrative appeals and court cases have addressed which substances are considered common varieties of minerals; however, the regulations in 36 CFR part 228, subpart C, which cover the disposal of mineral materials, do not reflect these results. The lack of more specific classification in the regulation has made it difficult for prospective purchasers of mineral materials to know whether a particular deposit is available for purchase. Lacking the information, prospective purchasers have frequently located mining claims under the Mining Laws of the United States for mineral materials, believing them to be locatable minerals, creating title and economic problems, unnecessary litigation, and delays in completing sales.

Moreover, numerous administrative and court decisions that have evaluated specific minerals, their physical properties, and economic factors relevant to their use have resulted in a complex, and not always consistent, set of standards for determining whether or not a mineral is a common variety. One standard for an uncommon variety that has been regarded as definitive and that has provided a broad framework for numerous administrative decisions was set forth in *McClarty* v. *Secretary of the Interior*, 408 F.2d 907, 908 (9th Cir. 1969). That standard holds that:

(1) There must be a comparison of the mineral deposit in question with other deposits of such minerals generally; (2) the mineral deposit in question must have a unique property; (3) the unique property must give the deposit a distinct and special value; (4) if the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and, (5) the distinct and special value must be reflected by the higher price which the material commands in the market place.

The McClarty decision also provided that a finding of special economic value of a deposit due to a unique property might be based on reduced costs or overhead resulting in a greater margin of profit.

Use of the standards established in the McClarty decision leaves a number of unanswered questions for the operator and the Forest Service. For example, knowledge that a "property" is unique to a particular deposit requires familiarity with the properties of all other deposits of that mineral. For some minerals this potentially requires knowledge of the properties of hundreds of deposits. Also, the standards do not specify the degree of value sufficient to establish a distinct and special value. Identifying a common variety has been further complicated by a number of judicial decisions finding certain properties as not imparting distinct and special value for the purpose of determining whether a mineral is an uncommon variety.

To bring consistency to classification of mineral materials, the Forest Service issued a proposed rule on April 28, 1988 (53 FR 15236). That rule was designed to provide additional criteria on the classification and sale of mineral materials in view of the Act of July 23, 1955. It proposed six categories of mineral materials based on characteristics and uses of the minerals. It also recognized six categories of minerals considered to be uncommon varieties that are locatable under the Mining Laws. Although the rule was designed to deal with situations on National Forest System lands reserved from the public domain, it would, by analogy, also be used to determine which mineral materials are salable on

other National Forest System lands as described at 36 CFR 228.41(a).

Analysis of Public Comments

A total of 57 responses were received during the public comment period. Of the 57 responses, 22 were from businesses, 19 were from individuals, 9 were from associations, six were from State and Federal agencies, and one was from a member of Congress.

Most of the responses expressed concern about a specific aspect of the rule; particularly about minerals and uses which might form the basis for a common variety classification. Comments received were categorized into subject matter areas as follows: Common Varieties; Uncommon Varieties; Intent; Scope of the Rule; Use-based Priority; Forest Service Communications; Deposits with both Common and Uncommon Varities; Patenting of Mining Claims; and, Incentives for Exploration and Development. Major comments and the Department's responses follow.

1. *Comments and responses on categories of common varieties. Agricultural supply and animal husbandry materials.* Nine reviewers addressed this category of mineral materials. The comments included general objections to the category, concerns about particular commodities within the category, and concerns about consistency with the findings in *U.S.* v. *Bunkowski*, 79 I.D. 43 (1972) that minerals which meet the test of a chemical soil amendment are locatable.

In response, this category has been revised in the final rule to eliminate the term "fertilizers" and to specify that this category includes soil conditioners or amendments that only physically, rather than chemically, alter soil properties. These changes make the regulation conform with the distinctions made in Bunkowski and other decisions.

Two of the reviewers were apparently under the impression that "trace elements" are locatable minerals when used as an agricultural additive. They have never been locatable for this purpose. (See *U.S.* v. *Bienick*, 14 IBLA 290, 297 (1974) (concurring opinion).) To avoid any confusion on this point, the final rule also specifies that "trace elements" are included in the agricultural supply and animal husbandry category.

Building materials. Fourteen respondents addressed building materials. Most of the comments dealt with various forms of building stone. The large amount of interest in this particular aspect of the proposed rule is consistent with the Forest Service's experience in dealing with common variety determinations; moreover, about 60 to 70 percent of the common variety cases heard by the Interior Board of Land Appeals have involved building stone.

The particular comments received included concerns about the disposition of existing mining claims and conformance with existing statutes and case law. How existing mining claims will be addressed is described later in this preamble under the topic "Comments and Responses on Patenting of Mining Claims."

At least one reviewer was of the impression that the Act of July 23, 1955, 30 U.S.C. 611–615, does not apply to building stone. This is not correct. Section 3 of this Act, 30 U.S.C. 611, declares that deposits of common varieties of stone, sand, gravel, and certain other minerals would no longer be deemed valuable mineral deposits under the Mining Laws. This statutory provision has been held applicable to common varieties of building stone by the U.S. Supreme Court. (See *United States* v. *Coleman*, 390 U.S. 599, 603–605 (1968).)

In the Coleman decision, the Court cited the legislative history of the Act of July 23, 1955, as making it clear that the Act was intended to limit the types of building stone that are locatable. The Court cited as an example, a statement made by the Chairman of the House Committee on Interior and Insular Affairs. In relevant part, that statement reads:

> The reason we have done that is because sand, stone, gravel * * * are really *building materials*, and are not the type of material contemplated to be handled under the mining laws * * *. (*Id.* at 604; emphasis in original.)

The court went on to cite the Senate Committee Report for the 1955 Act which specifically refers to the Congressional intent of providing that common varieties of building stone not be locatable under the Mining Laws.

The origin of the Act of August 4, 1892 (27 Stat. 348), 30 U.S.C. 161, also supports the manner in which the proposed rule addressed building materials. In 1891, a Department of the Interior decision found that building stone "being used for foundations of buildings, cellar walls, bridge abutments and other places where strong, rough, work is required * * *" was not locatable. (See *Conlin* v. *Kelly*, 12 I.D. 1 (1891).) However, on August 4, 1892, a statute was enacted which specifically provided that a person could enter lands chiefly valuable for building stone under the provisions of the Mining Laws relating to placer mining claims. It appears that the purpose of that Act was to provide for the location of building stone essential for structural purposes in the construction methods of that era.

Today, building stone is infrequently used to provide structural support because of the construction methods of our era. In modern construction, building stone is generally used for purposes such as decorative siding, fireplaces, patios, and the like. As the Rocky Mountain Mineral Law Foundation observed in its "American Law of Mining": "It has generally been held that ornamental building stone is a common variety, on the grounds that it has no special or distinct value not possessed by similar ornamental building stone." Rocky Mtn. Min. L. Found., "American Law of Mining" section 8.01[4][b][ii]. This and similar interpretations, which greatly limit the types of minerals that may be locatable under the Mining Laws are consistent with the constraint of the Act of August 4, 1892, that limits its applicability to lands "chiefly valuable for building stone * * *" and support the inclusion of building stone as a common variety.

For all the above reasons, this category is retained in the final rule in an essentially unchanged form. A few examples have been added or modified for the purpose of clarification and amplification.

Cleaning and abrasive mineral materials. Five respondents challenged including certain cleaning materials as common variety minerals. Perlite, diatomite, and zeolites were specifically mentioned. These minerals are each clearly subject to location under the Mining Laws (although certain zeolites may be leasable under the Mineral Leasing Act of 1920). In order to avoid any confusion, "cleaning materials" have been removed in the final rule. Abrasive mineral materials remain in the rule as proposed.

Construction materials. Four respondents discussed issues related to construction materials. Two indicated that not enough recognition was given to minerals having a distinct and special economic advantage; one suggested that ballast, particularly ballast used for railroad purposes, should be considered a common variety; one provided a list of minerals that might be affected.

It should be recognized that even before the passage of the Act of July 31, 1947, and the Act of July 23, 1955, many of the minerals described in this category of the proposed rule were not locatable under the Mining Laws. This fact has been cited in various decisions over the years. For example, the Interior Board of Land Appeals held in 1978 that "material which is principally valuable

for use as fill, sub-base, ballast, rip-rap, or barrow was *never* locatable." *U.S.* v. *Verdugo & Miller, Inc.*, 37 IBLA 277, 279 (1978) (emphasis in original).

Following the passage of the Act of July 31, 1947, as amended by the Act of July 23, 1955, additional minerals covered by this category of the proposed rule were no longer locatable. In *U.S.* v. *Bienick*, 14 IBLA 290, 298 (1974) (concurring opinion), the Interior Board of Land Appeals noted that:

> even where the material was previously regarded as a mineral subject to location because it met engineering requirements for compaction, hardness, soundness, stability, favorable gradation, non-reactivity, and non-hydrophilic qualities *in road building and similar work*, after July 23, 1955, these materials were treated as common varieties, and therefore not locatable, because materials which meet these standards are common, abundant and of widespread occurrence. (Emphasis added.)

Further, the legislative history of the Materials Act of July 31, 1947, reflects Congress' intent with regard to construction material. In commenting on the bill, the Under Secretary of the Interior indicated the bill would apply, among other things, to:

> 2. Sand, stone, and gravel not of such quality and quantity as to be subject to the mining laws but which are desired by local governments, railroads, local industries, ranchers, and farmers for the construction and maintenance of highways, secondary roads, railroads, structures of various kinds, and farm and ranch improvements.

This portion of the legislative history of the Materials Act of July 31, 1947 was quoted in part in *United States* v. *Mattey*, 67 I.D. 63 (1960).

The Act of July 23, 1955, expanded the scope of affected uses and removed considerations of local demand versus regional or national demand. The legislative history of this Act also reflects Congress' intent that construction materials were not subject to disposal under the Mining Laws. As noted earlier, during the considerations of this Act the Chairman of the House Committee on Interior and Insular Affairs stated, in part, that "sand, stone, (and) gravel * * * are really *building materials*, and are not the type of material contemplated to be handled under the mining laws * * *." (101 Cong. Rec. 8743; emphasis added.)

All of the foregoing considerations support the category "Construction Materials" as originally proposed. Except for the addition of supplemental wording to make it clear that all ballast for railroad purposes is deemed to be a mineral material, this category is essentially unchanged in the final rule.

Decorative and ornamental arts materials. Several reviewers raised issues related to decorative and ornamental arts materials. Some of these respondents described themselves as "rockhounds" concerned that the rule might impose new restrictions on their hobby. Others discussed some of the complexities inherent in distinguishing between "common" and "uncommon" varieties of these minerals.

The proposed rule was not intended to have any effect on rockhounding and related noncommercial collecting of minerals. Because of the concerns raised by these comments, and because of the analytical difficulties encountered in deriving a suitable distinction between common and uncommon varieties, the category of "Decorative and Ornamental Arts Materials" has not been retained in the final rule.

Two respondents on this section of the rule expressed concern about petrified wood being treated as a mineral material by the Forest Service.

The disposal of petrified wood under the Materials Act of 1947, is already provided for by the existing regulations at 36 CFR part 228, subpart C. The basis for this treatment of petrified wood is 30 U.S.C. 601, a portion of the Materials Act, which authorizes the Secretary of Agriculture to "dispose of mineral materials * * * and vegetative materials * * * if the disposal of such mineral or vegetative materials * * * is not otherwise authorized by law, including, but no limited to, subchapter I of chapter 8A of title 43, and the United States Mining Laws * * *." The Act of September 26, 1962 (76 Stat. 652), which amended the Act of July 23, 1955, and is codified at 30 U.S.C. 611, specifically removed petrified wood from the scope of the Mining Laws. No other law authorizes the disposal of petrified wood on National Forest Systems lands. Accordingly, the Secretary of Agriculture has the authority to include petrified wood in the categories of mineral and vegetative materials that are disposed of pursuant to the Materials Act of 1947. Petrified wood therefore is managed the same as mineral materials and remains in § 228.41(c) of the rule as proposed.

Landscaping materials. Five respondents addressed this category. Two mentioned it in connection with decorative stone; one mentioned it with regard to marble; one cited limestone used in landscaping, and one suggested that peat be added to the category.

It is recognized that many of the specific deposits and uses to which this category might apply are also addressed by the "Building Materials" and "Construction Materials" categories. The rationale for those categories also forms the basis for the treatment of landscaping materials in the rule. Thus, this category is retained as proposed, with the addition of "peat."

The suggestion to include peat in this rule raised several considerations. It is clearly not a locatable mineral and whether it should be regarded as a mineral resource at all is debatable. (See *U.S.* v. *Lawrence*, Civil No. 648–B, slip op. (D. Calif., March 13, 1941); *U.S.* v. *Toole*, 224 F. Supp. 440, 466–467 (D. Mont. 1963).) As either a vegetative material or a mineral material, peat is subject to disposal under the provisions of the Act of July 31, 1947, as amended by the Act of July 23, 1955. The question thus becomes a matter of determining what regulation should be used to implement the authority provided by those Acts.

The vast majority of the materials currently disposed of by the Forest Service under the Act of July 31, 1947, as amended by the Act of July 23, 1955, are disposed of through the regulations for Disposal of Mineral Materials at 36 CFR part 228, subpart C. The Act expressly authorizes the Secretary to dispose of both mineral and vegetative materials. Given this, and the fact that peat is removed by mining methods, it appears beneficial to operators and Forest Service personnel alike to include peat in this rule rather than in a separate rule for vegetative materials.

2. *Comments and responses on uncommon varieties.* Very few comments were received regarding the minerals classified as uncommon varieties other than as an integral part of comments on the minerals classified as common varieties.

Two respondents indicated that the category of uncommon "alumino-silicates or clays" should be expanded to include specification of refractory, structural, and specialty bricks. This suggestion has not been adopted. This category, as proposed, is consistent with a large body of judicial decisions and legislative history dealing with these minerals. (A detailed discussion of the body of precedent relevant to alumino-silicates or clays can be found in *U.S.* v. *Peck*, 84 I.D. 137 (1977).) One reviewer indicated that the requirement in this category that a mineral be used in a manner "for which there are no substitutes" was overly restrictive. We agree, and have made it clear "having exceptional qualities" which are used "for purposes for which common clays cannot be used." This better conforms with the findings of existing case law.

One respondent suggested that the final rule should specify that "block

pumice" which is locatable under the Mining Laws is that which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions. The respondent noted that this was the holding contained in *U.S.* v. *U.S. Pumice*, A–17005, slip op. at 123–134 (September 29, 1983). Having examined that decision, we agree with this respondent. We also note that a similar discussion concerning the locatability of pumice appears in the earlier IBLA decision *U.S.* v. *Thomas*, 78 I.D. 5, 10 (1971). Therefore, we have modified the block pumice category accordingly and made a conforming change in the mineral material definition included in 36 CFR 228.43.

One respondent asked whether a mineral listed is the section "Materials not covered by this subpart" would be exempt from consideration as a common variety. The answer generally will be "yes." A use that qualifies a mineral as an uncommon variety overrides classification of that mineral as a common variety. This is made explicit in § 228.41(e) of the final rule. However, with respect to some of the listed categories, the rules on what is locatable are not precisely defined. To assure maximum flexibility in identification of those minerals not covered by this subpart, we have indicated that locatable minerals may include those listed.

One respondent raised a concern about the requirement that minerals must be actually used for the purposes stated and indicated that if a "[c]laimant can demonstrate the likelihood of profitability penetrating the market for (uncommon varieties), the deposit will support a valid mining claim despite (present) 'common variety' use." In support of this view, the respondent made an analogy to how the discovery test is employed in dealing with locatable minerals. We disagree. As discussed later, we believe the use of a mineral should play a determinative role in establishing whether or not it is considered to be a common variety. As many minerals may be suitable for both common and uncommon variety uses, actual use must be the basis of a classification, and this is confirmed by administrative and court decisions.

3. *Comments and responses on "Intent" of rule.* Eleven respondents raised issues related to the intent of the proposed rule. Most of these comments spoke to the need for the rule to conform with the intent of the Mining Laws and various judicial decisions. The proposed rule does conform to laws and judicial decisions as is explained in this document as well as in the proposed rule.

Four respondents suggested that the rule was designed to assert more control over the mining industry. This concern was apparently based on the greater discretionary authority the Forest Service holds with regard to disposals under the Act of July 31, 1947, as amended by the Act of July 23, 1955, than to disposals under the Mining Laws. We do not believe either the existing procedures for disposal of mineral materials or the amendments made by this rule encourage Forest Service officials to exercise their authority in manner that overly restricts availability of these materials.

Our reasons for concluding this include the provision in this amendment which allows for existing operations to continue by allowing claimants to receive a sale by negotiated contract for those materials. This opportunity is provided under 36 CFR 228.57(b)(2) which permits the disposal by negotiated contract of mineral materials located on mining claims on National Forest Systems Lands for which it is impracticable to obtain competition. Also, there is a provision in this amendment that decisions as to whether or not to grant disposals proposed under 36 CFR part 228, subpart C shall be made in writing and must specify their rationale.

In a related action, the Forest Service has already begun an evaluation of the need for a separate rule expanding the usage of prospecting permits and preference right sales. This would provide greater flexibility for operators seeking to produce common varieties of minerals from National Forest System lands. Similarly, as a part of routine program management, the Forest Service plans to conduct a review of the availability and demand for mineral materials in order to identify whether significant availability problems exist. If significant problems are found, measures may be taken to address them.

4. *Comments and responses on scope of the rule.* Three reviewers indicated that the Forest Service's categories of mineral materials were too expansive and should be constrained to the particular common varieties of minerals listed in section 3 of the Act of July 23, 1955, and codified at 30 U.S.C. 611. The minerals listed are common varieties of: "sand, stone, gravel, pumice, pumicite, (and) cinders * * *." The respondents contend that the only common varieties of minerals removed from the operation of the Mining Laws are the minerals listed in 30 U.S.C. 611.

We do not agree with this interpretation. It overlooks the fact that section 1 of the Act of July 23, 1955, also amended the Materials Act of 1947. As amended, the Materials Act provides the Secretary of Agriculture with far greater authority regarding the disposal of minerals on National Forest Service lands. Specifically, 30 U.S.C. 30 U.S.C. 601 provides that the Secretary of Agriculture "under such rules and regulations as he may prescribe, may dispose of mineral materials (*including but not limited to common varieties of the following: sand, stone, gravel, pumice, pumicite, cinders, and clay*) * * *." (Emphasis added.) The emphasized language is noteworthy for several reasons. It expressly authorizes the Secretary of Agriculture to dispose of common varieties of all of the materials listed in 30 U.S.C. 611 as well as common varieties of clay. More significantly, the use of the phrase "including but not limited to" makes it clear that there are common varieties of minerals other than those listed which the Secretary of Agriculture may choose to dispose in accordance with the Materials Act of 1947, as amended. Thus, under 30 U.S.C. 601 the Secretary of Agriculture has both the authority to adopt regulations providing for the disposition of the listed common varieties of minerals and to adopt regulations providing for the disposition of other common varieties of minerals. An obvious corollary of the Secretary's authority to adopt regulations providing for the disposal of these common varieties is to adopt a rule which provides criteria for determining whether or not a mineral will be considered to be a common variety.

Some cases have relied on the narrow interpretation of 30 U.S.C. 611 advocated by the respondents and concluded that only the common varieties of the minerals listed in that section are not subject to disposition under the Mining Laws. However, these decisions disregard the plain language of 30 U.S.C. 601 which expressly provides that the Secretary of Agriculture is authorized to dispose of mineral materials "including but not limited to" all of the common varieties of minerals listed in 30 U.S.C. 611. Moreover, construing 30 U.S.C. 611 in this fashion would lead to an absurd result. If the only minerals not subject to disposition under the Mining Laws were the common varieties of minerals listed in 30 U.S.C. 611, it would stand to reason that common varieties of clay would be subject to disposition under the Mining Laws since clay is not mentioned in 30 U.S.C. 611. Yet 30 U.S.C. 601 specifically provides that common varieties of clay

are subject to disposition as mineral materials. Obviously, it could not have been Congress' intent in enacting the Act of July 23, 1955, to provide for the disposal of common varieties of one mineral under two different statutory schemes. The interpretation advocated by the respondents also is not consistent with the legislative history of the Act of July 23, 1955.

5. *Comments and responses on use-based priority.* Several respondents raised objections to the "use priority" basis for the categories listed in the proposed rule. They suggested that this was a new concept in mineral material determinations. It was suggested by some that criteria based on physical properties and geographic location of the minerals be used instead. Others objected to the requirement of actual usage rather than "suitability for use."

The "use" of a mineral has frequently been relied upon the past to determine whether or not it should be classified as a common variety. Some of the appeals and litigation in which use played a determinative role were summarized in *U.S.* v. *Bienick*, 14 IBLA 290. 297–298 (1974). That decision cited the following usages among others, as indicating that a particular mineral is not locatable:

* * * common or inferior limestone "for building of levees or railroad embankments or filling up low places," *Holman* v. *Utah*, 41 L.D. 314 (1912); *Gray Trust Co.* (On rehearing) 47 L.D. 18 (1919); stalactites, stalagmites, geodes, crystalline deposits and formations valuable as natural curiosities, *South Dakota Mining Co.* v. *McDonald*, 30 L.D. (1900); * * * soil containing "trace elements" of minerals for use as agricultural additive; *United States* v. *Toole*, supra; "blow-sand" used for agricultural and horticultural purposes, Solicitor's Opinion M–36295 (August 1, 1955); *United States* v. *Jaramillo*, A–28533 (February 6, 1961); common rock for "filling purposes" Solicitor's Opinion M–36295, supra; *Holman* v. *Utah*, supra; clay used as mud for facial cosmetics, *United States* v. *Springer*, 8 IBLA 123 (1972); * * * clay sold for use as an additive to cattle feed but not distinguishable from common clay, *United States* v. *O'Callaghan*, 8 IBLA 324[,] 79 I.D. 689 (1972); a "mine" deriving revenue only through paid admission of persons desiring to breathe radon gas released by decaying uranium and said to have therapeutic value, *United States* v. *Elkhorn Mining Co.*, 2 IBLA 383 (1971), *aff'd., Elkhorn Mining Co.*v. *Morton*, Civil No. 2111 (D. Mont., filed January 19, 1973); sandstone used as fill for roads, *United States* v. *Black*, 64 I.D. 93. 96 (1957), *Id.* at 297.

Similarly, in *U.S.* v. *Peck*, 84 I.D. 137 (1977), the Interior Board of Land Appeals examined in detail the relationship between use and locatability as it pertains to clay minerals. In that case, a company proposed to use the subject clay in blends combined with other clays and silica sand for manufacturing brick, floor tile, and similar products. The decision reached by the Board in that case hinged on the finding that "The *uses* to which appellants propose to sell these materials are not *uses* which have been recognizable under the mining laws." (*Id.* at 149; emphasis added.)

Several reviewers indicated concern about the flexibility of the rule and stated that it needs to be dynamic enough to allow for unforeseen uses of minerals in the future. We agree that unforeseen uses could prompt a change in the common variety categories described in this rule. The need to make such change can be identified and addressed in several ways. First, the Forest Service periodically reviews the rules set forth in 36 CFR chapter II to detemine whether changes in them may be appropriate. Second, a question about the locatability of a particular mineral deposit may demonstrate that changes to the rule are warranted. Finally, 30 U.S.C. 553(e), a provision included in the Administrative Procedure Act, allows an interested person to petition an agency for issuance, repeal or amendment of a rule.

A related concern was raised with regard to situations where an operator may be evaluating a mineral deposit but is not certain as to the end-use of the products he may generate. This is actually quite a similar situation to the historic one where operators have had little means for determining whether a mineral deposit is of a common or uncommon variety. Because this rule would bring clarity to what constitutes a common variety, operators will have considerably more information at the outset of operations than they have previously had. Further, to the extent possible, that information is now consolidated into regulation rather than scattered through innumerable legal decisions and interpretations.

6. *Comments and responses on Forest Service Administration and Communication.* Several reviewers suggested that the Forest Service needs to strengthen its internal training and external dialogue with the public regarding common varieties of minerals. While these comments are beyond the scope of the proposed rule, we agree. In the last year, the Agency has markedly expanded the coverage given to common varieties of minerals in its national minerals training program and has increased its contact with affected operators, trade associations, and industry publications. The agency plans to continue these efforts.

7. *Comments and responses on deposits containing both common and uncommon varieties.* Several respondents questioned how situations with mixtures of end uses involving both common and uncommon varieties would be handled. The handling of this kind of situation would be much the same as in the past for many operations involving both common and uncommon varieties. In such cases, the Interior Board of Land Appeals has repeatedly held that profits from common and uncommon varities cannot be aggregated to show marketability and that, prior to patent of the mining claim, common variety mineral must be purchased by contract. (*See U.S.* v. *Charles Pfizer & Co.*, 76 I.D. 331, 348–349; *U.S.* v. *Lease*, 79 I.D. 379, 382–386 (1972); *U.S.* v. *Foresyth*, 15 IBLA 43, 60 (1974), and *U.S.* v. *Mansfield*, 35 IBLA 95, 101 (1978).)

Some respondents raised a similar concern about operational complexities that might arise when a deposit is partially on lands managed by the Bureau of Land Management and the remainder on lands managed by the Forest Service. Here again, handling of such situations is routine today. Operations involving mineral deposits "on both sides of the boundary" currently face a myriad of differences in how they might be managed. Differences include: If a mineral is locatable, whether a plan of operations is required; if the mineral is a common variety, how much is charged; whether a bond will be required and, if so, for what amount; variability in the means for compliance with other statutes; and differing on-the-ground performance requirements; etc. The current rulemaking does not materially alter the complexity of working with both agencies at once. We would also point out that many mineral operations entail working with a variety of State, private, and Federal land ownerships and that working with varying requirements is inherent in these situations.

8. *Comments and responses on patenting of mining claims.* Three respondents expressed concerns about how patenting procedures might be affected by this rule. Two of these respondents inquired about the effect on the outcome of patenting efforts currently under way. The third inquired about the effect on the patenting process as a whole.

In response to these comments, it should be noted that this final rule makes clear at § 288.41(e) that this rule will have no effect on patent applications for any mining claims for which a Mineral Entry Final Certificate was issued as of the effective date of this rule. This rule also will have no effect on the processing of patent

applications for mining claims that were located on or before July 23, 1995, and that satisfy the marketability test for locatable minerals from on or before July 23, 1955, until the date that the Mineral Entry Final Certificate issues. All other patent applications for National Forest System lands will be processed in accordance with the provisions of this rule.

One reviewer expressed concern that mining claimants would not have a proper opportunity to dispute common variety classifications for particular minerals. Part of this concern relates to ensuring that claimants with a property interest are assured an opportunity for due process.

Under the final rule, various administrative avenues are available for resolving such disputes. First, the Forest Service may deem it appropriate to modify the rule due to new information such as newly established highly specialized use of a particular mineral.

Second, the claimant can trigger a determination as to whether the mineral for which a mining claim is located is locatable or a common variety by filing an application with the Department of the Interior for a patent to the mining claim. Patent application review procedures would prompt the Forest Service to conduct a validity examination to determine whether all the requirements of the Mining Laws have been met. Well established procedures for conducting such examinations and responding to the findings are specifically designed with the claimant's potential property interest in mind.

Third, the Forest Service can elect to conduct a validity examination of the mining claim even if the claimant has not filed a patent application. The validity examination could result in a decision to contest the mining claim. The mining claim contest procedure is designed to give proper accord to potential property interests.

Fourth, the Forest Service can conduct a mineral classification review for the sole purpose of determining whether the Mining Laws are the proper disposal authority for the mineral involved. The mineral classification review is not the same as a validity examination and is not necessarily the first step in contesting a mining claim. Conducting mineral classification reviews is an established practice on National Forest System lands. As the mining claim itself is not challenged under this process, the determination on the proper classification of the mineral is reached without threatening property interests in the claim.

Further, the provisions at § 228.43(e) of this rule give assurance to operators that proposals to purchase common varieties of mineral materials from National Forest Service lands will receive due consideration. Those provisions specify that decisions as to whether or not to grant a disposal will be made in writing and will specify their factual and legal basis. Having the rationale formally recorded should facilitate discussion by all parties about the merits of the decision.

9. *Comments and responses on incentives for exploration and development.* Two reviewers expressed concern that the existing rules for mineral materials are designed in such a manner that there is little incentive for exploration and development efforts. They indicated that current regulations encourage competitive sales and that operators may not want to invest in exploration if they subsequently must compete to purchase what they have discovered. They also indicated that the term provisions at 36 CFR 228.53 are too short to allow for reasonable periods of development and production. We recognize these concerns and will consider possible revisions to the existing rules in light of them.

Conclusion

Having considered the comments made on the proposed rule, the Department is adopting a final rule that defines mineral materials subject to sale and disposal from National Forest Service lands through the provisions of 36 CFR part 228, subpart C. The minerals which are defined as common varieties and those which are defined as uncommon varieties are essentially the same as those originally proposed. Changes include: clarifications of an editorial nature, eliminating the term "fertilizers" from the "Agricultural Supply and Animal Husbandry" category; removing "cleaning materials" from another category;" eliminating the entire category of "Decorative and Ornamental Arts Materials;" adding peat to the "Landscaping Materials" category; and notifying mining claimants that they have a right to maintain that their mineral is locatable and to file a patent application for the claim and that they may be eligible to receive a sale by negotiated contract for mineral materials located on their mining claims.

Regulatory Impact

This rule has been reviewed under Executive Order 12291 and Department of Agriculture procedures and it has been determined that this rule is not a major rule. The rule would not have an effect on the economy of $100 million, substantially increase prices or costs for consumers, or adversely affect competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete in foreign markets.

It has also been determined that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, the rules are not subject to review under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630 and it has been determined that the rule does not pose the risk of a taking of constitutionally protected private property.

Controlling Paperwork Burdens on the Public

This rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and therefore imposes no paperwork burden on the public.

Environmental Impact

This rule merely clarifies which of two statutes apply to the disposition of certain minerals on National Forest System lands. The rule does not authorize the disposition of such minerals or specify the procedures for such disposals. As such, the rule has no impact on the quality of the human environment, individually or cumulatively. Therefore, documentation of the effects of the rule in an environmental assessment or an environmental impact statement is not required.

List of Subjects in 36 CFR Part 228

Administrative practice and procedure, Environmental protection, Mines, National forests, Oil and gas leasing, Public lands—mineral resources, Public lands—Rights-of-way, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

Therefore, for the reasons set forth in the preamble, subpart C of part 228 of title 36 of the Code of Federal Regulations is amended as follows:

PART 228—MINERALS

1. The authority citation for part 228 is revised to read as follows:

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551); 41 Stat. 437, as amended, sec. 5102(d), 101 Stat. 1330–256 (30 U.S.C. 226); 61 Stat. 681, as amended (30 U.S.C. 601); 61 Stat. 914, as amended (30 U.S.C. 352); 69

Stat. 368, as amended (30 U.S.C. 611); and 94 Stat. 2400.

Subpart C—Disposal of Mineral Materials

2. Amend § 228.41 by adding new paragraphs (c), (d), and (e) to read as follows:

§ 228.41 Scope.

* * * * *

(c) *Mineral materials to which this subpart applies.* This subpart applies to mineral materials which consist of petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Such mineral materials include deposits which, although they have economic value, are used for agriculture, animal husbandry, building, abrasion, construction, landscaping, and similar uses. This subpart also applies to other materials which may not be minerals but are produced using mining methods, such as peat. The categories of these materials, including representative examples, are:

(1) *Agricultural supply and animal husbandry materials.* This category includes, but is not limited to, minerals and vegetative materials used as or for: Soil conditioners or amendments applied to physically alter soil properties such as direct applications to the soil of carbonate rocks, soil containing "trace elements" and peat; animal feed supplements; and other animal care products.

(2) *Building materials.* Except for minerals identified as *Uncommon Varieties,* this category includes, but is not limited to, minerals used as or for: Paint fillers or extenders; flagstone, ashlar, rubble, mortar, brick, tile, pipe, pottery, earthenware, stoneware, terrazzo, and other nonstructural components in floors, walls, roofs, fireplaces, and the like; and similar building uses.

(3) *Abrasive materials.* This category includes, but is not limited to, minerals used for: Filing; scouring; polishing; sanding; and sandblasting.

(4) *Construction materials.* This category includes, but is not limited to, minerals such as sand, gravel, clay, crushed rock and cinders used as or for fill; borrow; rip-rap; ballast (including all ballast for railroad use); road base; road surfacing; concrete aggregate; clay sealants; and similar construction uses.

(5) *Landscaping materials:* This category includes, but is not limited to minerals and peat used as or for: Chips, granules, sand, pebbles, scoria, cinders, cobbles, boulders, slabs, and other components in retaining walls, walkways, patios, yards, gardens, and the like; and similar landscaping uses.

(d) *Minerals not covered by this subpart.* Mineral materials do not include any mineral used in manufacturing, industrial processing, or chemical operations for which no other mineral can be substituted due to unique properties giving the particular mineral a distinct and special value; nor do they include block pumice which in nature occurs in pieces having one dimension of two inches or more which is valuable and used for some application that requires such dimensions. Disposal of minerals not covered by this subpart is subject to the terms of the United States Mining Laws, as amended (30 U.S.C. 22 *et seq.*), on those portions of the National Forest System where those laws apply. Such minerals may include:

(1) Mineral suitable and used as soil amendment because of a constituent element other than calcium or magnesium carbonate that chemically alters the soil;

(2) Limestone suitable and used, without substantial admixtures, for cement manufacture, metallurgy, production of quicklime, sugar refining, whiting, fillers, paper manufacture, and desulfurization of stack gases;

(3) Silica suitable and used for glass manufacture, production of metallic silicon, flux, and rock wool;

(4) Alumino-silicates or clays having exceptional qualities suitable and used for production of aluminum, ceramics, drilling mud, taconite binder, foundry castings, and other purposes for which common clays cannot be used;

(5) Gypsum suitable and used for wallboard, plaster, or cement.

(6) Block pumice which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions; and

(7) Stone recognized through marketing factors for its special and distinct properties of strength and durability making it suitable for structural support and used for that purpose.

(e) *Limitations on applicability.* (1) The provisions of paragraphs (c) and (d) of this section shall not apply to any mining claims for which a Mineral Entry Final Certificate was issued on or before January 16, 1991. Nor shall these provisions apply to any mining claim located on or before July 23, 1955, which has satisfied the marketability test for locatable minerals from on or before July 23, 1955, until the present date.

(2) A use which qualifies a mineral as an uncommon variety under paragraph (d) overrides classification of that mineral as a common variety under paragraph (c) of this section.

3. Amend § 228.42 by revising the definition of mineral materials to read as follows:

§ 228.42 Definitions.

* * * * *

Mineral materials. A collective term used throughout this subpart to describe petrified wood and common varieties of sand, gravel, stone, pumice, pumicite, cinders, clay, and other similar materials. Common varieties do not include deposits of those materials which are valuable because of some property giving them distinct and special value, nor do they include "so-called 'block pumice' " which occurs in nature in pieces having one dimension of two inches or more and which is valuable and used for some application that requires such dimensions.

4. Amend § 228.43 by adding new paragraphs (e) and (f) to read as follows:

§ 228.43 Policy governing disposal.

* * * * *

(e) *Decisions.* All decisions as to whether or not to grant disposals proposed under this subpart shall be made in writing by the authorized officer. Such decisions must specify their factual and legal basis.

(f) *Option for mining claimants.* All mining claimants holding mining claims which are located for a mineral classified in accordance with this subpart as a mineral material have the option of maintaining that the mineral is locatable and filing for patent. All mining claimants holding mining claims located in good faith on or before January 16, 1991, for a mineral classified in accordance with this subpart as a mineral material may accept the classification and, if appropriate, receive a sale by negotiated contract for that mineral material under 36 CFR 228.57(b)(2) of this subpart.

5. Revise § 228.67 to read as follows:

§ 228.67 Information collection requirements.

(a) The following sections of this subpart contain information collection requirements as defined in the Paperwork Reduction Act of 1980 (5 CFR part 1320): § 228.45, Qualifications of applicants; § 228.51, Bonding; § 228.52(b)(1), Requirements of assignee; § 228.53(b), Extension of time; § 228.56, Operating plans; § 228.57(c), Conduct of sales; § 228.60, Prospecting permits; § 228.61, Preference right negotiated sales; and § 228.62, Free use. These requirements have been approved by the Office of Management and Budget

and assigned clearance number 0596–0081.

(b) The public reporting burden for this collection of information is estimated to vary from a few minutes to many hours per individual response, with an average of 2 hours per individual response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief (2800), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Dated: December 5, 1990.

Jack C. Parnell,

Deputy Secretary.

[FR Doc. 90–29112 Filed 12–14–90; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 302

[FRL–3869–4]

Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting errors in the preamble, and amendments to the regulations which appeared in the **Federal Register** on November 2, 1990 (55 FR 46354).

EPA has promulgated regulations under the Resource Conservation and Recovery Act (RCRA) to add two wastes to the list of hazardous wastes under 40 CFR 261.31. These wastes, designated F037 and F038, are generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters. The regulation contained errors which are discussed briefly below and are corrected by this notice.

Table E incorrectly states the water solubility of benzene. The solubility of benzene in water is $1.75 \times 10^{+3}$ ppm.

The text of the amendments to title 40 of the Code of Federal Regulations were inadvertently printed from a previous draft of the regulation and were inconsistent with the final wordings given in the preamble on pages 46358–46359.

FOR FURTHER INFORMATION CONTACT: Mr. John Austin, (202) 382–4789.

Dated: December 10, 1990.

Mary A. Gude,

Acting Assistant Administration for Solid Waste and Emergency Response.

1. On page 46368, in the preamble, Table E, Benzene water solubility, change "1.75×10^{-3}" to "$1.75 \times 10^{+3}$."

§ 261.31 [Corrected]

2. On page 46396, in the table in § 261.31, the listing description for F037, last line, change "exempted from this listing." to "not included in this listing."

§ 261.31 [Corrected]

3. On page 46396, in the table in § 261.31, the listing description for F038, last line, change "exempted from this listing." to "not included in this listing."

§ 261.31 [Corrected]

4. On page 46396, second column, in § 261.31(b)(2)(ii)(B), change "treated" to "generated."

§ 302.4 [Corrected]

5. On page 46397, in § 302.4, Table 302.4, the listing description for F037, last line, change "exempted from this listing." to "not included in this listing."

§ 302.4 [Corrected]

6. On page 46397, in § 302.4, Table 302.4, the listing description for F038, last line, change "exempted from this listing." to "not included in this listing."

[FR Doc. 90–29332 Filed 12–14–90; 11:36 am]

BILLING CODE 6560–50–M

40 CFR Part 271

[FRL–3869–9]

Connecticut; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Connecticut's application for final authorization.

SUMMARY: The State of Connecticut has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). The United States Environmental Protection Agency (hereafter referred to as EPA or the Agency) has reviewed Connecticut's initial and revised applications and Connecticut's compliance with the conditions outlined in the Notice of Tentative Determination of September 28, 1990 (55 FR 39656). EPA has reached a final determination that Connecticut's hazardous waste program satisfies all of the requirements and the conditions necessary to qualify for final authorization. Thus, EPA is granting final authorization to Connecticut to operate its program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Connecticut shall be effective at 1 p.m. on December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen Yee, CT Waste Regulation Section (Mail Code: HEE–CAN6), Waste Management Division, U.S. EPA, Region I, J.F.K. Federal Building, Boston, MA 02203–2211, Phone: (617) 573–9644.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (section 3006(b) of RCRA, 42 U.S.C. 6926(b)).

On August 1, 1990, Connecticut (CTDEP) submitted an official application to obtain final authorization to administer the RCRA program. On September 28, 1990, EPA published a tentative decision that Connecticut's hazardous waste program did not satisfy all of the requirements necessary to qualify for final authorization. However, the **Federal Register** Notice stated that EPA would revise its tentative decision if Connecticut could meet a set of conditions by November 15, 1990 requiring the State to make substantial improvements in its permits and enforcement programs and fill staff and management vacancies, thereby establishing a quality program. Also, the **Federal Register** Notice stated that if the State remedied the deficiencies identified and if no significant new issues were raised during the public comment period, EPA intended to grant the State final authorization without publishing another tentative decision in the **Federal Register.**

The full text of the conditions from the September 28, 1990 **Federal Register** Notice is as follows:

I. General Conditions

1. All of the specific conditions must be met, as specified, to attain a positive final determination.

2. The specific conditions will not be subject to change or modification.

II. Specific Conditions

1. The two (2) vacant RCRA management positions, which represent all vacancies and departures through July 1, 1990, must be filled on a permanent basis on or before November 15, 1990.

2. Bona fide offers to fill nine (9) vacant RCRA staff positions that have been authorized per the FY '90 RCRA subtitle C Grant which represent all vacancies and departures through July 1, 1990, must be made. In addition, eight (8) of the nine (9) above-mentioned positions must be filled on a permanent basis by November 15, 1990. The overall staff levels must be maintained at a 90% level.

3. The following closure commitments will be accomplished by September 30, 1990: One (1) Land Disposal Facility approval, two (2) Land Disposal Facility Notices of Deficiency, and one (1) Incinerator approval. The facilities that these activities may be credited against are identified in the FY '90 RCRA program grant as amended.

4. The following permit commitments will be accomplished by September 30, 1990: Two (2) final permit decisions, two (2) draft permit decisions, and the initiation of closure for MacDermid—Freight Street, the facility that had withdrawn its application. The facilities that these activities may be credited against are identified in the FY '90 RCRA program grant as amended.

5. The permits and closure decisions must be technically sound and enforceable. The decisions will be subject to an analysis by EPA which will be based upon the review of NODs or related correspondence, draft decisions, and fulfillment of regulatory requirements. Additional criteria will include: Actions are timely, documents are technically sound, permits are enforceable, and public participation requirements are met.

6. To meet the inspection grant commitments for FY '90, CTDEP will conclude by September 30, 1990, one hundred sixty-eight (168) inspections, conducted by qualified inspectors. A qualified inspector shall be defined as a person who has sufficient training and/or experience to conduct a RCRA inspection to the satisfaction of EPA. Based upon the correspondence of July 23, 1990, from Pat Bowe of CTDEP to Stephen Yee of EPA, a copy of which can be found in the Administrative Record filed chronologically under July 1990, personnel who have not conducted independent RCRA inspections within the past six (6) months must be provided with training as specified in the correspondence. In addition, the personnel shall be given training on the classification of violations in the State's Enforcement Response Policy (ERP). The RCRA Inspection Manual (OSWER Directive 9938–2A, March 1988, as amended May 1989) should be used as a training reference.
EPA will conduct twelve (12) inspections which will result in a total of one hundred eighty (180) inspections.

7. All State enforcement actions initiated since June 1, 1990 must be consistent with the appropriateness criteria established by the State's Enforcement Response Policy.

Further background on the tentative decision appears at Vol. 55, No. 189, FR 39656–39663, Friday, September 28, 1990.

EPA conducted reviews of the CTDEP's activities and accomplishments on October 30, 1990 and November 20, 1990 to determine compliance with the above-mentioned specific conditions. The findings are as follows:

Condition 1: As of November 15, 1990, a new Director and a new Assistant Director of the Waste Engineering and Enforcement Division have been appointed on a permanent basis and have assumed the responsibilities of the positions.

Condition 2: As of November 15, 1990, bona fide offers were made to three (3) inspectors, five (5) engineers, and one (1) analyst and all have started in their positions. In addition, CTDEP has hired one (1) secretary and one (1) clerk to fill vacancies as well as one (1) engineer as a replacement for an engineering position which became vacant in early October. A review of the revised CTDEP organizational chart dated October 29, 1990, CTDEP letters dated October 30 and 31, 1990, and the FY '90 RCRA grant application indicated that all the vacancies in the enforcement and permitting sections of the Division of Waste Engineering and Enforcement have been filled. EPA believes that this provides minimally adequate staffing levels to implement a capable program. EPA encourages the State to seek increases in staffing levels to ensure that potentially disruptive problems, such as unanticipated staff turnover, will not significantly impact the State's RCRA program.

Condition 3: As of September 30, 1990, CTDEP approved one (1) land disposal facility closure and one (1) incinerator closure and issued three (3) land disposal notices of deficiency which met the revised commitments. In addition, CTDEP approved one (1) storage and treatment facility closure and issued two (2) storage and treatment notices of deficiency.

Condition 4: As of September 30, 1990, CTDEP issued two (2) final permits and two (2) draft permits and initiated closure for MacDermid—Freight Street by issuing a notice of deficiency on the closure plan, all of which met the revised commitments.

Condition 5: EPA met with the CTDEP permitting and closure staffs to provide oversight, advice and comments on permits and closure plans. EPA on a weekly basis provided on-site oversight and support in the review and development of the draft and final permits by CTDEP in order for the permitting staff to gain additional practical experience in permit reviews and developments. As a result, EPA believes that the permits are technically sound, enforceable and fulfill the public notice requirements. EPA provided oversight of the closure process by reviewing and commenting on all notices of deficiency and jointly approved the closure plans for which CTDEP was the lead agency for review and approval. The closure plans which were approved were consistent with the applicable regulations and guidance and were of high quality.

Condition 6: As of September 30, 1990, CTDEP conducted a total of 178 inspections for FY '90 and met the revised commitment of 168 inspections. The additional inspectors used by CTDEP to meet the inspection commitments were provided the additional training as specified in the condition. The additional inspectors were from other divisions of the Bureau of Waste Management who had a minimum of four (4) years of previous experience in the RCRA program. The former RCRA staff were given training to update them regarding the State's ERP, land disposal restrictions, compliance checklists, and other relevant areas.

Condition 7: All enforcement actions initiated since June 1, 1990, were reviewed by management staff and Counsel to the Commissioner for consistency with the appropriateness criteria established by the State's Enforcement Response Policy and correct classification. The State initiated enforcement actions between the period between June 1, 1990, and September 30, 1990, against seventeen (17) facilities. EPA's review of the summary documents indicated that all seventeen (17) enforcement actions taken were

referrals to the Attorney General's office with requests for penalties and were determined to be appropriate. EPA reviewed eleven (11) files for a more detailed analysis of the timeliness and appropriateness of the enforcement responses and found five (5) of the eleven (11) actions to be timely and all eleven (11) to be appropriate.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. The public hearing scheduled for November 1, 1990, was not held because EPA did not receive verbal or written requests for a hearing by the October 24, 1990, deadline as noted in the September 28, 1990, **Federal Register** Notice. This **Federal Register** also noted that EPA would have the right to cancel the public hearing if there were insufficient public interest.

EPA received two (2) written comments during the public comment period which closed on October 31, 1990. EPA's responses to comments it has received are contained in the Responsiveness Summary. A copy of the Responsiveness Summary is available from the contact person listed previously. The significant issues raised by the commenters and EPA's responses are summarized below.

The first comment addressed was submitted by the State of Connecticut in which it provided an update of the efforts made to satisfy the conditions which were imposed in the September 28, 1990, **Federal Register** Notice and which are outlined again above. The State indicated that it would fill all of the known vacant management and staff positions by November 15, 1990; would meet the permit, closure and inspection commitments; and would take enforcement actions consistent with the State's ERP.

In response to this letter, EPA acknowledges the receipt of this comment letter and no response is necessary. EPA agrees that the State has met the general and specific conditions set forth in the September 28, 1990, **Federal Register**.

The second comment letter was from the Connecticut Fund for the Environment which supports Connecticut's application for final authorization. The letter contained the following general comments: (1) Connecticut's RCRA program should be managed by a single state agency; (2) EPA's conditions on the staffing levels will ensure that past problems will be corrected; (3) Public participation under the current CT RCRA program has been adequate, but could be improved through a better scheduling of the issuance of closure and permit decisions as well as allowing for a longer public comment period; and (4) Connecticut's restriction on land disposal and underground injection are consistent with Federal law.

In response to this letter, EPA will work through the annual RCRA grant process to maintain an effective staffing level at CTDEP and to provide a better scheduling of the closure and permit commitments. Grant sanctions will be applied if the program does not maintain the necessary staffing to operate an effective program.

The federal public participation requirements are the minimum requirements which the State must meet in order to obtain authorization for the hazardous waste management program. EPA cannot impose a condition requiring the State to adopt a more stringent requirement than existing Federal law. If on a case specific basis, a longer public comment period is necessary, a request for an extension to the comment period should be made to the CTDEP.

The State will review all hazardous waste permits which were issued under State law prior to the date of final authorization and will modify or revoke and reissue such permits as necessary to require compliance with the amended State Program under 22a–449(c)–100 through 110 of the Regulations of Connecticut State Agencies and chapter 54 of the Connecticut General Statutes (sections 4–166 *et seq.*). EPA will administer the RCRA permits or portions of permits it has issued to facilities in the State until they expire or are terminated. EPA will be responsible for enforcing the terms and conditions of the Federal permits while they remain in force. When the State either incorporates the terms or conditions of the Federal permits in the State RCRA permits or issues State RCRA permits to those facilities, EPA will terminate those permits pursuant to 40 CFR part 270 and rely on the State to enforce those terms and conditions subject to the terms of an acceptable State/EPA Enforcement Agreement. EPA and the State will be developing a transitional strategy for processing permit applications that are pending.

TABLE I.—FEDERAL RCRA REQUIREMENTS AND CORRESPONDING STATE AUTHORITY

Federal requirement	State authority
I. *Base RCRA Requirements*	
● 40 CFR part 260—Hazardous Waste Management System	CT. Gen. Stat. section 22a-499(c); RCSA: 22a-449(c)-100(b)(1).
40 CFR 260.1(a)	RCSA: 22a-449(c)-100(b)(2)(A).
40 CFR 260.10	RCSA: 22a-449(c)-100(b)(1)(A); RCSA: 22a-449(c)-100(b)(1)(B); RCSA: 22a-449(c)-100(c).
40 CFR 260.40	RCSA: 22a-449(c)-101(c)(5).
40 CFR 260.41	RCSA: 22a-449(c)-101(c)(5).
● 40 CFR part 261—Identification and Listing of Hazardous Waste.	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-101(a)(1)
40 CFR 261.1(a)	RCSA: 22a-449(c)-101(a)(2)(A).
40 CFR 261.2(c) Table 1	RCSA: 22a-449(c)-101(a)(2)(B).
40 CFR 261.3(c)(2)(i)	RCSA: 22a-449(c)-101(a)(2)(C).
40 CFR 261.5(a)	RCSA: 22a-449(c)-101(a)(2)(D); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b).
40 CFR 261.5(e)(2)	RCSA: 22a-449(c)-101(a)(2)(E); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b)
40 CFR 261.5(f)(3)(iv)	RCSA: 22a-449(c)-101(a)(2)(F); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b).
40 CFR 261.5(g)(3)(iv)	RCSA: 22a-449(c)-101(a)(2)(G); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b.).
40 CFR 261.5(h)	RCSA: 22a-449(c)-101(a)(2)(H); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b).
40 CFR 261.5(i)	RCSA: 22a-449(c)-101(a)(2)(I); RCSA: 22a-449(c)-101(a)(3); RCSA: 22a-449(c)-101(b).
40 CFR 261.6(a)(3)(iv)	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(2)(J); RCSA: 22a-449(c)-101(c).
● 40 CFR part 262—Standards Appilcable to Generators of Hazardous Waste.	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-102(a)(1).
40 CFR 262.10(e)	RCSA: 22a-449(c)-102(a)(2)(A).
40 CFR 262.22	RCSA: 22a-449(c)-102(b)(3).
40 CFR 262.23	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-102(b)(3).
40 CFR 262.34(a)(1)	RCSA: 22a-449(c)-102(a)(2)(B).
40 CFR 262.34(a)(3)	RCSA: 22a-449(c)-102(a)(2)(C).

TABLE I.—FEDERAL RCRA REQUIREMENTS AND CORRESPONDING STATE AUTHORITY—Continued

Federal requirement	State authority
40 CFR 262.34(a)(4)	RCSA: 22a-449(c)-102(a)(2)(D).
40 CFR 262.34(c)(1)(ii)	RCSA: 22a-449(c)-102(a)(2)(E).
40 CFR 262.34(d)(1)	RCSA: 22a-449(c)-102(a)(2)(F).
40 CFR 262.34(f)	RCSA: 22a-449(c)-102(a)(2)(G).
40 CFR 262.41(a)	RCSA: 22a-449(c)-102(a)(2)(H).
40 CFR 262.44	RCSA: 22a-449(c)-102(a)(2)(I).
40 CFR 262.70	RCSA: 22a-449(c)-102(a)(2)(J).
40 CFR 262 Appendix—Form 8700-22.2	RCSA: 22a-449(c)-102(a)(2)(K).
40 CFR 262 Appendix—Form 8700-22, Instructions, Item 20	RCSA: 22a-449(c)-102(a)(2)(L).
● 40 CFR part 263—Standards Applicable to Transporters of Hazardous Waste.	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-103(a)
40 CFR 263.20(g)(4)	RCSA: 22a-449(c)-103(a)(2)(A)
40 CFR 263.30(b)	RCSA: 22a-449(c)-103(a)(2)(B).
40 CFR 263.30(c)(1)	RCSA: 22a-449(c)-103(a)(2)(C).
40 CFR 263.31	RCSA: 22a-449(c)-103(a)(2)(D).
● 40 CFR part 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	CT.Gen. Stat. Section 22a-449(c); RCSA: 22a-449(c)-104(a)(1).
40 CFR 264.13(a)(4)	RCSA: 22a-449(c)-104(a)(2)(A).
40 CFR 264.71(a)(4)	RCSA: 22a-449(c)-104(a)(2)(B).
40 CFR 264.71(b)(4)	RCSA: 22a-449(c)-104(a)(2)(C).
40 CFR 264.75	RCSA: 22a-449(c)-104(a)(2)(D).
40 CFR 264.142	RCSA: 22a-449(c)-104(b).
40 CFR 264.144	RCSA: 22a-449(c)-104(b).
40 CFR 264.192(d)	RCSA: 22-449(c)-104(a)(2)(E).
40 CFR 264.193(c)	RCSA: 22a-449(c)-104(a)(2)(F).
40 CFR 264.196(b)(1)	RCSA: 22a-449(c)-104(a)(2)(G).
40 CFR 264.196(d)(1)	RCSA: 22a-449(c)-104(a)(2)(H).
40 CFR 264.272(a)	RCSA: 22a-449(c)-104(a)(2)(I).
40 CFR 264.272(c)(3)	RCSA: 22a-449(c)-104(a)(2)(J).
● 40 CFR part 265—Interim Status Standards for Owner and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	CT. Gen. Stat. Section 22a-449(c); RCSA: 22a-449(c)-105(a)(1).
40 CFR 265.13(a)(4)	RCSA: 22a-449(c)-105(a)(2)(A).
40 CFR 265.71(a)(4)	RCSA: 22a-449(c)-105(a)(2)(B).
40 CFR 265.71(b)(4)	RCSA: 22a-449(c)-105(a)(2)(C).
40 CFR 265.75	RCSA: 22a-449(c)-105(a)(2)(D).
40 CFR 265.192(d)	RCSA: 22a-449(c)-105(a)(2)(E).
40 CFR 265.193(c)	RCSA: 22a-449(c)-105(a)(2)(F).
40 CFR 265.196(b)(1)	RCSA: 22a-449(c)-105(a)(2)(G).
40 CFR 265.196(d)(1)	RCSA: 22a-449(c)-105(a)(2)(H).
40 CFR 265.201(a)	RCSA: 22a-449(c)-105(a)(2)(I).
40 CFR 265.222(b)	RCSA: 22a-449(c)-105(a)(2)(J).
40 CFR 265.229(b)(2)	RCSA: 22a-449(c)-105(a)(2)(K).
40 CFR 265.229(b)(3)	RCSA: 22a-449(c)-105(a)(2)(L).
40 CFR 265.272(a)	RCSA: 22a-449(c)-105(a)(2)(M).
40 CFR 265.375(c)	RCSA: 22a-449(c)-105(a)(2)(N).
● 40 CFR part 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-106(a).
40 CFR 266.43	RCSA: 22a-449(c)-106(b).
40 CFR 266.80(a)	RCSA: 22a-449(c)-106(a)(1).
● 40 CFR part 268—Land Disposal Restrictions	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-108(a)(1).
● 40 CFR part 270—EPA Administered Permits Program: The Hazardous Waste Permit Program.	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-110(a).
● 40 CFR part 124—Procedures for Decisionmaking	CT. Gen. Stat. section 22a-449(c); RCSA: 22a-449(c)-110(a).
II. *Non-HSWA Requirements prior to non-HSWA Cluster I*	CT. Gen. Stat. section 22a-449(c).
● Biennial Report, 48 FR 3977, January 28, 1983	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(c)(5); RCSA: 22a-449(c)-104(a)(1); RCSA 22a-449(c)-104(a)(2)(D); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(D); RCSA: 22a-449(c)-110(a).
● Permit Rules: Settlement Agreement, 48 FR 39611, September 1, 1983.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Interim Status Standards—Applicability, 48 FR 52718, November 22, 1983.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-105(a)(1);
● Chlorinated Aliphatic Hydrocarbon Listing (F024), 49 FR 5308, February 10, 1984.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● National Uniform Manifest, 49 FR 10490, March 20, 1984	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(A); RCSA: 22a-449(c)-102(a)(2)(K); RCSA: 22a-449(c)-102(a)(2)(L).
● Permit Rules: Settlement Agreement, 49 FR 17716, April 24, 1984.	RCSA: 22a-449(c)-110(a).
● Warfarin & Zinc Phosphide Listing, 49 FR 19922, May 10, 1984.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Lime Stabilized Pickle Liquor Sludge, 49 FR 23284, June 5, 1984.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1);
III. *Non-HSWA Cluster I*	CT. Gen. Stat. §§ 1-19(b); 1-21(i); Public Act 90-307.
● Section 3006(f), State Availability of Information, 40 CFR part 2, subpart A, 5 U.S.C. 552, November 8, 1984.	Attorney General's Statement dated July 27, 1990, Memorandum of Agreement dated July 30, 1990, CT Public Act 90-307 dated June 12, 1990.
● Household Waste, 49 FR 44978, November 13, 1984	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Interim Status Standards—Applicability, 49 FR 46094, November 21, 1984.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-105(a)(1).
● Corrections to Test Methods Manual, 49 FR 47390, December 20, 1984.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-100(b)(2).

TABLE I.—FEDERAL RCRA REQUIREMENTS AND CORRESPONDING STATE AUTHORITY—Continued

Federal requirement	State authority
● Satellite Accumulation, 49 FR 49568, December 20, 1984	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(E).
● Definition of Solid Waste, 50 FR 614, January 4, 1985 [Definition of Solid Waste; Correction, 50 FR 14216, April 11, 1985, Definition of Solid Waste; Correction, 50 FR 33541, August 20, 1985].	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-100(a)(2); RCSA: 22a-449(c)-101(c)(5); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-106(a)(1).
● Interim Status Standards for Treatment, Storage, and Disposal Facilities, 50 FR 16044, April 23, 1985.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(J); RCSA: 22a-449(c)-105(a)(2)(K); RCSA: 22a-449(c)-105(A)(2)(L); RCSA: 22a-449(c)-105(a)(2)(M).
IV. *Non-HSWA Cluster II*	CT. Gen. Stat. § 22a-449(c).
● Financial Responsibility: Settlement Agreement, 51 FR 16422, May 2, 1986.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-100(a).
● Listing of Spent Pickle Liquor (K062), 51 FR 19320, May 28, 1986.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a).
V. *Non-HSWA Cluster III*	CT. Gen. Stat. § 22a-449(c);
● Radioactive Mixed Waste, 51 FR 24504, 51 FR 24504, July 3, 1986.	CT. Gen. Stat. § 22a-449(c);
● Liability Coverage—Corporate Guarantee, 51 FR 25350, July 11, 1986.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(a)-105(c)(1).
● Standards for Hazardous Waste Storage and Treatment Tank Systems (Certain sections superseded by 53 FR 34079), 51 FR 25422, July 14, 1986.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(B); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-104(a)(2)(E); RCSA: 22a-449(c)-104(a)(2)(F); RCSA: 22a-449(c)-104(a)(2)(G); RCSA: 22a-449(c)-104(a)(2)(H); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(E); RCSA: 22a-449(c)-105(a)(2(F); RCSA: 22a-449(c)-105(a)(2)(G); RCSA: 22a-449(c)-110(a).
● Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents [Superseded by 53 FR 13382], 51 28296, August 6, 1986.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● (Standards for Hazardous Waste Storage and Treatment Tank Systems; Correction), 51 FR 29430, August 15, 1986.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(B); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-104(a)(2)(E); RCSA: 22a-449(c)-104(a)(2)(F); RCSA: 22a-449(c)-104(a)(2)(G); RCSA: 22a-449(c)-104(a)(2)(H); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(E); RCSA: 22a-449(c)-105(a)(2)(F); RCSA: 22a-449(c)-105(a)(2)(G); RCSA: 22a-449(c)-110(a).
● Listing of Spent Pickle Liquor; Correction), 51 FR 33612, September 22, 1986.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Revised Manual SW-846; Amended Incorporation by Reference, 52 FR 8072, March 16, 1987.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c).
● Closure/Post-closure Care for Interim Status Surface Impoundments, 52 FR 8704, March 19, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-105(a)(1).
● Definition of Solid Waste; Technical Correction, 52 FR 21306, June 5, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-106(a)(1).
● Amendments to Part B Information Requirements for Land Disposal Facilities, 52 FR 23447, June 22, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a).
● Technical Correction; Identification and Listing of Hazardous Waste [Supersedes 51 FR 28296, August 6, 1986], 53 FR 13382, April 22, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
VI. *Non-HSWA Cluster IV*	CT. Gen. Stat. § 22a-449(c).
List (Phase I) of Hazardous Constituents for Ground-Water Monitoring, 52 FR 25942, July 9, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1).
● Identification and Listing of Hazardous Waste, 52 FR 25942, July 10, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● (Listing of Spent Pickle Liquor; Clarification), 52 FR 28697, August 3, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● (Development of Corrective Action Programs After Permitting Hazardous Waste Land Disposal Facilities; Corrections), 52 FR 33936, September 9, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Liability Requirements for Hazardous Waste Facilities; Corporate Guarantees, 52 FR 44314, November 18, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1).
● Hazardous Waste Miscellaneous Units, 52 FR 46946, December 10, 1987.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-110(a); .
● (Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Closure/Post-Closure and Financial Responsibility Requirements), 53 FR 7740, March 10, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-110(a).
● (Technical Correction; Identification and Listing of Hazardous Waste), 53 FR 13382, April 22, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators [correction to 52 FR 46946], 54 FR 615, January 9, 1989.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● VII. *Non-HSWA Cluster V*	CT. Gen. Stat. § 22a-449(c).
● Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption, 53 FR 27290, July 19, 1988.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Hazardous Waste Management System; Standards for Hazardous Waste storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-104(a)(2)(G); RCSA: 22a-449(c)-104(a)(2)(H); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(G); RCSA: 22a-449(c)-105(a)(2)(H).
● Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification, 53 FR 35412, September 13, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Permit Modifications for Hazardous Waste Management Facilities, 53 FR 37912, September 28, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-110(a).
● Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, 53 FR 39720, October 11, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1).

TABLE I.—FEDERAL RCRA REQUIREMENTS AND CORRESPONDING STATE AUTHORITY—Continued

Federal requirement	State authority
● Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes, 53 FR 43878, October 31, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Identification and Listing of Hazardous Waste; Removal of Strontium from the List of Hazardous Wastes, 53 FR 43881, October 31, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Amendment to Requirements for Hazardous Waste Incinerator Permits, 54 FR 4286, January 30, 1989.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Wastes Management Permits; Procedures for Post-Closure Permitting, 54 FR 9596, March 7, 1989.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
VIII. *HSWA Cluster I*—52 FR 28702, July 15, 1985	CT. Gen. Stat. § 22a-449(c).
● Delisting, 54 FR 27114, November 8, 1984	RCSA: 22a-449(c)-100(c)
● Household Waste Exclusion	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1).
● Waste Minimization	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(K); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-110(a).
● Liquids in Landfills	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-110(a).
● Double Liners	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-105(a)(1).
● Ground-Water Monitoring	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1).
● Pre-Construction Ban	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Interim Status	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Research and Development Permits	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Exposure Information	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164, November 29, 1985, amended by 51 FR 41900, November 19, 1986 and by 52 FR 11819, April 13, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-106(a)(1).
● Generators of 100 to 1,000 kg Hazardous Waste; Technical Correction 53 FR 27162, July 19, 1988.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-101(a)(2)(A); RCSA: 22a-449(c)-101(a)(2)(D); RCSA: 22a-449(c)-101(a)(2)(E); RCSA: 22a-449(c)-101(a)(2)(F); RCSA: 22a-449(c)-101(a)(2)(G); RCSA: 22a-449(c)-101(a)(2)(H); RCSA: 22a-449(c)-101(a)(2)(I); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(B); RCSA: 22a-449(c)-102(a)(2)(C); RCSA: 22a-449(c)-102(a)(2)(D); RCSA: 22a-449(c)-102(a)(2)(F); RCSA: 22a-449(c)-102(a)(2)(G).
● Identification and Listing of Hazardous Waste; Technical Correction, 53 FR 27162, July 19, 1988.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(2)(E); RCSA: 22a-449(c)-101(a)(2)(F).
● Standards for Hazardous Wastes Storage and Tank Systems, 51 FR 25422, July 14, 1986, amended by 53 FR 34079, September 2, 1999.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-101(a)(1); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(B); RCSA: 22a-449(c)-104(a)(1); RCSA: 22a-449(c)-104(a)(2)(E); RCSA: 22a-449(c)-104(a)(2)(F); RCSA: 22a-449(c)-104(a)(2)(G); RCSA: 22a-449(c)-104(a)(2)(H); RCSA: 22a-449(c)-105(a)(1); RCSA: 22a-449(c)-105(a)(2)(E); RCSA: 22a-449(c)-105(a)(2)(F); RCSA: 22a-449(c)-105(a)(2)(G); RCSA: 22a-449(c)-110(a)(1).
IX. *HSWA Cluster II*	CT. Gen. Stat. § 22a-449(c).
● Exception Reporting for Small Quantity Generators of Hazardous Waste, 52 FR 35894, September 23, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-102(a)(1); RCSA: 22a-449(c)-102(a)(2)(I).
● Post-Closure Permits, HSWA Codification Rule, 52 FR 45788, December 1, 1987.	RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-110(a).
● Hazardous Waste Management; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	RCSA: 22a-449(c)-100(b)(1); RCSA: 22a-449(c)-100(c); RCSA: 22a-449(c)-104(a)(1); RCSA 22a-449(c)-104(a)(2)(G); RCSA: 22a-449(c)-104(a)(2)(H); RCSA: 22a-449(c)-105(a)(1); RCSA. 22a-449(c)-105(a)(2)(G); RCSA: 22a-449(c)-105(a)(2)(H).

Connecticut has not sought the authority to operate the RCRA program on any Indian lands and is not authorized by the Federal government to operate the RCRA program on Indian lands. This authority remains with EPA.

B. Decision

After reviewing the public comments and the changes the State has made to its application and program since the tentative decision, I conclude that Connecticut's application for final authorization meets all of the statutory and regulatory requirements established by RCRA and the conditions that were specified in the September 28, 1990 Notice of Tentative Determination. Accordingly, Connecticut is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984) otherwise known as HSWA. Connecticut now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to HSWA. Connecticut also has primary enforcement responsibility, although EPA retains the right to conduct inspections and take other actions under Section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

As stated above, Connecticut's authority to operate a hazardous waste program under subtitle C of RCRA is limited by the self-implementing provisions of HSWA that the State has not been authorized for. Prior to November 8, 1984, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized

States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Connecticut. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce these portions of the HSWA in Connecticut until the State receives authorization to do so. Among other things, this may entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

Any State requirement that is more stringent than a HSWA provisions remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable subtitle C requirements in Connecticut.

EPA has published a **Federal Register** notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702–28755, July 15, 1985.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Connecticut's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 28, 1990.

Julie Belaga,

Regional Administrator.

[FR Doc. 90–29461 Filed 12–14–90; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amdt. 13]

RIN 3090 AE22

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: An analysis of lodging and meal cost survey data reveals that the listing of maximum per diem rates for locations within the continental United States should be updated to provide for the reimbursement of Federal employees' expenses covered by per diem. This final rule increases the maximum lodging allowances in certain existing per diem localities and adds new per diem localities.

EFFECTIVE DATE: This final rule is effective January 1, 1991, and applies for travel (including travel incident to a change of official station) performed on or after January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Donna Cooke, Travel Management Division (FBT), Washington, DC 20406, telephone FTS 557–1253 or commercial (703) 557–1253.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

For the reasons set out in the preamble, under 5 U.S.C. 5701-5709; E.O. 11609, July 22, 1971 (36 FR 13747) title 41, chapter 301 of the Code of Federal Regulations is amended by revising Appendix A to chapter 301 to read as follows:

CHAPTER 301—TRAVEL ALLOWANCES

APPENDIX A TO CHAPTER 301—PRESCRIBED MAXIMUM PER DIEM RATES FOR CONUS

The maximum rates listed below are prescribed under § 301–7.3 of this regulation for reimbursement of per diem expenses incurred during official travel within CONUS (the continental United States). The amount shown in column (a) is the maximum that will be reimbursed for lodging expenses including applicable taxes. The M&IE rate shown in column (b) is a fixed amount allowed for meals and incidental expenses covered by per diem. The per diem payment calculated in accordance with part 301–7 for lodging expenses plus the M&IE rate may not exceed the maximum per diem rate shown in column (c).

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
CONUS, Standard rate		$40		$26		$66
(Applies to all locations within CONUS not specifically listed below or encompassed by the boundary definition of a listed point. However, the standard CONUS rate applies to all locations within CONUS, including those defined below, under certain specified travel circumstances and for certain relocation subsistence allowances. See parts 301-7, 302-2, 302-4, and 302-5 of this title.)						
ALABAMA						
Anniston	Calhoun	41		26		67
Birmingham	Jefferson	50		26		76
Gulf Shores	Baldwin	53		26		79
Huntsville	Madison	51		26		77
Mobile	Mobile	49		26		75
Montgomery	Montgomery	45		26		71
Sheffield	Colbert	63		26		89
ARIZONA						
Chinle	Apache	68		26		94
Grand Canyon Nat'lPark/Flagstaff	Coconino	74		26		100
Kayenta	Navajo	62		26		88
Phoenix/Scottsdale	Maricopa	72		26		98
Prescott	Yavapai	48		26		74
Sierra Vista	Cochise	48		26		74
Tucson	Pima County; Davis-Monthan AFB	56		26		82
Yuma	Yuma	52		26		78
ARKANSAS						
Fort Smith	Sebastian	44		26		70
Helena	Phillips	47		26		73
Hot Springs	Garland	50		26		76
Little Rock	Pulaski	50		26		76
CALIFORNIA						
Bridgeport	Mono	44		26		70
Chico	Butte	51		26		77
Death Valley	Inyo	89		34		123
El Centro	Imperial	48		26		74
Eureka	Humboldt	48		26		74
Fresno	Fresno	54		26		80
Herlong	Lassen	53		26		79
Los Angeles	Los Angeles, Kern, Orange and Ventura Counties; Edwards AFB; Naval Weapons Center and Ordinance Test Station, China Lake.	90		34		124
Modesto	Stanislaus	54		26		80
Monterey	Monterey	73		26		99
Napa	Napa	54		26		80
Oakland	Alameda, Contra Costa and Marin	66		34		100
Ontario/Victorville/Barstow	San Bernardino	53		26		79
Palm Springs	Riverside	72		34		106
Redding	Shasta	57		26		83
Sacramento	Sacramento	58		34		92
San Diego	San Diego	76		34		110
San Francisco	San Francisco	88		34		122
San Jose	Santa Clara	63		34		97
San Luis Obispo	San Luis Obispo	54		34		88
San Mateo	San Mateo	66		34		100
Santa Barbara	Santa Barbara	77		34		111
Santa Cruz	Santa Cruz	72		34		106
Santa Rosa	Sonoma	54		26		80
South Lake Tahoe	El Dorado	61		34		95
Stockton	San Joaquin	51		26		77
Tahoe City	Placer	50		34		84
Vallejo	Solano	54		26		80
Visalia	Tulare	60		26		86
West Sacramento	Yolo	50		26		76
Yosemite Nat'l Park	Mariposa	68		34		102
COLORADO						
Aspen	Pitkin	85		34		119
Boulder	Boulder	61		34		95
Colorado Springs	El Paso	51		26		77
Denver	Denver, Adams, Arapahoe and Jefferson	69		34		103
Durango	La Plata	56		26		82
Glenwood Springs	Garfield	49		26		75
Gunnison	Gunnison	45		26		71
Keystone/Silverthorne	Summit	58		34		92
Pagosa Springs	Archuleta	48		26		74
Pueblo	Pueblo	46		26		72
Steamboat Springs	Routt	52		26		78
Vail	Eagle	90		34		124
CONNECTICUT						
Bridgeport/Danbury	Fairfield	71		26		97
Hartford	Hartford and Middlesex	64		34		98
New Haven	New Haven	67		26		93
New London/Groton	New London	62		26		88

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Putnam/Danielson	Windham	63		26		89
Salisbury	Litchfield	56		34		90
DELAWARE						
Dover	Kent	49		26		75
Lewes	Sussex	50		26		76
Wilmington	New Castle	73		26		99
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) (See also Maryland and Virginia.)		97		34		131
FLORIDA						
Altamonte Springs	Seminole	62		26		88
Bradenton	Manatee	60		26		86
Clewiston	Hendry	54		26		80
Cocoa Beach	Brevard	54		26		80
Daytona Beach	Volusia	54		26		80
Fort Lauderdale	Broward	66		26		92
Fort Myers	Lee	67		26		93
Fort Pierce	Saint Lucie	54		26		80
Fort Walton Beach	Okaloosa	54		26		80
Gainesville	Alachua	51		26		77
Jacksonville	Duval County; Naval Station Mayport	48		26		74
Key West	Monroe	106		34		140
Kissimmee	Osceola	58		26		84
Lakeland	Polk	50		26		76
Miami	Dade	62		34		96
Naples	Collier	72		26		98
Orlando	Orange	58		26		84
Panama City	Bay	50		26		76
Pensacola	Escambia	53		26		79
Punta Gorda	Charlotte	62		26		88
Saint Augustine	Saint Johns	55		26		81
Sarasota	Sarasota	58		26		84
Stuart	Martin	68		26		94
Tallahassee	Leon	48		26		74
Tampa/St. Petersburg	Hillsborough and Pinellas	54		26		80
Vero Beach	Indian River	54		26		80
West Palm Beach	Palm Beach	68		34		102
GEORGIA						
Albany	Dougherty	51		26		77
Athens	Clarke	44		26		70
Atlanta	Clayton, De Kalb, Fulton and Cobb	78		34		112
Augusta	Richmond; Savannah River Plant, Aiken, SC	47		26		73
Brunswick	Glynn	44		26		70
Columbus	Muscogee	47		26		73
Lawrenceville	Gwinnett	46		26		72
Savannah	Chatham	47		26		73
St. Marys	Camden County; The Naval Submarine Base, Kings Bay.	46		26		72
Waycross	Ware	43		26		69
IDAHO						
Boise	Ada	47		26		73
Coeur d'Alene	Kootenai	43		26		69
Ketchum/Sun Valley	Blaine	60		26		86
Lewiston	Nez Perce	44		26		70
McCall	Valley	44		26		70
Pocatello	Bannock	45		26		71
Stanley	Custer	45		26		71
ILLINOIS						
Alton	Madison	48		26		74
Champaign/Urbana	Champaign	49		26		75
Chicago	Du Page, Cook and Lake	93		34		127
Danville	Vermilion	46		26		72
Dixon	Lee	45		26		71
East St. Louis	St. Clair	44		26		70
Joliet	Will	52		26		78
Macomb	McDonough	42		26		68
Mattoon	Coles	46		26		72
Peoria	Peoria	60		26		86
Rock Island/Moline	Rock Island	51		26		77
Rockford	Winnebago	53		26		79
Springfield	Sangamon	51		26		77
INDIANA						
Anderson	Madison	52		26		78
Bloomington	Monroe	48		26		74
Charlestown/Jeffersonville	Clark County; Indiana Army Ammunition Plant	54		26		80
Columbus	Bartholomew	42		26		68
Elkhart	Elkhart	55		26		81
Evansville	Vanderburgh	49		26		75

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2, 3]					
Fort Wayne	Allen	57		26		83
Gary	Lake	46		26		72
Indianapolis	Marion County; Fort Benjamin Harrison	66		26		92
Jasper	Dubois	41		26		67
Lafayette	Tippecanoe	50		26		76
Logansport	Cass	46		26		72
Muncie	Delaware	55		26		81
Nashville	Brown	57		26		83
South Bend	St. Joseph	59		26		85
Terre Haute	Vigo	50		26		76
IOWA						
Bettendorf/Davenport	Scott	49		26		75
Cedar Rapids	Linn	45		26		71
Des Moines	Polk	52		26		78
Iowa City	Johnson	48		26		74
Sioux City	Woodbury	41		26		67
KANSAS						
Kansas City	Johnson and Wyandotte (See also Kansas City, MO)	64		26		90
Manhattan	Riley	45		26		71
Topeka	Shawnee	43		26		69
Wichita	Sedgwick	59		26		85
KENTUCKY						
Bowling Green	Warren	44		26		70
Covington	Kenton	48		26		74
Frankfort	Franklin	44		26		70
Florence	Boone	48		26		74
Hopkinsville	Christian County; Fort Campbell	45		26		71
Lexington	Fayette	52		26		78
Louisville	Jefferson	54		26		80
Owensboro	Daviess	45		26		71
LOUISIANA						
Alexandria	Rapides Parish	44		26		70
Baton Rouge	East Baton Rouge Parish	50		26		76
Bossier City	Bossier Parish	57		26		83
Gonzales	Ascension Parish	51		26		77
Lafayette	Lafayette Parish	45		26		71
Lake Charles	Calcasieu Parish	42		26		68
Monroe	Ouachita Parish	44		26		70
New Orleans	Parishes of Jefferson, Orleans, Plaquemines and St. Bernard.	60		34		94
Shreveport	Caddo Parish	51		26		77
Slidell	St. Tammany Parish	42		26		68
MAINE						
Auburn	Androscoggin	56		26		82
Augusta	Kennebec	47		26		73
Bangor	Penobscot	55		26		81
Bar Harbor	Hancock	60		26		86
Bath	Sagadahoc	64		26		90
Kittery	Portsmouth Naval Shipyard (See also Portsmouth, NH).	60		26		86
Portland	Cumberland	67		26		93
Rockport	Knox	66		26		92
Kennebunk/Sanford	York	53		26		79
Wiscasset	Lincoln	46		26		72
MARYLAND						
(For the counties of Montgomery and Prince Georges, see District of Columbia.)						
Annapolis	Anne Arundel	75		34		109
Baltimore	Baltimore and Harford	71		34		105
Columbia	Howard	87		34		121
Cumberland	Allegany	49		26		75
Easton	Talbot	52		26		78
Frederick	Frederick	54		26		80
Hagerstown	Washington	52		26		78
Lexington Park/St.Inigoes/Leonardtown	St. Marys	54		26		80
Lusby	Calvert	56		26		82
Ocean City	Worcester	92		34		126
Salisbury	Wicomico	53		26		79
Waldorf	Charles	54		26		80
MASSACHUSETTS						
Andover	Essex	81		34		115
Boston	Suffolk	91		34		125
Greenfield	Franklin	55		26		81
Hyannis	Barnstable	65		26		91
Lowell	Middlesex	81		34		115
Martha's Vineyard/Nantucket	Dukes and Nantucket	106		34		140
Northampton	Hampshire	56		26		82
Pittsfield	Berkshire	56		26		82
Plymouth	Plymouth	92		26		118
Quincy	Norfolk	81		34		115

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Springfield	Hampden	64		26		90
Taunton/New Bedford	Bristol	55		26		81
Worcester	Worcester	60		26		86
MICHIGAN						
Ann Arbor	Washtenaw	65		26		91
Adrian	Lenawee	44		26		70
Battle Creek	Calhoun	47		26		73
Bay City	Bay	48		26		74
Bellaire	Antrim	51		26		77
Boyne City	Charlevoix	62		26		88
Cadillac	Wexford	51		26		77
Detroit	Wayne	76		34		110
Drummond Island	Chippewa	52		26		78
Escanaba	Delta	44		26		70
Flint	Genesee	45		26		71
Frankfort	Benzie	49		26		75
Gaylord	Otsego	54		26		80
Grand Rapids	Kent	56		26		82
Grayling	Crawford	54		26		80
Holland	Ottawa	49		26		75
Houghton Lake	Roscommon	54		26		80
Jackson	Jackson	49		26		75
Kalamazoo	Kalamazoo	57		26		83
Lansing/East Lansing	Ingham	51		26		77
Leland	Leelanau	54		26		80
Ludington	Mason	53		26		79
Mackinac Island	Mackinac	63		26		89
Manistee	Manistee	51		26		77
Midland	Midland	53		26		79
Mount Pleasant	Isabella	43		26		69
Muskegon	Muskegon	49		26		75
Pontiac	Oakland	54		26		80
Port Huron	St. Clair	43		26		69
Saginaw	Saginaw	51		26		77
South Haven	Van Buren	50		26		76
St. Joseph/Benton Harbor/Niles	Berrien	45		26		71
Traverse City	Grand Traverse	64		26		90
Warren	Macomb	46		26		72
MINNESOTA						
Bemidji	Beltrami	42		26		68
Brainerd	Crow Wing	46		26		72
Duluth	St. Louis	48		26		74
Fergus Falls	Otter Tail	49		26		75
Grand Rapids	Itasca	44		26		70
Mendota Heights	Dakota	59		26		85
Minneapolis/St. Paul	Anoka, Hennepin, and Ramsey Counties; Fort Snelling Military Reservation and Navy Astronautics Group (Detachment BRAVO), Rosemount.	59		26		85
Rochester	Olmsted	55		26		81
MISSISSIPPI						
Gulfport/Pascagoula/Bay St. Louis	Harrison, Jackson, and Hancock	49		26		75
Jackson	Hinds	50		26		76
Natchez	Adams	47		26		73
Vicksburg	Warren	42		26		68
MISSOURI						
Branson	Taney	51		26		77
Cape Girardeau	Cape Girardeau	43		26		69
Columbia	Boone	49		26		75
Hannibal	Marion	44		26		70
Jefferson City	Cole	49		26		75
Joplin	Jasper	44		26		70
Lake Ozark	Miller	52		26		78
Kansas City	Clay, Jackson and Platte (See also Kansas City, KS)	64		26		90
Osage Beach	Camden	64		26		90
Springfield	Greene	53		26		79
St. Louis	St. Charles and St. Louis	66		26		92
MONTANA						
Billings	Yellowstone	45		26		71
Great Falls	Cascade	45		26		71
NEBRASKA						
Lincoln	Lancaster	45		26		71
Omaha	Douglas	54		26		80
NEVADA						
Elko	Elko	50		26		76
Las Vegas	Clark County; Nellis AFB	69		34		103
Reno	Washoe	48		26		74
NEW HAMPSHIRE						
Concord	Merrimack	56		26		82
Conway	Carroll	81		26		107

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Durham	Strafford	73		26		99
Laconia	Belknap	66		26		92
Manchester	Hillsborough	68		26		94
Plymouth	Grafton	54		26		80
Portsmouth/Newington	Rockingham County; Pease AFB (See also Kittery, ME).	60		26		86
NEW JERSEY						
Atlantic City	Atlantic	107		34		141
Belle Mead	Somerset	62		26		88
Camden	Camden	63		26		89
Dover	Morris County; Picatinny Arsenal	64		26		90
Eatontown	Monmouth County; Fort Monmouth	59		34		93
Edison	Middlesex	63		34		97
Millville	Cumberland	53		26		79
Morrestown	Burlington	69		26		95
Newark	Bergen, Essex, Hudson, Passaic and Union	86		34		120
Ocean City/Cape May	Cape May	96		34		130
Princeton/Trenton	Mercer	80		34		114
Salem	Salem	61		26		87
Tom's River	Ocean	79		26		105
NEW MEXICO						
Albuquerque	Bernalillo	59		26		85
Artesia	Eddy	45		26		71
Cloudcroft	Otero	64		34		98
Farmington	San Juan	51		26		77
Gallup	McKinley	49		26		75
Grants	Cibola	41		26		67
Las Cruces/White Sands	Dona Ana	43		26		69
Las Vegas	San Miguel	44		26		70
Los Alamos	Los Alamos	52		26		78
Raton	Colfax	57		26		83
Santa Fe	Santa Fe	67		34		101
Taos	Taos	49		26		75
Tucumcari	Quay	46		26		72
NEW YORK						
Albany	Albany	63		26		89
Auburn	Cayuga	56		26		82
Batavia	Genesee	55		26		81
Binghamton	Broom	57		26		83
Buffalo	Erie	60		26		86
Canton	St. Lawrence	52		26		78
Catskill	Greene	48		26		74
Corning	Steuben	59		26		85
Elmira	Chemung	53		26		79
Glens Falls	Warren	56		26		82
Ithaca	Tompkins	60		26		86
Jamestown	Chautauqua	43		26		69
Kingston	Ulster	56		26		82
Lake Placid	Essex	78		26		104
Monticello	Sullivan	55		34		89
New York City	The boroughs of Bronx, Brooklyn, Manhattan, Queens and Staten Island; Nassau and Suffolk Counties.	117		34		151
Niagara Falls	Niagara	65		26		91
Palisades	Rockland	54		26		80
Poughkeepsie	Dutchess	68		26		94
Rochester	Monroe	63		26		89
Romulus	Seneca	60		26		86
Saratoga Springs	Saratoga	60		34		94
Schenectady	Schenectady	59		26		85
Syracuse	Onondaga	61		26		87
Troy	Rensselaer	62		26		88
Utica	Oneida	57		26		83
Watertown	Jefferson	55		26		81
Watkins Glen	Schuyler	72		26		98
West Point	Orange	48		26		74
White Plains	Westchester	93		34		127
NORTH CAROLINA						
Asheville	Buncombe	51		26		77
Charlotte	Mecklenburg	60		26		86
Duck	Dare	61		26		87
Elizabeth City	Pasquotank	53		26		79
Greensboro/High Point	Guilford	54		26		80
Greenville	Pitt	59		26		85
Havelock	Craven	43		26		69
Jacksonville	Onslow	42		26		68
Kinston	Lenoir	47		26		73
Morehead City	Carteret	57		26		83
Raleigh/Durham/ Chapel Hill	Wake, Durham and Orange	56		26		82

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Wilmington	New Hanover	48		26		74
Winston-Salem	Forsyth	51		26		77
NORTH DAKOTA						
Bismarck	Burleigh	44		26		70
Fargo	Cass	52		26		78
Grand Forks	Grand Forks	46		26		72
Minot	Ward	48		26		74
OHIO						
Akron	Summit	58		26		84
Bellevue/Norwalk	Huron	55		26		81
Chillicothe	Ross	44		26		70
Cincinnati/Evendale	Hamilton and Warren	54		26		80
Cleveland	Cuyahoga	68		34		102
Columbus	Franklin	63		26		89
Dayton	Montgomery County; Wright-Patterson AFB	63		26		89
Defiance	Defiance	46		26		72
East Liverpool	Columbiana	47		26		73
Elyria	Lorain	51		26		77
Fairfield/Hamilton	Butler	51		26		77
Findlay	Hancock	44		26		70
Geneva	Ashtabula	55		26		81
Lancaster	Fairfield	44		26		70
Lima	Allen	43		26		69
Port Clinton/Oakharbor	Ottawa	61		26		87
Portsmouth	Scioto	46		26		72
Sandusky	Erie	66		26		92
Springfield	Clark	47		26		73
Tinney/Fremont	Sandusky	47		26		73
Toledo	Lucas	53		26		79
Wapakoneta	Auglaize	46		26		72
OKLAHOMA						
Norman	Cleveland	44		26		70
Oklahoma City	Oklahoma	47		26		73
Stillwater	Payne	44		26		70
Tulsa/Bartlesville	Osage, Tulsa and Washington	48		26		74
OREGON						
Beaverton	Washington	50		26		76
Bend	Deschutes	47		26		73
Clackamas	Clackamas	50		26		76
Coos Bay	Coos	45		26		71
Eugene	Lane	52		26		78
Gold Beach	Curry	46		26		72
Lincoln City/Newport	Lincoln	53		26		79
Portland	Multnomah	60		26		86
Salem	Marion	47		26		73
Seaside	Clatsop	70		26		96
PENNSYLVANIA						
Allentown	Lehigh	55		26		81
Altoona	Blaire	44		26		70
Bloomsburg	Columbia	45		26		71
Du Bois	Clearfield	51		26		77
Easton	Northampton	64		26		90
Erie	Erie	49		26		75
Gettysburg	Adams	57		26		83
Harrisburg	Dauphin	66		26		92
Johnstown	Cambria	55		26		81
King of Prussia/Ft. Washington	Montgomery County, except Bala Cynwyd (See also Philadelphia, PA).	72		34		106
Lancaster	Lancaster	64		26		90
Lebanon	Lebanon County; Indian Town Gap Military Reservation.	51		26		77
Mansfield	Tioga	49		26		75
Mechanicsburg	Cumberland	51		26		77
Mercer	Mercer	54		26		80
Philadelphia	Philadelphia County; city of Bala Cynwyd in Montgomery County.	83		34		117
Pittsburgh	Allegheny	66		26		92
Radnor/Chester	Delaware	72		34		106
Reading	Berks	51		26		77
Scranton	Lackawanna	53		26		79
Shippingport	Beaver	45		26		71
Somerset	Somerset	58		26		84
State College	Centre	48		26		74
Stroudsburg	Monroe	51		26		77
Uniontown	Fayette	73		26		99
Valley Forge	Chester	72		34		106
Warminster	Bucks County; Naval Air Development Center	56		26		82
Wilkes-Barre	Luzerne	54		26		80
Williamsport	Lycoming	44		26		70

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
York	York	56		26		82
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville.	65		26		91
Newport	Newport	93		34		127
Providence	Providence	78		26		104
Quonset Point	Washington	48		26		74
SOUTH CAROLINA						
Charleston	Charleston and Berkeley	56		26		82
Columbia	Richland	53		26		79
Greenville	Greenville	43		26		69
Hilton Head	Beaufort	86		34		120
Myrtle Beach	Horry County; Myrtle Beach AFB	74		26		100
Rock Hill	York	46		26		72
Spartanburg	Spartanburg	48		26		74
SOUTH DAKOTA						
Custer	Custer	50		26		76
Hot Springs	Fall River	64		26		90
Rapid City	Pennington	61		26		87
Sioux Falls	Minnehaha	51		26		77
Spearfish	Lawrence	51		26		77
TENNESSEE						
Chattanooga	Hamilton	43		26		69
Columbia	Maury	49		26		75
Gatlinburg	Sevier	63		26		89
Johnson City	Washington	54		26		80
Kingsport/Bristol	Sullivan	45		26		71
Knoxville	Knox County; city of Oak Ridge	52		26		78
Memphis	Shelby	55		26		81
Murfreesboro	Rutherford	44		26		70
Nashville	Davidson	52		26		78
Shelbyville	Bedford	52		26		78
TEXAS						
Abilene	Taylor	43		26		69
Amarillo	Potter	48		26		74
Austin	Travis	59		26		85
Bay City	Matagorda	41		26		67
Beaumont	Jefferson	44		26		70
Brownsville	Cameron	49		26		75
Brownwood	Brown	42		26		68
College Station/Bryan	Brazos	45		26		71
Corpus Christi	Nueces	58		26		84
Dallas/Fort Worth	Dallas and Tarrant	74		34		108
Denton	Denton	47		26		73
El Paso	El Paso	56		26		82
Galveston	Galveston	62		26		88
Granbury	Hood	59		26		85
Houston	Harris County; L. B. Johnson Space Center and Ellington AFB.	66		34		100
Lajitas	Brewster	56		26		82
Laredo	Webb	49		26		75
Longview	Gregg	43		26		69
Lubbock	Lubbock	53		26		79
McAllen	Hidalgo	52		26		78
Midland/Odessa	Ector and Midland	51		26		77
Nacogdoches	Nacogdoches	44		26		70
Plainview	Hale	45		26		71
Plano	Collin	74		26		100
San Angelo	Tom Green	45		26		71
San Antonio	Bexar	54		26		80
Temple	Bell	46		26		72
Waco	McLennen	47		26		73
Wichita Falls	Wichita	45		26		71
UTAH						
Bullfrog	Garfield	69		26		95
Cedar City	Iron	48		26		74
Salt Lake City/Ogden	Salt Lake, Weber, and Davis Counties; Dugway Proving Ground and Tooele Army Depot.	60		26		86
VERMONT						
Burlington	Chittenden	58		26		84
Middlebury	Addison	52		26		78
Montpelier	Washington	45		26		71
Rutland	Rutland	53		26		79
White River Junction	Windsor	56		26		82
VIRGINIA						
(See the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, see District of Columbia.)						
Blacksburg	Montgomery	57		26		83
Bristol *		46		26		72

Per diem locality		Maximum lodging amount (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city [1]	County and/or other defined location [2] [3]					
Charlottesville *		53		26		79
Fredericksburg *		44		26		70
Lexington *		48		26		74
Lynchburg *		50		26		76
Manassas/Manassas Park *	Prince William	55		26		81
Norfolk * (also Virginia Beach, Portsmouth, Hampton, Newport News, and Chesapeake)*.	York County; Naval Weapons Station, Yorktown	66		26		92
Petersburg *	Fort Lee	44		26		70
Richmond *	Chesterfield and Henrico Counties; also Defense Supply Center.	57		26		83
Roanoke *	Roanoke	53		26		79
Wallops Island	Accomack	54		26		80
Warrenton	Fauquier	50		26		76
Williamsburg *		68		34		102
*Denotes independent cities.						
WASHINGTON						
Anacortes	Skagit	51		26		77
Everett	Snohomish	55		26		81
Kelso/Longview	Cowlitz	46		26		72
Port Angeles	Clallam	49		26		75
Seattle	King	69		34		103
Spokane	Spokane	49		26		75
Tacoma	Pierce	49		26		75
Tumwater/Olympia	Thurston	56		26		82
Vancouver	Clark	52		26		78
Whidbey Island	Island	45		26		71
WEST VIRGINIA						
Beckley	Raleigh	44		26		70
Charleston	Kanawha	51		26		77
Harpers Ferry	Jefferson	52		26		78
Huntington	Cabell	48		26		74
Morgantown	Monongalia	46		26		72
Wheeling	Ohio	43		26		69
WISCONSIN						
Brookfield	Waukesha	54		26		80
Eau Claire	Eau Claire	48		26		74
Green Bay	Brown	49		26		75
Kewaunee	Kewaunee	58		26		84
La Crosse	La Crosse	52		26		78
Lake Geneva	Walworth	81		26		107
Madison	Dane	58		26		84
Marinette	Marinette	44		26		70
Milwaukee	Milwaukee	59		26		85
Minocqua/Rhinelander	Oneida	46		26		72
Mishicot	Manitowoc	55		26		81
Oshkosh	Winnebago	53		26		79
Sturgeon Bay	Door	54		26		80
Wausau	Marathon	48		26		74
Wautoma	Waushara	49		26		75
Wisconsin Dells	Columbia	53		26		79
WYOMING						
Berkeley Springs	Morgan	49		26		75
Cheyenne	Laramie	44		26		70
Cody	Park	46		26		72
Gillette	Campbell	42		26		68
Jackson	Teton	60		26		86
Martinsburg	Berkeley	49		26		75
Thermopolis	Hot Springs	42		26		68

[1] Unless otherwise specified, the per diem locality is defined as "all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."

[2] Per diem localities with county definitions shall include "all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties."

[3] Military installations or Government-related facilities (whether or not specifically named) that are located partially within the city or county boundary shall include "all locations that are geographically part of the military installation or Government-related facility, even though part(s) of such activities may be located outside the defined per diem locality."

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be surveyed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Federal Supply Service, Attn: Travel Management Division (FBT), Washington, DC 20406. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the locations.

Dated: November 30, 1990.

Rebekah T. Johnson,

Deputy Administrator of General Services.

[FR Doc. 90-29481 Filed 12-14-90; 8:45am]

BILLING CODE 6820-24-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 901218-0318]

Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency rule and correction of a notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) promulgates emergency regulations that temporarily amend the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) to remove speckled hind from the species managed as shallow-water groupers (all groupers other than jewfish and deep-water groupers) and add it to the species managed as deep-water groupers (currently, yellowedge, misty, warsaw, and snowy grouper). This transfer removes speckled hind from the species for which the commercial fishery in the exclusive economic zone in the Gulf of Mexico currently is closed, and thus allows for the retention of speckled hind (generally caught in deeper waters) until the quota for deep-water groupers is reached. Accordingly, this document also corrects the notice of closure for the commercial fishery for shallow-water groupers. The intended effect of this rule is to respond to an emergency in the reef fish fishery by allowing the continued harvest and retention of speckled hind, thereby preventing waste of a valuable resource.

EFFECTIVE DATE: December 11, 1991 through March 11, 1991.

ADDRESSES: Copies of documents supporting this action may be obtained from Robert A. Sadler, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3722.

SUPPLEMENTARY INFORMATION: The FMP was developed by the Gulf of Mexico Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and is implemented by regulations at 50 CFR part 641. Those regulations include speckled hind (*Epinephelus drummondhayi*) as a shallow-water grouper and set the commercial quota for shallow-water groupers in the Gulf of Mexico at 9.2 million pounds for the current fishing year, January 1-December 31, 1990. The quota was reached on November 7, 1990, and the commercial shallow-water grouper fishery was closed effective November 8, 1990, through December 31, 1990 (55 FR 46955, November 8, 1990).

Upon closure of the commercial shallow-water grouper fishery, the fishing effort in the deep-water fishery increased. A significant increase has been noted in the catch of speckled hind by vessels targeting deep-water groupers. Speckled hind reportedly represent from 30 to 40 percent of the groupers being taken after the closure. Because these speckled hind are being taken from relatively deep water, there is a high rate of mortality when they are released. Thus, the resource is wasted.

The categories used in the FMP, as amended, reflect a bathymetric association for the shallow- and deep-water groupers. However, no specific depth zone was established to separate the two groups. The groups are principally distinguished by ecological distribution, with the deep-water groupers generally found farther offshore in deeper waters beyond reef areas. Speckled hind are found on the outer reefs, mainly at depths of 100 fathoms or greater, and occur as a significant component of the deep-water fishery.

The Council requested this emergency action for two reasons. First, the current rate of catch of speckled hind in a fishery that is not taking any appreciable amount of other shallow-water groupers strongly indicates that speckled hind are not properly included as shallow-water groupers. Second, the inclusion of speckled hind in the shallow-water group, and corresponding exclusion from the deep-water group, is currently causing a significant waste of the resource.

The Council found that the waste of speckled hind owing to its erroneous inclusion in the shallow-water grouper category constitutes an emergency. The Secretary concurs. Accordingly, the Secretary promulgates this emergency rule to be effective for 90 days, as authorized by section 305 (e)(2)(B) and (e)(3)(B) of the Magnuson Act. Upon agreement of the Secretary and the Council, the emergency may be extended for an additional period of not more than 90 days. During the period of effectiveness of this emergency rule, the Council is expected to submit an amendment to the FMP addressing speckled hind.

In FR Doc. 90-26380 appearing in the issue of November 8, 1990, make the following correction:

On page 46955, under the "SUMMARY" heading, column 1, commencing on line 3, the information in parentheses should read "(all groupers other than yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, speckled hind, and jewfish)".

Classification

The Secretary has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

This emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. It is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the regular procedures of that order.

This rule is exempt from the procedures of the Regulatory Flexibility Act for preparation of a regulatory flexibility analysis because no general notice of proposed rulemaking for this rule is required by law.

The Assistant Administrator for Fisheries, NOAA, prepared an environmental assessment (EA) for this action which concludes that there will be no significant impact on the human environment. A copy of the EA is available from the address above.

The Secretary determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Alabama, Florida, Louisiana, and Mississippi. Texas does not participate in the coastal zone management program. These determinations have been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Secretary finds for good cause (i.e., to prevent waste of a valuable fishery resource) that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide prior notice and opportunity for public comment on this rule, or to delay for 30 days its effective date, under the provisions of section 553 (b)(B) and (d)(3) of the Administrative Procedure Act.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 11, 1990.

David S. Crestin,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 641.25 effective from [December 11, 1990], through [March 11, 1991], paragraph (b) is suspended and a new paragraph (l) is added to read as follows:

§ 641.25 Commercial quotas.

* * * * *

(l) Yellowedge, misty, warsaw, and snowy grouper and speckled hind (deep-water groupers), combined—1.8 million pounds.

* * * * *

[FR Doc. 90–29373 Filed 12–11–90; 4:24 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 55, No. 242
Monday, December 17, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV-91-227]

Onions Grown in South Texas; Proposed Budget and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order No. 959 for the 1990–91 fiscal period. Authorization of this budget would permit the South Texas Onion Committee to incure expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by December 27, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the Office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 447–2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), regulating the handling of onions grown in South Texas. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a non-major rule.

Pursuant to the requirements set forth in the Regulatory Flexibility act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 35 handlers of South Texas onions subject to regulation under the marketing order, and approximately 80 producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000.

The budget of expenses for the 1990–91 fiscal period was prepared by the South Texas Onion Committee (committee), the agency responsible for lcoal administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are producers and handlers of onions. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of South Texas onions. Because that rate would be applied to actual shipments, it must be established at a rate which would produce sufficient income to pay the committee's expected expenses.

The committee met on November 13, 1990, and unanimously recommended a 1990–91 budget of $298,000. This budget is $78,966 below last year's budget of $376,966. Major increases include $2,000 for insurance and bonds, and $2,250 for office salaries. Major decreases over last year include $23,922 for market development, $56,581 for production research, $3,500 for furniture and fixtures, and $5,500 for travel costs.

The committee also unanimously recommended an assessment rate of $0.00 (7 cents) per 50-pound container or equivalent. This rate, when applied to anticipated shipments of 4,000,000 50-pound containers, would yield $280,000 in assessment revenue. This amount, when added to $18,000 in interest on committee deposits, would be adequate to cover budgeted expenses. Reserve funds could be used to meet any shortfall in assessment revenue.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have sufficient funds to pay it expenses which are incurred on a continuous basis. The 1990–91 fiscal period began in August, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found that a comment period of 10 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements

For the reasons set forth in the preamble, it is proposed that 7 CFR part 959 be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. A new § 959.231 is added to read as follows:

§ 959.231 Expenses and assessment rate.

Expenses of $298,000 by the South Texas Onion Committee are authorized and an assessment rate of $0.07 per 50-pound container or equivalent quantity of regulated onions is established for the fiscal period ending July 31, 1991. Unexpended funds may be carried over as a reserve.

Dated: December 11, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–29406 Filed 12–14–90; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1124

[DA–90–037]

Milk in the Pacific Northwest Marketing Area; Notice of Proposed Temporary Revision of Supply Plant Delivery Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed temporary revision of rule.

SUMMARY: This notice invites public comments on a proposal to temporarily ease a supply plant shipping requirement that at least 30 percent of producer milk physically received be shipped to a distributing (bottling) plant in order to qualify the supply plant for pooling under the Pacific Northwest order during the month of December 1990, and for the months of January through August 1991. This action was requested in order to prevent the uneconomic movement of milk by a cooperative association that represents producers regularly associated with the market.

DATES: Comments are due no later than December 24, 1990.

ADDRESSES: Comments (two copies) should be sent to: USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 447–4829.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. This action would also tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criterion contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the provisions of § 1124.7(c) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Pacific Northwest marketing area is being considered for the month of December 1990, and the months of January through August 1991.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456 by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to seven days because a longer period would not provide the time needed to complete the required procedures and include December 1990 in the temporary revision period.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The Tillamook County Creamery Association (TCCA), a cooperative association that represents a number of the market's producers, has requested a temporary easing of the total minimum quantity of milk that a supply plant must ship to a distributing plant in order for the supply plant to maintain pool plant status. Specifically, TCCA has asked the Director of the Dairy Division to consider reducing the total quantity of producer milk that is physically received at a supply plant and subsequently shipped to a distributing plant to 20 percent. TCCA has requested that this temporary revision be effective for the month of December 1990, and for the months of January through August 1991.

In order for a supply plant to maintain its pool plant status, the Pacific Northwest order currently requires such plants to ship to a pool distributing plant a minimum of 30 percent of the total quantity of milk physically received. The order also provides authority for the Director of the Dairy Division to increase or decrease this supply plant shipping requirement by up to 10 percent if such a revision is necessary to obtain needed shipments or to prevent uneconomic shipments.

TCCA maintains that changes in milk production during the past few months has made it uneconomical and unnecessary to move the quantities of milk needed to maintain the delivery percentage required. They say that a temporary reduction of the shipping standard will not affect their willingness to supply spot loads of milk to the Portland bottling market as they traditionally do. With market conditions continuing along the current trend, TCCA says that it does not appear that they would maintain their pool plant status at the present delivery without making uneconomic and quality deteriorating movements of milk between plants solely for the purpose of meeting this pooling requirements.

List of Subjects in 7 CFR Part 1124

Milk marketing orders.

The authority citation for 7 CFR part 1124 continues to read as follows:

Authority: (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Signed at Washington, DC, on:

Dated: December 11, 1990.

W.H. Blanchard,

Director, Dairy Division.

[FR Doc. 90–29410 Filed 12–14–90; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1205

[CN-90-001]

Amendment to the Regulations Governing the Cotton Research and Promotion Program; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This notice corrects a proposed rule document (CN-90-001) published in the **Federal Register** on November 20, 1990 (55 FR 48242), concerning amendments to the regulations governing the Cotton Research and Promotion program.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford at (202) 447-2259.

SUPPLEMENTARY INFORMATION: On page 48242, in the second column, under "Supplementary Information", line 6, which reads "since it does meet the criteria" is revised to read "since it does not meet the criteria".

Dated: December 11, 1990.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 90-29408 Filed 12-14-90; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 40, 70, and 74

RIN 3150 AD56

Material Control and Accounting Requirements for Uranium Enrichment Facilities Producing Special Nuclear Material of Low Strategic Significance

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing new performance-based material control and accounting requirements that would be applicable to uranium enrichment facility licensees who produce significant quantities of special unclear material (SNM) of low strategic significance. The proposed requirements are similar to existing requirements which apply to licensees authorized to possess and use more than one effective kilogram of SNM of low strategic significance. The proposed rule would impose additional requirements to ensure that enrichment facilities would produce only enriched uranium of low strategic significance as authorized. The proposed requirements would also apply to all applicants who build or operate enrichment facilities.

DATES: Comment period expires March 4, 1991. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Deliver comments to One White Flint North, 11555 Rockville Pike, Rockville, MD, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Copies of the draft regulatory analysis, the environmental assessment and finding of no significant impact, the paperwork statement submitted to OMB, the draft regulatory guide, and comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon E. Gundersen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3803 or Mr. Donald R. Joy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-0352.

SUPPLEMENTARY INFORMATION:

Background

An advanced notice of proposed rulemaking on regulation of uranium enrichment, which would have created a new 10 CFR part 76, was published in the **Federal Register** on April 21, 1988 (53 FR 13276). The initiative was abandoned because legislative efforts being considered in Congress at the time might have changed by law the way NRC is required to license uranium enrichment facilities. Also, the sole potential applicant, URENCO, Inc. did not file a license application.

In the **Federal Register** on February 15, 1989 (54 FR 6876), safeguards reporting requirements were changed. Specifically, the amendment to 10 CFR 74.17, which would also apply to enrichment facilities deleted the requirement for licensees located in Region II as indicated in Appendix A to part 73 of this chapter to submit Special Nuclear Material (SNM) Physical Inventory Summary Reports to Region II. This change required all licensees subject to this reporting requirement to submit the reports to the Director, Office of Nuclear Material Safety and Safeguards because all aspects of material control and accounting (MC&A) have been completely transferred to NRC headquarters.

From 1975 to 1984, NRC's MC&A requirements for all major fuel cycle facilities, including any potential commercial enrichment facilities and reprocessing plants, were contained in 10 CFR part 70 (primarily §§ 70.51, 70.57, and 70.58). Those requirements, for the most part, did not vary with respect to the type of facility or with respect to the SNM category (i.e., low enriched uranium, high enriched uranium, or plutonium). In 1985, a new 10 CFR part 75 as created to amend the MC&A requirements that (1) recognized the different levels of safeguards significance among the different types of SNM, and (2) converted MC&A requirements for a prescriptive-based to a performance-based format.

The existing provisions of part 75, specifically 10 CFR 74.31, pertained to licensees (and applicants) authorized to possess and use more than one effective kilogram of SNM of low strategic significance as defined in 10 CFR 74.4. Section 74.31 is a set of MC&A objectives and capabilities required of licensees to assure the NRC and the general public that proper stewardship of SNM is maintained. These requirements provide adequate protection for SNM of low strategic significance at existing licensed facilities. Enrichment facilities were specifically exempted from coverage by 10 CFR 74.31 because (1) NRC had not received an application for a uranium enrichment facility, and at that time, saw no prospects for receiving such an application, and (2) the NRC believed that the safeguards issues pertaining to enrichment facilities producing SNM of low strategic significance (i.e., enriched uranium with a U^{235} concentration below 10 percent) were somewhat different and more complex than for other 10 CFR 74.31 type facilities.

An enrichment facility can be used clandestinely for production of high enriched uranium or unauthorized production of low enriched uranium. Thus, additional safeguards are needed for enrichment facilities to protect against such unauthorized activities. However, for centrifuge enrichment facilities, it is expected that during startup of each cascade the enrichment level in the cascade may temporarily exceed the regulatory limit during the first 24 hours of operation. This period of operation will allow time to resolve start-up problems and adjust equipment. The NRC staff expects that 24 hours is a sufficient period of adjustment without allowing an excessive amount of cascade operation outside of normal

controls. This is considered to be part of the start-up process and not an unauthorized activity. The NRC staff seeks specific comments from the public on the sufficiency of this 24 hour period of adjustment. Diffusion and atomic vapor laser isotope separation enrichment technologies do not experience this start-up phenomenon.

There is a possibility that applications for a license for the construction and operation of new enrichment facilities may be submitted to the NRC in the near future. There is also a possibility, over a longer term, that legislation will be enacted that would put all or part of the Department of Energy's (DOE) enrichment facilities under the jurisdiction of NRC regulations. It would thus be appropriate for the NRC to clarify and formalize its regulatory position with respect to MC&A requirements applicable to enrichment facilities producing uranium of low strategic significance.

This proposed rule on MC&A contains only a few of the requirements which need to be met prior to obtaining a license to operate an enrichment facility.

Because of enactment of the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Pub. L. 101–575) a single licensing process under 10 CFR parts 40 and 70 will be used which will involve the issuance of a single license authorizing construction and operation of an uranium enrichment facility and the receipt, possession, use, and transfer of source and SNM.

MC&A is only one part of the safeguards program required for uranium enrichment applicants and licensees. Failure to properly carry out certain safeguards activities at enrichment facilities could adversely affect the national common defense and security. Safeguards consists of physical protection, MC&A, and information security. The SNM of low strategic significance produced by enrichment facilities need to be protected from theft by having a physical security program which meets the requirements of 10 CFR 73.67. Classified or sensitive information and hardware have to be protected according to 10 CFR parts 25 and 95. In particular, centrifuges need to be protected from theft, unauthorized viewing, or unauthorized use. For centrifuge technology, the details of this protection program are currently under joint development by NRC, DOE, and Department of State. Enrichment technology, either currently used by or under development by the DOE, when subject to NRC license, would be protected by information security measures equivalent to those now used by DOE. In addition, Congress has addressed fitness-for-duty in section 5152 of the Drug-Free Workplace Act of 1988 (102 Stat. 4304) which requires persons awarded a contract for property or service of $25,000 or more from any Federal agency to certify that it will provide a drug-free workplace. Also, section 5153 of the Drug-Free Workplace Act of 1988 (102 Stat. 4306) requires persons receiving any grant from a Federal agency to certify that it will provide a drug-free workplace. Therefore, an uranium enrichment applicant or licensee obtaining a Federal agency grant or contract of $25,000 or more will be required to certify that it will provide a drug-free workplace.

If an enrichment facility is expended by adding additional modules after operation has begun, the new modules would be required to meet the requirements of the existing FNMC Plan, by addendum to the plan, prior to placing the modules in service. However, the NRC staff believes that it has addressed all major issues associated with MC&A for enrichment facilities, but if that is not the case, the staff expects to handle those issues as they arise on a case-by-case basis through license conditions.

The Commission is proposing new MC&A requirements for uranium enrichment facilities. Since the proposed 10 CFR 74.33 was developed by starting with the existing 10 CFR 74.31 requirements, most of the general performance objectives of 10 CFR 74.31 were incorporated. Notably, 10 CFR 74.31(a)(3), "Aid in the investigation and recovery of missing material," was not retained. Although this objective might be helpful following an actual theft of SNM, it is not logically part of an MC&A system, because it involves activities that can only begin after the material has left the licensee's control. Recovery of missing material is a responsibility of the U.S. Department of Justice, which has ample authority to compel any licensee's assistance in its investigatory and prosecutorial activities. The proposed 10 CFR 74.33 sets forth requirements for traditional MC&A measures and additional measures to protect against unauthorized activities at facilities producing SNM of low strategic significance. The proposed 10 CFR 74.33 does not depend on 10 CFR 74.31 but is intended to be a stand-alone provision.

A major new feature of this proposed rule is the requirement to account on a measured basis for all uranium and U^{235} on site, whether it is natural, depleted, or enriched uranium. This is necessary because the enrichment process, in changing the U^{235} concentration, consumes natural uranium and produces depleted and enriched uranium. If a material balance around the U^{235} received, produced, shipped, and remaining in inventory is periodically verified by a physical inventory; then this process, in the absence of any safeguards alarms, provides high assurance that the MC&A system is operating properly.

The proposed rule contains other significant features which will be described in turn. Physical inventories taken on an annual basis have historically been sufficient for safeguarding low enriched uranium; i.e., less than 10 percent U^{235}, and thus, have been applied to enrichment facilities. Physical inventories are also expected to be sufficient for natural and depleted uranium because the material will be in a form which is easily and precisely measured.

The 2-month interval for dynamic inventories of the enrichment process area was selected because annual material balances represent a large quantity of uranium with an associated relatively large uncertainty. Since uncertainty has the effect of reducing the amount of material loss that can be detected, the 2-month interval improves our loss detection capability by reducing the amount of material in the material balance. Also, the 2-month period provides an opportunity to check the operation of the material tracking system so that proper tracking of all quantities of material can be demonstrated. Since process area inventories are based on indirect measurements, and not the traditional MC&A measurements based on assays of samples, and isotopic or U^{235} determinations, the uncertainties are higher for indirect measurements. The iterative process of taking dynamic inventories every 2 months; i.e., predicting the amount of enriched uranium based on indirect measurements and comparing that to the actual amount produced in a finite amount of time, e.g., 24 hours, establishes a process which could lead to more accurate dynamic inventories. Finally, the 2-month period repeated over time will effectively monitor any long term growth of process holdup within the process piping and equipment.

A practice of exempting items each containing less than 500 grams U^{235} up to a cumulative total of 50 kilograms U^{235} from the item control program has historically been sufficient for low enriched licensees, and thus, has been applied to enrichment facilities. The NRC staff does not expect any adverse impact on the MC&A program because

the total quantity exempted is small relative to the active inventory for an enrichment facility.

A practice of exempting from resolution shipper-receiver differences which are less than 500 grams U^{235} has historically been sufficient for low enriched licensees, and thus, has been applied to enrichment facilities. The NRC staff does not expect any adverse impact on the MC&A program because shipper-receiver differences should average out to a near zero value over time due to some differences being positive and others negative.

Draft Regulatory Guide

The proposed rule is written in general, performance-based language to give the applicant flexibility in designing a cost-effective system to make best use of site-specific features. The purpose of the draft regulatory guide is to provide an acceptable method of meeting the performance-based system capabilities described in 10 CFR 74.33. It should be noted that the applicant is free to use any method that complies with the requirements of 10 CFR 74.33.

The Commission also requests public comment on the draft regulatory guide. Comments on the draft guide may be submitted to the NRC as indicated under the **ADDRESSES** heading.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that these amendments are not a major Federal action significantly affecting the quality of the human environment, and therefore an environmental impact statement is not required. The rule is mainly administrative in nature and would not change any requirements that could have significant environmental impact. The proposed rule would provide assurance that only enriched uranium of low strategic significance as authorized by the license is produced at a licensed enrichment facility through material control and accounting measures and other appropriate requirements. There may be some increase in occupational exposure stemming from safeguard-related activities such as data recording, inspecting, or sample taking, but likely not enough to be measurable or identifiable.

Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The recordkeeping and reporting requirements in this rulemaking have been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Public reporting burden for this collection of information is estimated to average 437 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch MNBB–7714, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–3019, (3150–0123), Office of Management and Budget, Washington, DC 20503.

Draft Regulatory Analysis

The NRC has prepared a draft regulatory on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC.

The Commission requests public comments on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that, if promulgated, this rulemaking will not have a significant economic impact on a substantial number of small entities. The proposed rule, when promulgated, would affect only persons who build or operate enrichment facilities producing enriched uranium of low strategic significance. The owners of enrichment facilities do not fall within the scope of the definition of "small entities" set forth in section 601(3) of the Regulatory Flexibility Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, thus, a backfit analysis is not required for these amendments because it does not involve any provisions that would impose backfits on licenses, approvals, or applications for any existing facilities described in 10 CFR 50.109(a)(1) (i)–(v).

List of Subjects

10 CFR Part 2

Administrative practice and procedures, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 40

Government contracts, Hazardous materials—Transportation, Nuclear materials, Criminal penalties, Reporting and recordkeeping requirements, Source material, Uranium.

10 CFR Part 70

Hazardous materials—Transportation, Material control and accounting, Nuclear materials, Packaging and containers, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

10 CFR Part 74

Accounting, Hazardous materials—Transportation, Material control and accounting, Nuclear materials, Packaging and containers, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

For the reasons set forth in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 74, and conforming amendments to 10 CFR parts 2, 40, and 70.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231) sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); Sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued

under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.)

2. In appendix C, supplement III is amended by adding new paragraphs A.3 and B.4 to read as follows:

Supplement III—Severity Categories

Safeguards

A. * * *

3. Actual unauthorized production of a formula quantity of special nuclear material.

B. * * *

4. Actual unauthorized production of special nuclear material.

* * * * *

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for part 40 continues to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)–(3), 40.35 (a)–(d) and (f), 40.41 (b) and (c), 40.46, 40.51 (a) and (c), and 40.63 are issued under sec. 161b, 161i, and 161o, 68 Stat. 948, 949, and 950, as amended, (42 U.S.C. 2201(b), 2201(i), and 2201(o)), and §§ 40.5, 40.9, 40.24 (c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 40.1, paragraph (a) is revised to read as follows:

§ 40.1 Purpose.

(a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source and byproduct materials, as defined in this part, and establish and provide for the terms and conditions upon which the Commission will issue these licenses. (Additional requirements applicable to natural and depleted uranium at enrichment facilities are set forth in § 70.22 of this chapter.) These regulations also provide for the disposal of byproduct material and for the long-term care and custody of byproduct material and residual radioactive material. The regulations in this part also establish certain requirements for the physical protection of import, export, and transient shipment of natural uranium. (Additional requirements applicable to the import and export of natural uranium are set forth in part 110 of this chapter.)

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

5. The authority citation for part 70 continues to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, Sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); Secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under Secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95–601, Sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under Sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.7(g), 70.19(c), 70.21(c), 70.22 (a), (b) (d)–(k), 70.24 (a), and (b), 70.32 (a)(3), (5) and (6), (d) and (i), 70.36.70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)–(g)(3), and (h)–(j) are issued under sec. 161b, 161i, and 161o, 68 Stat. 948, and 950, as amended (42 U.S.C. 2201(b), 2201(i), and 2201(o)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)–(g), 70.56, 70.57 (b) and (d), 70.58 (a)–(g)(3) and (h)–(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.5, 70.9, 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k) and (l), 70.59, and 70.60 (b) and (c) are issued sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o));

6. In § 70.22, paragraph (b) is revised and new paragraph (m) is added to read as follows:

§ 70.22 Contents of applications.

* * * * *

(b) Each application for a license to possess special nuclear material and equipment capable of enriching uranium, or to possess and use at any one time and location special nuclear material in a quantity exceeding one effective kilogram, except for applications for use as sealed sources and for those uses involved in the operation of a nuclear reactor licensed pursuant to part 50 of this chapter and those involved in a waste disposal operation, must contain a full description of the applicant's program for control and accounting of such special nuclear material or enrichment equipment that will be in the applicant's possession under license to show how compliance with the requirements of §§ 70.58, 74.31, 74.33, or 74.51 of this chapter, as applicable, will be accomplished.

* * * * *

(m) Each application for a license to possess equipment capable of enriching uranium or operate an enrichment facility, and produce, possess, or use more than one effective kilogram of special nuclear material at any site or contiguous sites subject to control by the applicant, must contain a full description of the applicant's security program to protect against theft, unauthorized viewing, and unauthorized disclosure of classified matter in accordance with the requirements of 10 CFR parts 25 and 95.

7. In § 70.32, paragraph (c)(1) is revised to read as follows:

§ 70.32 Conditions of license.

* * * * *

(c)(1) Each license authorizing the possession and use at any one time and location of uranium source material or special nuclear material in a quantity exceeding one effective kilogram, except for use as sealed sources and those uses involved in the operation of a nuclear reactor licensed pursuant to part 50 of this chapter and those involved in a waste disposal operation, shall contain

and be subject to a condition requiring the licensee to maintain and follow:

(i) The program for control and accounting of uranium source material or special nuclear material and fundamental nuclear material controls implemented pursuant to §§ 70.22(b), 70.58(1), 74.31(b), 74.33(b), or 74.51(c)(1) of this chapter, as appropriate;

(ii) The measurement control program for uranium source material or special nuclear material control and accounting implemented pursuant to §§ 70.57(c), 74.31(b), 74.33(b), or 74.59(e) of this chapter, as appropriate; and

(iii) Such other material control procedures as the Commission determines to be essential for the safeguarding of uranium source material or of special nuclear material and providing that the licensee shall make no change that would decrease the effectiveness of the material control and accounting program implemented pursuant to §§ 70.22(b), 70.58(1), 70.51(g), 74.31(b), 74.33(b), or 74.51(c)(1) of this chapter and the measurement control program implemented pursuant to §§ 70.57(c), 74.31(b), 74.33(b), or 74.59(e) of this chapter without the prior approval of the Commission. A license desiring to make such changes shall submit an application for amendment to its license pursuant to § 70.34.

* * * * *

8. In § 70.51, paragraph (b) introductory text is revised to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(b) Licensees subject to the recordkeeping requirements of §§ 74.31, 74.33 and 74.59 of this chapter are exempt from the requirements of § 70.51(b)(1) through (5).

* * * * *

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

9. The authority citation for part 74 is revised to read as follows:

Authority: Secs. 53, 57, 161, 182, 183, 68, Stat. 930, 932, 948, 953, 954, as amended, Sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 74.17, 74.31, 74.51, 74.53, 74.55, 74.57, 74.59, 74.81, and 74.82 are issued under secs. 161b and 161i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201(b); and 2201(i)); and §§ 74.11, 74.13, 74.15, and 74.17, are issued under Sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

10. Section 74.1 is revised to read as follows:

§ 74.1 Purpose.

(a) This part has been established to contain the requirements for the control and accounting of special nuclear material at fixed sites and for documenting the transfer of special nuclear materials. General reporting requirements as well as specific requirements for certain licensees possessing special nuclear material of low strategic significance and formula quantities of strategic special nuclear material are included. Requirements for the control and accounting of source material at enrichment facilities are also included. The specific control and accounting requirements for other licensees are contained in §§ 70.51, 70.57, and 70.58 of this chapter.

(b) The general conditions and procedures for the submittal of a license application for the activities covered in this part are detailed in § 70.22 of this chapter.

11. In § 74.2, paragraphs (b) and (c) are revised to read as follows:

§ 74.2 Scope.

* * * * *

(b) In addition, specific control and accounting requirements are included for certain licensees who:

(1) Possess and use formula quantities of strategic special nuclear material,

(2) Possess and use special nuclear material of low strategic significance, or

(3) Possess uranium source material and equipment capable of producing enriched uranium.

(c) Special control and accounting requirements for special nuclear material of moderate strategic significance and for miscellaneous categories of licensees who possess special nuclear material are contained in §§ 70.51, 70.57, and 70.58 of this chapter.

12. In § 74.4, the term "batch" is added to read as follows:

§ 74.4 Definitions.

* * * * *

Batch means a portion of source material or special nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of measurements. The source material or special nuclear material may be in bulk form or contained in a number of separate items.

* * * * *

13. In § 74.8, paragraph (b) is revised to read as follows:

§ 74.8 Information collection requirements; OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 74.11, 74.13, 74.31, 74.33, 74.51, 74.57, and 74.59.

* * * * *

14. In § 74.11, the section heading and paragraph (a) are revised to read as follows:

§ 74.11 Reports of loss or theft or attempted theft or unauthorized production of special nuclear material.

(a) Each licensee who possesses one gram or more of contained uranium-235, uranium-233, or plutonium shall notify the NRC Operations Center within 1 hour of discovery of any loss or theft or other unlawful diversion of special nuclear material which the licensee is licensed to possess, or any incident in which an attempt has been made to commit a theft or unlawful diversion of special nuclear material. Each licensee who operates a uranium enrichment facility shall notify the NRC Operations Center within 1 hour of discovery of any production of uranium enriched to 10 percent or more in the isotope U^{235} or unauthorized production of uranium of low strategic significance. For centrifuge enrichment facilities the requirement to report enrichment levels greater than that authorized by license within 1 hour does not apply to each cascade during its startup process, not to exceed the first 24 hours. The requirement does not pertain to measured discards or inventory difference quantities.

* * * * *

15. Section 74.17 is revised to read as follows:

§ 74.17 Special nuclear material physical inventory summary report.

(a) Each licensee subject to the requirements of § 74.31 or § 74.33 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 60 calendar days from the start of the physical inventory required by § 74.31(c)(5) or § 74.33(c)(4) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 30 calendar days from the start of the physical inventory required

by § 70.51(e)(3) of this chapter. The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(c) Each licensee subject to the requirements of § 74.51 shall submit a completed Special Nuclear Material Physical Inventory Summary Report on NRC Form 327 not later than 45 calendar days from the start of the physical inventory required by § 74.59(f). The licensee shall report the inventory results by plant and total facility to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

16. A new § 74.33 is added to read as follows:

§ 74.33 Nuclear material control and accounting for uranium enrichment facilities authorized to produce special nuclear material of low strategic significance.

(a) *General performance objectives.* Each licensee who is authorized by this chapter to possess equipment capable of enriching uranium or operate an enrichment facility, and produce, possess, or use more than one effective kilogram of special nuclear material of low strategic significance at any site or contiguous sites, subject to control by the licensee, shall establish, implement, and maintain a Commission-approved material control and accounting system that will achieve the following objectives:

(1) Maintain accurate, current, and reliable knowledge of source material and special nuclear material;

(2) Protect against and detect any production of uranium enriched to 10 percent or more in the isotope U^{235};

(3) Protect against and detect unauthorized production or uranium of low strategic significance;

(4) Resolve indications of missing uranium;

(5) Resolve indications of any production or uranium enriched to 10 percent or more in the isotope U^{235}; and

(6) Resolve indications of unauthorized production or uranium of low strategic significance.

(b) *Implementation dates.* Each applicant for a license who would, upon issuance of a license pursuant to any part of this chapter, be subject to the requirements of paragraph (a) of this section shall:

(1) No later than 2 years prior to facility start up, submit a fundamental nuclear material control plan describing how the performance objectives of § 74.33(a) and the system features and capabilities of § 74.33(c) will be met; and

(2) Implement the NRC approved plan submitted pursuant to paragraph (b)(1) of this section prior to (i) receipt of more than a total of 5,000 grams of U^{235} contained in natural, depleted, or enriched uranium or (ii) NRC's issuance of a license to test or operate the enrichment facility.

(c) *System features and capabilities.* To meet the general performance objectives of paragraph (a) of this section, the Material Control and Accounting (MC&A) system must include the features and capabilities described in paragraphs (c) (1) and (8) of this section. The licensee shall establish, document, and maintain:

(1) A management structure that ensures:

(i) Clear overall responsibility for MC&A functions;

(ii) Independence of MC&A management from production responsibilities;

(iii) Separation of key MC&A responsibilities from each other; and

(iv) Use of approved written MC&A procedures and periodic review of those procedures;

(2) A measurement program that ensures that all quantities of source material and special nuclear material in the accounting records are based on accurately measured values;

(3) A measurement control program that ensures that:

(i) Measurement bias is estimated and minimized through the measurement control program, and any significant biases are eliminated from inventory difference values of record;

(ii) All MC&A measurement systems are controlled so that twice the standard error of the inventory difference is less than the greater of 5,000 grams of U^{235} or 0.25 percent of the active inventory for each total plant material balance; and

(iii) Any measurements performed under contract are controlled so that the licensee can satisfy these requirements;

(4) An inventory program that ensures that accurate, current, and reliable knowledge of source and special nuclear material is maintained, and that includes:

(i) Performing, unless otherwise required to satisfy part 75 of this chapter, a dynamic (nonshutdown) physical inventory of in-process uranium and U^{235} at least every 65 days, and performing a static physical inventory of all other uranium and total U^{235} contained in natural, depleted, and enriched uranium located outside of the enrichment processing equipment at least every 370 calendar days, with static physical inventories being conducted in conjunction with a dynamic inventory of in-process uranium and U^{235} so as to provide a total plant material balance at least every 370 calendar days; and

(ii) Reconciling and adjusting the book inventory to the results of the static physical inventory and resolving, or reporting an inability to resolve, any inventory difference that is rejected by a statistical test which has a 90 percent power of detecting a discrepancy of a quantity of U^{235} established by NRC on a site-specific basis within 60 days after the start of each static physical inventory;

(5) A detection program, independent of production, that provides high assurance of detection of any:

(i) Production of uranium enriched to 10 percent or more in the U^{235} isotope in any product stream, and

(ii) Unauthorized production of uranium of low strategic significance;

(6) An item control program that ensures that:

(i) Current knowledge is maintained of items that exist for 14 or more calendar days with respect to identity, uranium and U^{235} content, and stored location, and

(ii) Items are stored and handled, or subsequently measured, in a manner so that the amount of U^{235} involved in any unauthorized removal of items or uranium from items greater than 500 grams will be detected. Exempted are licensee-identified items each containing less than 500 grams U^{235} up to a cumulative total of 50 kilograms of U^{235};

(7) A resolution program that ensures that any shipper-receiver differences are resolved that are statistically significant and exceed 500 grams U^{235} on:

(i) An individual batch basis; and

(ii) A total shipment basis for all source material and special nuclear material; and

(8) An assessment program that:

(i) Independently assesses the effectiveness of the MC&A system at least every 24 months,

(ii) Documents the results of the above assessment,

(iii) Documents management's findings on whether the MC&A system is currently effective, and

(iv) Documents any actions taken on recommendations from prior assessments.

(d) *Recordkeeping.* (1) Each licensee shall establish records that will demonstrate that the performance objectives of paragraph (a) and the system features and capabilities of paragraph (c) of this section have been met and maintain these records in an auditable form, available for inspection,

for at least 3 years, unless a longer retention time is required by part 75 of this chapter.

(2) Records that must be maintained pursuant to this part may be the original or a reproduced copy or a microform if such reproduced copy or microform is duly authenticated by authorized personnel and the microform is capable of producing a clear and legible copy after storage for the period specified by Commission regulations. The record may also be stored in electronic media with the capability for producing, on demand, legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures.

(3) The licensee shall maintain adequate safeguards against tampering with and loss of records.

Dated at Rockville, Maryland, this 11th day of December 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90-29437 Filed 12-14-90; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 60

[Docket No. PRM-60-4]

Definition of the Term "High-Level Radioactive Waste"

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking.

SUMMARY: The States of Washington and Oregon request that the Commission revise the definition of the term "high-level radioactive waste" so as to establish a procedural framework and substantive standards by which the Commission will determine whether reprocessing waste, including in particular certain waste stored at the U.S. Department of Energy's site at Hanford, Washington, is high-level radioactive waste and therefore subject to the Commission's licensing authority.

DATES: Submit comments by March 18, 1991. Comments received after this date will be considered if it is practical to do so, but consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. For a copy of the petition, write: Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301 492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Petitioners' Request

The petitioners request that the Commission amend 10 CFR 60.2 to clarify the definition of "high-level radioactive waste" (HLW) and the definition of "HLW facility." The petitioners request that the Commission—

1. Establish a process to evaluate the treatment of defense reprocessing wastes in tanks so that such wastes will not be considered HLW if, prior to disposal, each tank is treated to remove the largest technically achievable amount of radioactivity; and

2. Require that the heat produced by residual radionuclides, together with the heat of reaction during grout processing (if employed as a treatment technology), will be within limits established to ensure that grout meets temperature requirements for long-term stability for low-level waste forms.[1]

The petitioners seek clarification that the disposal of wastes treated to this standard is not disposal in a "HLW facility" as presently defined in 10 CFR 60.2. The petitioners state that should the Commission regard 10 CFR Part 50, Appendix F as the controlling regulation to determine whether a waste is HLW, that the Commission also modify that definition as proposed in the petition.

Basis for the Petition

The petitioners state that this rulemaking is based, in part, on section 202 of the 1974 Energy Reorganization Act, which defines Commission authority over retrievable surface storage facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by DOE which are not used for, or are part of, research and development activities. The petitioners further state that the Congressional definition of the term "high-level radioactive waste" in the Nuclear Waste Policy Act (NWPA) 42 U.S.C. 10101 (12) gives the Commission the authority to define whether wastes are "highly radioactive material" or "solids derived from [liquid reprocessing wastes] that contain fission products in sufficient concentrations." [2]

According to the petitioners, legislative history reveals that Congress intended the Commission to license defense reprocessing tank wastes at the point of long-term storage or disposal. The petitioners note that low fraction wastes resulting from pretreatment of tank wastes are scheduled to be grouted and disposed of in land-based grout vaults on the Hanford site in accordance with regulations developed under the Resource Conservation and Recovery Act (RCRA). The petitioners believe that if such wastes are HLW, they clearly fall under the Commission's licensing jurisdiction under section 202 (4) of the Energy Reorganization Act of 1974.[3]

Reasons for Petition

The petitioners point out that the present definition of HLW in the Commission's regulations is based upon the source of the waste. According to petitioners, while HLW may be differentiated from "incidental waste," the legal basis for doing so must derive from NWPA, specifically 42 U.S.C. 10101 (12) (A), which refers to a "sufficient concentrations" criterion for classification.[4] The petitioners claim that incidental waste source is impossible to ascertain due to mixing in defense tanks and the unavailability of accurate records. They point out, in particular, that over the last 45 years, mixing of wastes from different sources has complicated the classification of Hanford tank wastes, including double-shell tank wastes. Moreover, the petitioners state that radionuclide inventories are estimates and subject to substantial uncertainty. Variables contributing to the uncertainty include incomplete and inaccurate records, the lack of actual fuel and/or waste analyses, and an incomplete understanding of the chemistry and

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[1] Grout is a fluid mixture of cementitious materials and liquid waste that sets up as a solid mass and is used for waste fixation and immobilization.

[2] For an analysis of this provision, see "Definition of 'High-Level Radioactive Waste'" (advance notice of proposed rulemaking, 52 FR 5992, February 27, 1987) and subsequent rulemaking documents (proposed amendments to 10 CFR part 61, 53 FR 17709, May 18, 1988; final amendments to 10 CFR part 61, 54 FR 22578, May 25, 1989).

[3] It should be noted, however, that the Commission has jurisdiction only if the facilities are of the types described in section 202(4).

[4] Note, however, the Commission's statement, at 52 FR 5995, February 27, 1987, that classification under the cited provision "would be irrelevant in determining whether such wastes must be disposed of in licensed disposal facilities."

pathways in reprocessing and waste treatment processes. The petitioners assert that neither DOE, the Commission, nor the petitioners have adequate information regarding the radioactive portion of the double-shell tank waste. The petitioners believe that the Commission needs to establish both a procedure and a standard for making an evaluation as to whether waste are HLW on a tank-by-tank basis.

The petitioners assert that the proposed amendment is essential to provide protection of the future health and safety of the citizens of the Pacific Northwest.

Petitioners' Proposal

The petitioners suggest that the definitions of "High-Level Radioactive Waste" and "HLW Facility" in 10 CFR 60.2 be revised and a new appendix A be added to 10 CFR part 60. The specific language suggested by the petitioners reads as follows:

1. In § 60.2, the definitions of "High-Level Radioactive Waste" and "HLW Facility" are revised to read as follows:

§ 60.2 Definitions.

* * * * *

High-level radioactive waste or HLW means: (1) Irradiated reactor fuel, (2) Liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel, and (3) Solids into which such liquid wastes have been converted; provided that if, prior to disposal, defense reprocessing tank wastes are treated to remove the largest technically achievable amount of radioactivity on a tank-by-tank basis (as provided in appendix A), the treated residual fraction shall be considered an incidental waste and therefore not HLW.

HLW facility means a facility subject to the licensing and related regulatory authority of the Commission pursuant to sections 202(3) and 202(4) of the Energy Reorganization Act of 1974 (88 Stat 1244).[2]

* * * * *

[2] These are DOE "facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act (the Atomic Energy Act) " and "Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive wastes generated by (DOE), which are not used for, or are part of, research and development activities". Facilities for the long-term storage or disposal of incidental wastes resulting from treatment of defense reprocessing wastes are not HLW facilities.

2. A new Appendix—A is added to part 60 to read as follows:

Appendix A—Procedures For Determining Largest Technically Achievable Treatment

At least one year before a tank of defense reprocessing wastes containing high-level waste components is treated, pretreated or blended prior to permanent disposal, DOE shall submit the following to the Commission and the affected state and publish in the **Federal Register**:

1. Data on physical characteristics of the waste, including density and percent solids, inorganic and organic constituents, and radiochemistry (e.g., gamma energy analysis, total alpha, total beta);

2. Volumetric data on untreated waste, on volume changes expected as a result of treatment, pretreatment or blending activities and the expected volume of the final waste form (grout, saltcrete or vitrified waste);

3. A description of the treatment processes, including an estimated mass balance for each process, and estimated percent recovery for each separation, and concentrations of major waste components before and after treatment;

4. The proposed grout or saltcrete formulation, together with heat transfer calculations for the waste form; and

5. To the degree possible, treatment system models similar to the attached grout system model should be used to present data and describe processes.

At least six months before a tank of defense reprocessing tank wastes containing high-level waste components is pretreated, treated or blended prior to permanent disposal in near-surface or deep geologic facilities, the Commission shall require a license under section 202(4) of the Energy Reorganization Act, 42 U.S.C. 5842 (4) unless the Commission, on a tank-by-tank basis determines the following:

1. The DOE has demonstrated that the largest technically achievable amount of activity from the tank will be isolated for vitrification prior to permanent disposal; and

2. That use of permanent shallow land disposal for the tank waste will be limited to the incidental waste portion, which is the activity remaining after the largest technically achievable amount of activity has been removed; and

3. That the treatment, pretreatment and blending processes described in the DOE submittal will achieve the stated separation and/or recovery efficiencies; and

4. That the treatment, pretreatment and blending processes described in the DOE submittal are proven, cost effective, state-of-the art processes, which are capable of removing the largest technically achievable amount of activity.

Petitioners' Conclusions

The petitioners state that rulemaking procedures are necessary to determine the nature of the incidental, lesser radioactive fraction of wastes and that rulemaking is appropriate to establish a procedural framework and substantive standards by which particular wastes will be assessed. The petitioners contemplate that particular determinations of how specific wastes will be characterized under these general standards can be left to individual adjudicative proceedings.

The petitioners believe that the amendments suggested by their petition would protect human health and the environment, would facilitate meaningful Commission involvement in the ultimate disposal and/or long-term storage of Hanford double-shell tank waste, and would support implementation of the Hanford Federal Facility Agreement and Consent Order.

Request for Comments

Commenters are invited to address, among other things, the desirability and appropriateness of (1) The proposed substantive standard ("remove the largest technically achievable amount of radioactivity on a tank-by-tank basis"), (2) the proposed procedure for applying that standard, and (3) an amendment to 10 CFR part 60 (in view of the scope defined in 10 CFR 60.1) vis-a-vis the adoption of a new Part or amendment to some other existing Part of NRC regulations.

Dated at Rockville, Maryland, this 11th day of December 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90-29438 Filed 12-14-90; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Docket No. 21222-0262]

RIN 0625-AA04

Foreign-Trade Zones in the United States

AGENCY: Foreign-Trade Zones Board, International Trade Administration, Commerce.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: In response to requests from interested parties, the period for public comment on the further amendments to the proposed revisions to the regulations of the Foreign-Trade Zones Board regarding foreign-trade zones in the United States published in the **Federal Register** on November 20, 1990 (55 FR 48446), is extended to February 1, 1991.

DATES: Comments must be received on or before February 1, 1991.

ADDRESSES: Comments (original and 6 copies) are to be addressed to John J. Da Ponte, Jr., Executive Secretary, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, N.W., room 4213, Washington, DC 20230. (202) 377–2862.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell, Assistant General Counsel for Import Administration, Room 3622, U.S. Department of Commerce, Pennsylvania and 14th Street, NW., Washington, DC 20230. (202) 377–8916.

Dated: December 11, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90–29469 Filed 12–14–90; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–8–89]

RIN 1545–AP29

Employee Business Expenses—Reporting and Withholding on Employee Business Expense Reimbursements and Allowances

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portions of this issue of the **Federal Register**, the Internal Revenue Service is issuing a temporary regulation relating to deductions allowable in computing adjusted gross income that consist of expenses paid or incurred by an employee under a reimbursement or other expense allowance arrangement with his or her employer. The text of the temporary regulation also serves as the comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed before February 19, 1991.

ADDRESSES: Send comments and requests for a public hearing to Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attention: CC:CORP:T:R (EE–8–89), room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Richard Pavel at telephone 202–377–9372 (Not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The text of the temporary regulation amends 26 CFR by amending paragraphs (c)(2) and (f) of § 1.62–1T with respect to deductions allowable in computing adjusted gross income that consist of expenses paid or incurred by an employee under a reimbursement or other expense allowance arrangement with his or her employer. For the text of the temporary regulation, see T.D. 8324 published in the Rules and Regulations portion of this issue of the **Federal Register**.

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably nine copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Internal Revenue Service by any person who also submits written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Richard Pavel of the Office of the Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Internal Revenue Service. However, personnel from other offices of the Service and Treasury Department participated in their development.

Fred T. Goldberg,

Commissioner of Internal Revenue.

[FR Doc. 90–29476 Filed 12–14–90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

Louisiana Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Louisiana permanent regulatory program (hereinafter, the "Louisiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions pertain to an exemption for the extraction of coal incidental to the extraction of other minerals. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards.

This notice sets forth the times and locations that the Louisiana program and proposed amendment to that program are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4 p.m., c.s.t. January 2, 1991.

ADDRESSES: Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Louisiana program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135, Telephone: (918) 581–6430.

Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Route, LA 70804–9275, Telephone: (504) 342–5515.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Director, Tulsa Field Office, on telephone number (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior conditionally approved the Louisiana program. General background information on the Louisiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Louisiana program can be found in the October 10, 1980 **Federal Register** (45 FR 67340). Subsequent actions concerning Louisiana's program and program amendments can be found at 30 CFR 918.16.

II. Proposed Amendment

By letter dated August 14, 1990, (Administrative Record No. LA–307) Louisiana submitted a proposed amendment to its program pursuant to SMCRA. Louisiana submitted the proposed amendment in response to a February 7, 1990 letter that OSM sent in accordance with 30 CFR 732.17(c). Louisiana proposes to add a new chapter 4, entitled "Exemption for Coal Extraction Incidental to the Extraction of Other Minerals."

OSM published a notice in the September 14, 1990, **Federal Register** (55 FR 37903) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. LA–311). The public comment period ended October 15, 1990.

During its review of the amendment, OSM identified concerns relating to sections: 1.07.C., applicability; 403.A.2. and 403.B., definitions; 405.A.1., 405.B., and 413.C., application requirements, conditions of exemptions, and right of inspection and entry; 405.D., application requirements and procedures; and 405.F.1. and F.2., and 417.C.2. and C.3., administrative review. OSM notified Louisiana of the concerns by letter dated November 14, 1990, (Administrative Record No. LA–313). Louisiana responded in a letter dated November 29, 1990, by submitting a revised amendment package (Administrative Record No. LA–312).

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Louisiana program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Louisiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 10, 1990.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 90–29428 Filed 12–14–90; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3870–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of extension of public comment period.

SUMMARY: On November 14, 1990 (55 FR 47481), USEPA proposed to disapprove a revision to the Indiana State Implementation Plan (SIP) for total suspended particulates. USEPA's action was based upon a revision request which was submitted by the State. The revision pertains to new particulate matter emission limitations for Boilers 5 and 6 at the Joseph E. Seagram and Sons, Inc., facility located in Lawrenceburg, Dearborn County, Indiana. At the request of Joseph E. Seagram and Sons, Inc., the public comment period is being extended until January 14, 1991, to allow additional time to develop comments on the issues presented in the proposed rulemaking.

DATES: Comments must be received on or before January 14, 1991.

FOR FURTHER INFORMATION CONTACT: E. Marie Phillips, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6034.

Dated: December 7, 1990.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 90–29462 Filed 12–14–90; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND SERVICES

Health Care Financing Administration

42 CFR Part 431

[MB–30–P]

RIN 0938–AF09

Medicaid Program; Coordination of Medicaid with Special Supplemental Food Program for Women, Infants, and Children (WIC)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would require State Medicaid agencies to coordinate the operation of the Medicaid program with the State's operation of the Special Supplemental Food Program for Women, Infants, and Children (WIC) under section 17 of the Child Nutrition Act of 1966. State Medicaid agencies would also be required to notify certain individuals of WIC benefits and refer them to the local WIC agency.

The rule would implement section 6406 of the Omnibus Budget Reconciliation Act of 1989, Public Law 101–239.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on February 15, 1991.

ADDRESSES: Address comments in writing to Health Care Financing Administration, Department of Health and Human Services, Attention: MB–30–P, P.O. Box 26676, Baltimore, Maryland 21207.

Please address a copy of comments on information collection requirements to Office of Information and Regulatory Affairs, Attention: Allison Herron, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

If you prefer, you may deliver your comments to one of the following locations:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC
or
Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Md.

Due to staffing and resource limitations, we cannot accept facsimile (FAX) copies of comments. In commenting, please refer to file code MB–30–P. Comments will be available for public inspection as they are received, beginning approximately 3 weeks after publication, in room 309–G of the Departmental offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 am. to 5 pm., (202) 245–7890.

FOR FURTHER INFORMATION CONTACT: Marinos Svolos, 301–966–4451.

SUPPLEMENTARY INFORMATION:

Background

In recent years, Congress has made numerous amendments to title XIX (Medicaid) of the Social Security Act to ensure that low-income pregnant women, infants, and children receive necessary medical assistance as early as possible. These actions have been part of Congress' efforts to prevent infant mortality and low birth weight and to reduce the incidence of health problems among these low-income individuals.

States operate a Special Supplemental Food Program for Women, Infants, and Children (WIC) under section 17 of the Child Nutrition Act of 1966. WIC serves low-income pregnant, breastfeeding, and postpartum women and infants and children under age 5 who are determined by a medical professional to be at nutritional risk and who have incomes at or below 185 percent of the Federal poverty level. Women and children eligible for WIC receive nutrition assistance (including vouchers to purchase such items as iron-fortified cereals, infant formula or milk, eggs, juice, and peanut butter), nutrition education, and some health-related services. Many individuals who are eligible for WIC are also eligible for Medicaid.

Legislative Change and Proposed Regulations

To ensure that both the Medicaid and WIC programs better serve the health needs of low-income women, infants, and children under 5, Congress enacted section 6406 of the Omnibus Budget Reconciliation Act of 1989 (OBRA '89), Public Law 101–239 (103 Stat. 2106), on December 19, 1989, to require State Medicaid agencies to coordinate operation of the Medicaid program with the WIC program. (The State's WIC program already must include a plan to coordinate operations with Medicaid.) In addition, section 6406 requires States to notify all Medicaid-eligible women who are pregnant, breastfeeding, or postpartum, and all children under age 5 who are eligible for Medicaid, of the availability of the WIC benefits. This notification must occur in a timely manner. States must also provide for the referral of these women and children to the State agency responsible for administering WIC.

Section 6406 of OBRA '89 added new sections 1902(a)(11)(C) and 1902(a)(53) to the Social Security Act to specify the State plan requirements for coordination of Medicaid with WIC. Section 6406 is effective July 1, 1990 without regard to whether regulations to carry out the provision have been promulgated. We propose to incorporate these State plan requirements in the Medicaid regulations at 42 CFR part 431, subpart M, § 431.635. In providing for the requirement that States notify Medicaid-eligible women who are pregnant, breastfeeding, or postpartum and infants and children under 5 of WIC benefits in a timely manner, we propose to require that this notification take place as soon as an individual comes to the attention of the State agency (e.g., at the time of a determination of Medicaid eligibility, including presumptive eligibility of pregnant women), or immediately thereafter (e.g., at the time of notice of eligibility). This interpretation is consistent with Congressional intent as indicated in a House Committee Report on provisions included in OBRA '89 (Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, 101st Cong., 1st Sess., Report on Medicare and Medicaid Health Budget Reconciliation Amendments of 1989 (Comm. Print 101–M) (1989)). We propose to require that the notice be a written notification.

The State agency may not always be aware that a woman is pregnant, breastfeeding, or postpartum or that a child is under age 5. We solicit comments on whether these individuals can be identified and, if so, how they can be identified. We propose to require that the agency, no less frequently than annually, provide written notification concerning WIC to all Medicaid recipients who might be pregnant, breastfeeding, or postpartum or who are under age 5. This notification must be provided to a broad enough group(s) to ensure that all Medicaid-eligible individuals who might be eligible for WIC become aware of WIC benefits and how to obtain them. We solicit comments on how this group(s) can be identified and, alternatively, whether such notification should be provided annually to all Medicaid recipients. This notification must include information about the availability of WIC benefits and either the location and telephone number of the local WIC agency or instructions on how to obtain further information about WIC. Also, we would require State agencies to effectively inform those individuals who are blind or deaf or who cannot read or understand the English language.

In determining the women who must be notified of WIC benefits and referred to the WIC agency, we propose to use the definitions of postpartum and breastfeeding women, as specified in section 17 of the Child Nutrition Act of 1966 (as directed in the new section 1902(a)(53) of the Social Security Act). A woman is considered postpartum for 6 months after termination of pregnancy and a breastfeeding woman for one year after termination of pregnancy if she is breastfeeding her infant.

The House Committee Report cited earlier indicates that the costs incurred in carrying out the provisions of sections 1902(a)(11)(C) and 1902(a)(53) are to be considered by the Secretary as necessary for the proper and efficient administration of the State Medicaid plan. Since these provisions are required, the Secretary has a basis for determining that the costs are necessary. Under section 1903(a)(7) of the Act, costs for the proper and efficient administration of the State Medicaid plan are subject to 50 percent Federal matching.

Response to Public Comments

Because of the large number of items of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, we will consider all comments that we receive by the date specified in the "**DATES**" section of this preamble and respond to them in the preamble of the final rule for this proposed rule.

Regulatory Impact Statement

Executive Order (E.O.) 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed regulation that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign

based enterprises in domestic or export markets.

In addition, we generally prepare an initial regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a proposed regulation would not have a significant economic impact on a substantial number of small entities. For purposes of RFA, we do not consider States or individuals to be small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital which is located outside a Metropolitan Statistical Area and has fewer than 50 beds.

This proposed rule would primarily conform the regulations to the legislative provisions of section 6406 of the Omnibus Budget Reconciliation Act of 1989. The proposed provisions affect only States and certain individuals. Although we expect that some States may experience increased costs as a result of preparing and distributing notices about the WIC program to certain Medicaid recipients, we believe the costs will be negligible. Federal matching of 50 percent will help offset these costs.

For these reasons, we have determined that a regulatory impact analysis is not required. Further, we have determined, and the Secretary certifies, that this proposed rule would not have a significant economic impact on the operation of a substantial number of small rural hospitals. We, therefore, have not prepared a regulatory flexibility analysis.

Paperwork Burden

Section 431.635 contains information collection requirements that are subject to review by the Office of Management and Budget under the requirements of the Paperwork Reduction Act (44 U.S.C. chapter 35). We have submitted these proposed regulations to OMB for review. We estimate a reporting burden of 1 hour per State for completion of the necessary State Medicaid plan amendments for this statutory requirement for submission to HCFA. A notice will be published in the **Federal Register** when approval is obtained. Comments regarding the burden estimate or any other aspect of information collection must be addressed to the specified office indicated under the "**ADDRESSES**" section of this preamble.

List of Subjects in 42 CFR Part 431

Grant Programs—health, Health facilities, Medicaid, Reporting and recordkeeping requirements.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

1. The authority citation for part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. A new section 431.635 is added under subpart M to read as follows:

§ 431.635 Coordination of Medicaid with Special Supplemental Food Program for Women, Infants, and Children (WIC).

(a) *Basis.* This section implements sections 1902(a)(11)(C) and 1902(a)(53) of the Act which provide for coordination of Medicaid with the Special Supplemental Food Program for Women, Infants, and Children (WIC) under section 17 of the Child Nutrition Act of 1966.

(b) *State plan requirements.* A State plan must provide for—

(1) Coordinating operation of the Medicaid program with the State's operation of the Special Supplemental Food Program for Women, Infants, and Children;

(2) Providing written notice of the availability of WIC benefits to all individuals in the State who are determined to be eligible for Medicaid and who are:

(i) Pregnant women;

(ii) Postpartum women during the 6 months after termination of pregnancy;

(iii) Women up to 1 year after termination of pregnancy who are breastfeeding their infants; and

(iv) Children under the age of 5.

(3) Referring individuals described under paragraphs (b)(2) (i) through (iv) of this section to the local agency responsible for administering the WIC program.

(c) *Notification requirements.* (1) The agency must give the written notice required under paragraph (b) of this section as soon as the agency identifies the individual (e.g., at the time of an eligibility determination for Medicaid (or immediately thereafter)).

(2) The agency, no less frequently than annnally, must also provide written notice of the availability of WIC benefits, including the location and telephone number of the local WIC agency or instructions for obtaining further information about the WIC program, to all Medicaid recipients who are under age 5 and who are women who might be pregnant, postpartum, or breastfeeding as described in paragraphs (b)(2) (i) through (iii) of this section.

(3) The agency must effectively inform those individuals who are blind or deaf or who cannot read or understand the English language.

(Catalog of Federal Domestic Assistance Program No. 13.714—Medical Assistance Programs)

Dated: July 16, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

Approved: September 13, 1990.

Louis W. Sullivan,

Secretary.

[FR Doc. 90-29447 Filed 12-14-90; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-20; Notice 16]

RIN 2127-AD48

Fuel System Integrity; Compressed Natural Gas (CNG) and Liquified Petroleum Gas (LPG)

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petitions; Notice reopening comment period.

SUMMARY: This notice grants petitions submitted jointly by the National Propane Gas Association (NPGA) and the LP-Gas Clean Fuels Coalition, and separately by Ford Motor Co., the Motor Vehicle Manufacturers Association, the Natural Gas Vehicle Coalition and the Compressed Gas Association, seeking additional time to respond to an advance notice of proposed rulemaking (ANPRM) requesting comments on potential safety issues associated with the use of CNG or LPG as a motor fuel. Even though the initial comment period has expired, NHTSA is granting the petitions because the agency believes it would be in the public interest to allow the petitioners additional time to develop and submit comments to the lengthy list of questions in the ANPRM, and in the case of the petitioning trade associations, coordinate the comments of their members. Accordingly, the agency has decided to reopen the comment period.

DATES: Comments in response to the October 12, 1990 advance notice of proposed rulemaking must be received by January 31, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Gary R. Woodford, NRM–01.01, Special Projects Staff, Rulemaking, National Highway Traffic Safety Administration, room 5320, 400 7th St., SW., Washington, DC 20590. Telephone: (202) 366–4804.

SUPPLEMENTARY INFORMATION: On October 12, 1990 (55 FR 41561), the agency published an ANPRM requesting public comments on potential safety issues associated with the use of CNG or LPG as a motor fuel, and soliciting ideas on whether NHTSA needs to, and if so, how it might address those issues through a possible new or amended fuel system integrity standard. That notice also announced that NHTSA would hold a public meeting on these issues.

The ANPRM contained 47 questions concerning the safety and usage of these fuels, and provided for a 60 day comment period. The comment period closed on December 11, 1990. NHTSA received a request from the NPGA and the LP-Gas Clean Fuels Coalition seeking an extension on November 16, 1990. Subsequently, the agency received additional requests seeking an extension of the comment period from Ford Motor Co. (Ford), the Motor Vehicle Manufacturers Association (MVMA), the Natural Gas Vehicle Coalition (NGVC), and the Compressed Gas Association (CGA). These petitions sought extensions ranging from 45 to 90 days.

All of the petitioners except for Ford are trade associations. The petitioners claim that the existing comment period did not enable their members to adequately analyze and respond to the ANPRM. In addition, Ford stated that its staff is already involved In responding to NHTSA's recent ANPRM on fuel system integrity for methanol and ethanol powered vehicles, and as a result, was unable to prepare appropriate comments in time to meet the December 11, 1990 deadline.

The agency notes that under 49 CFR 553.19, the filing of a petition for an extension of time to submit comments "does not automatically extend the time for petitioner's comments. Such a petition is granted only if the petition shows good cause for the extension, and if the extension is consistent with the public interest." What constitutes "good cause" in a particular case depends upon a consideration of all relevant facts, including the extent to which the petitioner demonstrates that it will not be able to offer meaningful comments on the proposal without an extension, the reasons for that inability, the extent to which the petitioner demonstrates the need for the additional information in order to complete the rulemaking record, and the extent to which an extension is consistent with the public interest.

Applying these criteria to these petitions, the agency concludes that the petitioners showed good cause for providing additional time to prepare and submit comments. First, the ANPRM contains 47 questions, a number of which request detailed information. The agency did not anticipate the broad interest in the ANPRM, and the resulting need of the petitioners to coordinate a substantial number of complex responses from their memberships. Second, the agency believes that the public interest with respect to the ANPRM is best served by having the agency decide whether it is appropriate to proceed with rulemaking on these issues based upon the maximum amount of information it can obtain without unduly delaying the rulemaking process.

While the comment period expired before the agency was able to arrange for the publication of a notice extending the comment period, the agency continues to believe that additional time to prepare comments on the ANPRM would assist the agency in this rulemaking. After carefully considering these petitions, NHTSA concludes that they show good cause for permitting commenters additional time to prepare and file comments about the ANPRM on fuel system integrity for compressed natural gas and liquid petroleum gas, and that reopening the comment period is consistent with the public interest. It has therefore decided to reopen the comment period for an additional 45 days. The new comment period will end January 31, 1991.

Authority: 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50.

Issued: December 12, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90–29456 Filed 12–12–90; 1:26 pm]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 55, No. 242
Monday, December 17, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Rock Willow and Muddy Creek Timber Sales, Wallowa-Whitman National Forest, Baker County, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the USDA, Forest Service, will prepare an environmental impact statement (EIS) to analyze two timber sales and related activities, including possible road construction and reconstruction, within (essentially) unroaded areas on the east face of the Elkhorn Mountains.

The timber sale proposals are located within the Red Analysis Area, which includes the Dutch Flat Creek and Rock Creek drainages. The proposals are separated by the North Powder River. Activities for the Rock Willow proposal are planned for implementation in fiscal year 1992. The Muddy Creek proposal would be implemented in 1995. Both areas are located on the Baker Ranger District about 12 air miles from Baker City and 9 air miles from the community of North Powder.

The agency gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATE: Comments concerning the scope of the analysis should be received in writing by March 29, 1991.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Kenneth B. Koon, District Ranger, 3165 10th Street, Baker City, OR 97814.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and EIS to Joanne Britton, NEPA Coordinator, 3165 10th Street, Baker City, OR 97814, telephone: (503) 523-4476.

SUPPLEMENTARY INFORMATION: The proposals include, but are not limited to, harvesting timber, constructing and closing roads on two timber sales, and associated activities such as reforestation, trail building, spring development, bridge building, and wildlife habitat enhancement activities.

This analysis will evaluate a range of alternatives, including the no action alternative, and will explore opportunities to harvest timber, build roads, and other activities within the Rock Willow and Muddy Creek project areas within the Red Analysis Area, which is approximately 35,000 acres.

This EIS will tier to the final EIS and the Wallowa-Whitman Land and Resource Management Plan (Forest Plan), which provides the overall guidance for management of this area for the next 10–15 years. The Forest Plan provides goals and objectives, Forest-wide standards and guidelines, management area standards and guidelines, and management area prescriptions for the various lands and resources on the Forest. This direction provides for management practices that will be utilized during the implementation of the Forest Plan.

Forest Plan direction for the Rock Willow project area is predominantly timber production emphasis, and for Muddy Creek it is primarily wildlife/timber. The remainder of the analysis area is designated backcountry and old growth. No timber sale projects are planned within backcountry and old growth.

The proposals fall within the Twin Mountain roadless area. Twin Mountain was considered for Wilderness status during the Roadless Area Reviews, but was not recommended for Wilderness or further study by the 1984 Oregon Wilderness Bill.

Tentative issues relevant to both areas include: impacts of harvest activities on the visual quality of the east face of the Elkhorns; impacts of human activities on big game habitat; impacts of human activities on heretofore unknown species of threatened, endangered, or sensitive status; impacts of harvest activities on water quality and peak flows; economic feasibility of timber values vs. costs to harvest; impacts of human activities on the integrity of the roadless character; and maintenance of ecological function (which includes forest health and biodiversity).

Public participation will be especially important at several points during the analysis, beginning with the scoping process. The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies, and other individuals or organizations who may be interested in or affected by the proposals. The scoping process includes:

1. Identifying and clarifying issues.
2. Identifying key issues to be analyzed in depth.
3. Exploring alternatives based on themes which will be derived from issues recognized during scoping activities.
4. Identifying potential environmental effects of the proposals and alternatives (direct, indirect, and cumulative effects, and connected actions).
5. Determining potential cooperating agencies and task assignments.
6. Developing a list of interested people to keep apprised of opportunities to participate through meetings, personal contacts, or written comment.
7. Developing a means of informing the public through the media and/or written material (e.g., newsletters, correspondence, etc.).

Public comments are appreciated throughout the analysis process. The draft EIS is expected to be completed about December 1991. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of this early stage of public participation and of several court rulings related to public participation in the environmental review process.

First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 533 (1978). Also, environmental objections that could have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, 803 f.2d 1016, 1022 (9th

Cir, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled for completion February 1992. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Robert M. Richmond, Forest Supervisor, Wallowa-Whitman National Forest is the Responsible Official. As the Responsible Official he will decide which, if any of the proposed activities will be implemented. The Responsible Official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: December 6, 1990.

R.M. Richmond,

Forest Supervisor.

[FR Doc. 90-29446 Filed 12-14-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Cooperation Agreements under the Fish and Seafood Promotion Act of 1986.

Form Number: None; OMB—0648-0199.

Type of Request: Request for extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 20 respondents; 244 reporting hours; average hours per response—6.1 hours.

Needs and Uses: Any citizen of the United States may apply for a cooperative agreement. The information will be used by the National Fish and Seafood Promotional Council established by the Fish and Seafood Promotion Act of 1986.

Affected Public: Individuals, state or local governments, business or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations.

Frequency: On occasion, quarterly, annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Ronald Minsk, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 10, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90-29431 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

[Docket No. 901221-0321]

Guidelines for Export Transactions Involving Equipment, Materials, and Technical Data for Producing Biological Agents

December 11, 1990.

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Notice on exports of equipment, materials, and technical data for the production of biological agents.

SUMMARY: In support of U.S. foreign policy opposing the proliferation and use of biological weapons, the Department of Commerce controls the export of certain biological agents that can be used in the production of biological weapons. These controls demonstrate the commitment of the United States not only to control exports of these biological agents, but to urge multilateral control efforts and to support the international obligations agreed to in the 1972 Biological Disarmament convention Equipment, materials, and technical data that have diverse civil applications, and thus are not uniquely related to the production of biological agents for biological weapons purposes, are not subject to control. However, the Department of Commerce urges exporters of such equipment, materials, and technical data to be alert to suspicious transactions involving the potential for diversion to biological weapons purposes. This notice provides guidelines to enable suppliers of such equipment, materials, and technical data to identify suspicious transactions and to inform the appropriate authorities of these transactions. These guidelines are consistent with those developed by the 20-member Australia Group, a multilateral forum which seeks to curb chemical and biological weapons proliferation.

This is an advisory notice only—it does not impose new foreign policy controls and does not create new licensing or other requirements under the Export Administration Regulations.

FOR FURTHER INFORMATION CONTACT: For questions on foreign policy controls, call Toni Jackson, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-4531.

For questions of a technical nature on biological agents or on equipment, materials, and technical data for the production of these biological agents, call James Seevaratnam, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-5695.

SUPPLEMENTARY INFORMATION:

Background

The growing number of nations that have acquired the capability to produce biological weapons has caused considerable international concern. The United States encourages multilateral efforts to reduce the spread of biological agents that can be used for biological weapons purposes as well as the equipment, materials, and technical data that can be used for producing such agents. In particular, the United States participates in the 20-member Australia

Group, which seeks ways to prevent the proliferation of chemical and biological weapons.

In support of U.S. policies opposing the proliferation of biological weapons, the Department of Commerce maintains export controls on certain viruses and viroids and certain bacteria, fungi, and protozoa described in ECCNs 4997B and 4998B, respectively, in the Commodity Control List (CCL), Supplement No. 1 to § 799.1 of the Export Administration Regulations. A validated license is required to export these biological agents to all destinations except Canada. Equipment, materials, and technical data that have diverse civil applications, and thus are not uniquely related to the production of biological agents for biological weapons purposes, are not subject to control.

This notice provides guidelines concerning certain patterns of suspicious behavior that should alert exporters of equipment, materials, or technical data for producing biological agents to the potential for diversion to biological weapons activities. Suppliers should be particularly alert to this possibility when handling orders for (or requests to transfer) equipment, materials, or technical data to produce biological agents controlled by ECCNs 4997B and 4998B. This notice also provides guidelines for identifying equipment, materials, and technical data that may be of concern for biological weapons purposes.

The guidelines provided by this notice are being issued by the Department of Commerce, in consultation with the Department of State, to enable suppliers to evaluate their own transactions to determine whether there is a potential for diversion to biological weapons activities. These guidelines are consistent with the guidelines developed by the Australia Group to provide member governments with a basis for alerting suppliers of equipment, materials, or technical data for the production of biological agents to the potential for diversion to biological weapons activities.

U.S. suppliers are advised to contact the Office of Export Enforcement, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230 (telephone: (202) 377–8208), if they detect any suspicious circumstances during a transaction involving the export of equipment, materials, or technical data capable of producing biological agents, or if additional information or guidance is required.

Guidelines for Identifying Equipment, Materials, and Technical Data That May Be of Concern for Biological Weapons Purposes and for Recognizing Suspicious Behavior in Transactions Involving Such Equipment, Materials, and Technical Data

I. Technical Data for Producing Biological Agents That May Be of Concern for Biological Weapons Purposes

The following technical data are likely to be sought by entities engaged in biological weapons activities:

(1) Technical data concerning the culturing, handling, properties, and storage requirements of pathogenic organisms.

(2) Technical data concerning the production, handling, properties, and storage requirements of toxins.

Suppliers of technical data described in paragraphs (1) and (2) above should be alert to the following patterns of suspicious behavior:

(1) Approaches by nationals of countries of concern (e.g., Iran, Iraq, Syria, and Libya) to enroll as students or be engaged as research workers in courses or projects involving such technical data.

(2) A pattern of attendance by individuals from countries of concern at conferences and seminars involving such technical data.

(3) Approaches by unknown individuals, institutes, or companies seeking consultations or advice concerning such technical data. Particular caution is advised where unusually generous payments are offered and where those seeking such consultations or advice:

(i) Are evasive, unconvincing, or clearly untruthful when queried about the ultimate purposes for which the technical data will be used;

(ii) Ask for unusually strict confidentiality;

(iii) Have, or appear to have, military links; or

(iv) Are known to be, or may be, acting for organizations based in countries of concern.

II. Equipment and Materials for Producing Biological Agents That May Be of Concern for Biological Weapons Purposes

The following kinds of equipment and materials are likely to be sought by entities engaged in biological weapons activities:

(1) Equipment for containment at the P–3 or P–4 level, for example:

(i) High efficiency particulate air filters (HEPA-filters);

(ii) Double ended or large capacity autoclaves;

(iii) Air-supplied laboratory protective clothing;

(iv) Micro-biological containment safety cabinets.

(2) Fermentation equipment (especially where the fermentation vessels have a self-sterilizing capability).

(3) Fermentation media—large quantities (e.g., hundreds of kilograms).

(4) Large scale agent concentration or harvesting equipment, for example:

(i) Continuous flow centrifuges;

(ii) Extraction columns;

(iii) Filters suitable for concentrating biological agents.

(5) Equipment for preserving and stockpiling biological agents, for example:

(i) Freeze-drying equipment;

(ii) Microencapsulation equipment.

(6) Equipment for dispersing biological agents (e.g., aerosol generators).

III. Guidelines for Identifying Suspicious Behavior in Business Transactions That Involve Equipment, Materials, or Technical Data for the Production of Biological Agents

(1) Approach from previously unknown parties (including those who require technical assistance) whose identity is not clear, who appear evasive about their identity or connections, or whose references are not convincing.

(2) Transaction that is unusual in light of the customer's normal business activities.

(3) Customer's reluctance to provide an adequate explanation concerning the end-use of the equipment, materials, or technical data, or the customer's use of evasive responses concerning the end-use.

(4) Customer's reluctance to provide information on the location of the plant/place where the materials or technical data are to be used or where the equipment is to be installed.

(5) Customer's reluctance to provide answers to routine commercial or technical questions.

(6) Customer in military-related business (e.g., customer under the control of a defense ministry or the armed forces).

(7) Customer's explanation for needing the equipment, materials, or technical data is suspect in view of the customer's normal technical capabilities.

(8) Equipment to be installed (or materials or technical data to be utilized) in an area under strict security control (e.g., an area close to military-

related facilities or an area to which access is severely restricted).

(9) Equipment to be installed in an area that is unusual in light of the character of the equipment.

(10) Unusual customer request concerning the shipment or labeling of goods.

(11) Unusually favorable payment terms (e.g., payment above market price, interest rate above prevailing market rate, or lump-sum cash payment).

(12) Unusual request by customer for excessive confidentiality concerning the final destination or the details of the equipment, materials, or technical data to be provided.

(13) Customer request for excessive safety/security measures in light of the stated end-use, or customer's lack of familiarity with appropriate safety/security measures.

(14) Customer request for spare parts or devices that are not normally associated with the equipment or the stated end-use (e.g., excessive advance orders for spare parts), or customer's failure to request spare parts or devices normally associated with the stated end-use, and the absence of a convincing explanation for the customer's unnecessary requests or failure to make necessary requests.

(15) No request for a performance guarantee, warranty, or service contract.

(16) No request for the assistance of a technical expert or for training normally in connection with the installation or operation of the equipment.

(17) Packaging or handling arrangements are inconsistent with the stated mode of shipment or with the stated destination.

(18) Customer requests completion of a partially finished project.

(19) Contractor is refused access to parts of the plant other than those involved in the contract.

(20) Contract for the construction or renovation of a plant is divided by the customer without furnishing adequate information about the complete scope of the project, including the proposed use of the plant.

Dated: December 11, 1990.

Kenneth A. Cutshaw,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 90-29429 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulation, we are initiating those administrative reviews.

EFFECTIVE DATES: December 17, 1990.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with § 353.22(a)(1) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders and findings.

Initiation of Reviews

In accordance with § § 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than November 30, 1991.

	Periods to be Reviewed
Antidumping Duty Proceedings	
Argentina:	
Carbon Steel Wire Rod	
A-357-007, Acindar	11/1/89-10/31/90
Japan:	
Bicycle Speedometers	
A-588-038, Sanyo Electric Co	11/1/89-10/31/90
Titanium Sponge	
A-588-020, Osaka Titanium Co., Showa Denko K.K., Toho Titanium	11/1/89-10/31/90
West Germany:	
Drycleaning Machinery	
A-428-037, Seco, Bowe	10/1/89-9/30/90
Countervailing Duty Proceedings	
Argentina:	
Oil Country Tubular Goods	
C-357-403	1/1/89-12/31/89
Singapore:	
Certain Refrigeration Compressors	
C-559-001	4/1/89-3/31/90

Interested parties must submit applications for administrative protective orders in accordance with § 353.34(b) and § 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.22(c) (1989) and § 355.22(c) (1988).

Dated: December 11, 1990.

Holly A. Kuga,

Acting Deputy, Assistant Secretary for Compliance.

[FR Doc. 90-29472 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-25-M

[A-580-807]

Postponement of Final Antidumping Duty Determination: Polyethylene Terephthalate Film, Sheet, and Strip From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from SKC Limited and SKC America, Inc., counsel for respondents in the antidumping duty investigation, to postpone the final determination, as permitted in section 735(a)(2) of the Tariff Act of 1930, as amended (the Act), (19 U.S.C. 1673d(a)(2). Based on this request, we are postponing our final determination as to whether sales of polyethylene terephthalate film, sheet, and strip (PET film) from the Republic of Korea have been made at less than fair value until not later than April 15, 1991.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Bradford Ward at (202) 377-5288, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230.

SUPPLEMENTAL INFORMATION: On December 4, 1990, counsel for the respondents requested that the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2) of the Act. Accordingly, we are postponing the date of the final determination until not later than April 15, 1991. In accordance with 19 C.F.R. 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than March

11, 1991, and rebuttal briefs no later than March 18, 1991. In accordance with 19 CFR 353.38(b) of the Department's regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held on March 20, 1991, at 10 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice in the Federal Register. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b) of the Department's regulations, oral presentations will be limited to issues raised in the briefs.

This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: December 10, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-29470 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-804]

Preliminary Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of sparklers from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Erik Warga, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or (202) 377-8922, respectively.

SUPPLEMENTARY INFORMATION: .

We preliminarily determine that imports of sparklers from the PRC are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673(b)) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on July 31, 1990, (55 FR 31088), the following events have occurred. On August 16, 1990, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the PRC of sparklers (USITC Pub. No. 2306, August 1990).

On August 17, 1990, we presented an antidumping questionnaire to officials of the Embassy of the PRC.

On August 23, 1990, the China Chamber of Commerce of Imports and Exporters of Foodstuffs, Native Produce and Animal-By-Products requested an extension of time to respond to the questionnaire. On August 24, 1990, we granted an extension until September 25, 1990 to respond to section A of the questionnaire and until October 9, 1990 to respond to the remaining sections. Questionnaire responses were received on the above dates. We issued deficiency letters on October 18 and November 6, 1990. We received replies to the deficiency letters on November 9 and 16, 1990.

Scope of Investigation

The products covered by this investigation are sparklers from the People's Republic of China. Sparklers are fireworks, each comprising a cut-to-length wire, one end of which is coated with a chemical mix that emits bright sparks while burning. Sparklers are currently classifiable under HTS subheading 3604.10.00. The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of the product coverage.

Period of Investigation

The period of investigation (POI) is February 1, 1990 through July 31, 1990.

Fair Value Comparisons

To determine whether sales of sparklers from the PRC to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

In calculating USP, the Department used purchase price, as defined in section 722 of the Act, because exporters knew that sparklers were destined for the United States. Purchase price was based on the CIF, packed price to unrelated purchasers in Hong Kong for sparklers destined for the United States. We made deductions discounts, and charges incurred for inland freight, ocean freight, and marine insurance.

In accordance with the policy set forth in our final determination in the investigation of carbon steel wire rod from Poland (49 FR 29434, July 20, 1984), we based the deduction for inland freight on freight rates in market economy countries.

Since the goods were transported from China to Hong Kong aboard PRC-owned carriers, we based the deduction for ocean freight on the charges of non-state-owned carriers in a market economy country.

Foreign Market Value

In past cases (*e.g.*, Tapered Roller Bearings from the People's Republic of China: Final Determination of Sales at Less than Fair Value, 52 FR 19748 (May 27, 1987)], the Department has treated the PRC as a nonmarket economy country. The PRC government, on behalf of the PRC sparkler sellers, contests such treatment in this investigation. The PRC government's submission did not, however, contain any documents or evidence substantiating its claims. Moreover, documents submitted by the PRC sellers indicate that there is government control of sparkler producers at the local and provincial levels. The Department has, therefore, determined that nonmarket economy treatment is appropriate in this investigation.

As a result, section 773(c) of the Act, as amended by the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act"), requires the Department to determine foreign market value on the basis of the market valuation of the factors of production utilized in producing the subject merchandise.

The 1988 Act further requires the Department to value the factors of production to the extent possible, in one or more market economy countries that are at a level of economic development comparable to that of the NME and that are significant producers of comparable merchandise.

Of countries known to produce sparklers, we have determined that India, Pakistan and the Philippines are comparable to the PRC in terms of per capita GNP, the national distribution of labor, and growth rate in per capita GNP. We calculated FMV based on

factors of production reported by the Chinese exporters, Hunan Provincial Firecrackers & Fireworks Import & Export (Holding) Corporation; Guangxi Native Produce Import & Export Corporation, Behai Fireworks and Firecrackers Branch; and, Jiangxi Native Produce Import & Export Corporation, Guangzhou Fireworks Company. We used information regarding values of various factors of production from India, Pakistan and the Philippines.

We chose India as the most comparable surrogate on the basis of per capita GNP, the national distribution of labor and growth rate in per capita GNP. Where possible, we obtained information for valuing factors of production from publicly available sources in India.

We first sought to base the values assigned to various factors on Indian prices. For those factors for which no Indian price was available, we assigned values based on data from the Philippines and Pakistan, the only other countries for which the Department had adequate data. For factors for which data were available from none of the three countries, we used prices of factors similar to the PRC factors. Where possible we made price adjustments to account for differences in the factors. We also based value for some factors on actual prices paid by the PRC manufacturers for inputs that were imported from countries with market economies. Where appropriate, the factor values were inflated to POI levels using wholesale price indices published by the International Monetary Fund.

The components required to produce sparklers were reduced to a factor representing the quantity needed to manufacture one carton of sparklers. The per carton factor was multiplied by the value for each component material. We than added an amount for labor cost. To the resulting sum, we added an amount for factory overhead based on information contained in the petition and information received from the Pakistan sparkler industry and relayed by our embassy in Pakistan. We than added statutory minimums of 10 percent for general expenses and 8 percent for profit. We added statutory minimums, pursuant to section 733(e)(1)(B) of the Act, because no adequate surrogate information was available. Finally, we added an amount for packing costs to arrive at a constructed foreign market value for a single carton of sparklers. We then compared this value to the exporters' U.S. price for a single carton of sparklers. We made currency conversions in accordance with 19 CFR 353.60(a).

Preliminary Negative Determination of Critical Circumstances

Petitioner alleged that imports of sparklers from the PRC present "critical circumstances." Under section 732(e)(1) of the Act, "critical circumstances" exist if we determine (1), there is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

We generally consider the following concerning massive imports: (1) Recent trends to import penetration levels; (2) whether imports have surged recently; (3) whether recent imports are significantly above the average calculated over the last three years; and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

For purposes of this finding, we analyzed monthly import data (both volume and value) for sparklers from the PRC reported by the respondents for equal periods immediately preceding and following the filing of the petition. Based on this analysis, we find that import of the subject merchandise from the PRC during the period subsequent to receipt of the petition have not been massive when compared to recent import levels.

Since we do not find there have been massive imports, we do not need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew of should have known that it was being sold at less than fair value.

Therefore, we determine that critical circumstances do not exist with respect to imports of sparklers from the PRC.

Verification

As provided in section 776(a) of the Act, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of sparklers from the PRC that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Weighted-Average Margin Percentage
All Manufacturers, Producers, and Exporters	103.71

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determinations and findings. In addition, we are making available to the ITC all nonprivileged and nonproperietary information relating to these investigations. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration. If our final determinations are affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later 120 days after the date of these preliminary determinations or 45 days after our final determinations.

Public Comment

The three PRC sparkler sellers have argued that the Department should assign each seller a separate dumping margin because they are separate, independent companies. However, the information submitted by the sellers does not sufficiently demonstrate their mutual independence. For example, the PRC sellers submitted as evidence of their separateness a description of the State Administration of Industry and Commerce (SAIC), the authority responsible for supervising industrial

and commercial enterprises, published by the U.S.-China Business Council and submitted by the PRC sellers. The publication describes SAIC as "* * * responsible for implementing the government's economic policy, laws, and statutes and supervising industrial and commercial enterprises and market transactions." Among the duties of SAIC, the publication lists "overseeing and ensuring urban and rural market stability through monitoring controlled prices * * *" A March 1988 new report—also submitted by the sellers as evidence of their separateness—published by the official PRC news organ, Xinhua, states that "local branches of all national foreign trade corporations * * * will become independent traders subjected to centralized control of state policies."

The Department therefore preliminarily has determined that assigning separate margins is not appropriate. We will consider this issue further and we solicit comments from the public on this matter.

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than January 14, 1991, and rebuttal briefs no later than January 22, 1991. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 9:30 a.m. on January 24, 1991, at the U.S. Department of Commerce, room 4830, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099 within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to argument raised in the briefs.

This determination is published pursuant to section 773(f) of the Act (19 U.S.C. section 1673(f)).

Dated: December 10, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–29471 Filed 12–14–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–401–603]

Welded Stainless Steel Hollow Products From Sweden; Court Decision and Suspension of Liquidation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On November 27, 1990, the United States Court of International Trade ("CIT") affirmed the International Trade Commission's ("ITC") amended determination upon remand that an industry in the United States is materially injured by reason of imports of welded stainless steel pipe and tube from Sweden. *Trent Tube* v. *United States*, No. 87–12–01189, Slip Op. 90–124 (CIT November 27, 1990). If the CIT's opinion in this case is not appealed, or is affirmed on appeal, then an antidumping duty order on welded stainless steel pipe and tube from Sweden will be issued.

In accordance with the decision of the Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), Commerce will order the suspension of liquidation of the subject merchandise.

EFFECTIVE DATE: December 7, 1990.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230, telephone: (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Background

In November 1987, the ITC published in its final determination that an industry in the United States was not materially injured by reason of imports of welded stainless steel pipe and tube from Sweden. *Stainless Steel Pipes and Tubes from Sweden*, Inv. No. 731–TA–354 (Final), USITC Pub. No. 2033 (Nov. 1987). The petitioners in the antidumping investigation instituted an action challenging the ITC's final determination. On June 20, 1990, the Court of International Trade issued *Trent Tube* v. *United States*, 14 CIT ____, 741 F. Supp. 921, Slip Op. 90–58 (June 20, 1990), *modified*, 14 ____, 741 F. Supp. 227 (1990), Slip Op. 90–66 (July 6, 1990), which remanded the determination to the ITC. Upon remand the ITC changed its determiantion and found that a U.S. industry is materially injured by reason of imports of welded stainless steel pipes and tube from Sweden. This remand was affirmed by th CIT on November 27, 1990, *Trent Tube* v. *United States*, No. 87–12–01189, Slip Op. 90–124 (CIT November 27, 1990).

Accordingly, absent an appeal, or, if appealed, upon a "conclusive" decision by the CAFC, affirming the CIT, an antidumping duty order on welded stainless steel pipes and tubes from Sweden will be published effective December 7, 1990.

Suspension of Liquidation

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990), the CAFC held that Commerce must publish notice of a decision of the CIT or the CAFC which is not in harmony with Commerce's or the ITC's respective determinations. Publication of this notice fulfills that obligation. The CAFC also held that in such a case, Commerce must suspend liquidation until there is a "conclusive" decision in the action. Therefore, effective December 7, 1990, Commerce is suspending liquidation pending the expiration of the period to appeal or pending a final decision of the CAFC if *Trent Tube*, Slip Op. 90–124, is appealed.

Dated: December 7, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–29389 Filed 12–4–90; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–012]

Carbon Black From Mexico; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On April 27, 1988, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon black from Mexico. We have now completed that review and determine the total bounty or grant to be 0.06 percent *ad valorem* for Negromex and 2.88 percent *ad valorem* for all other firms during the period October 1, 1983 through December 31, 1983; 0.41 percent for Negromex and 4.20 percent *ad valorem* for all other firms during the period January 1, 1984 through December 31, 1984; and 4.53 percent *ad valorem* for all firms during the period

January 1, 1985 through December 31, 1985. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 1988, the Department of Commerce (the Department) published in the **Federal Register** (53 FR 15088) the preliminary results of its administrative review of the countervailing duty order on carbon black from Mexico (48 FR 29564; June 27, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of Review

Imports covered by the review are shipments of carbon black from Mexico. During the review period, such merchandise was classifiable under item number 473.0400 of the Tariff Schedules of the United States Annotated (TSUSA). The TSUSA item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period October 1, 1983 through December 31, 1985, and the following programs: (1) FOMEX, (2) NDP discounts, (3) CEPROFI, (4) FONEI, (5) preferential pricing of carbon black feedstock, (6) state tax incentives, (7) FOMIN, (8) Article 15 loans, (9) FOGAIN, (10) Bancomext loans, (11) delay of payments of loans, (12) delay of payments to PEMEX of fuel charges, (13) import duty reductions and exemptions, and (14) CEDI.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from two respondents: Hules Mexicanos, S.A. de C.V. (Humex), and Negro de Humo Negromex, S.A. de C.V. (Negromex), and from the petitioner, Cabot Corporation.

Comment 1: Humex argues that the Department's use of national average effective interest rates from the Indicadores Economicos (I.E.) as benchmarks to calculate benefits from FOMEX pre-export loans is unreasonable and unnecessary in this review. In providing information to support its claim that it obtained commercial loans at rates significantly lower than the Department's national average benchmarks, Humex asserts that the use of national average rates grossly overstates the benefit. Humex maintains that the rates for its loans are fully comparable with the FOMEX rates because additional charges, such as fees for opening a line of credit, fees for credit renewal, commissions, compensating balances, etc., were simply not incurred. Consequently, the Department's rationale for using an effective rate benchmark, as discussed in Final Results of Countervailing Duty Administrative Review; Ceramic Tile from Mexico (Ceramic Tile) (53 FR 15091; April 27, 1988), does not apply in this case. Humex further contends that company-specific benchmark rates would be more appropriate by arguing that the Department's position in Ceramic Tile in favor of national average benchmarks does not address the situation found with carbon black from Mexico. Because there are only two companies involved in the carbon black review, Humex argues that the use of company-specific benchmarks would not impose an administrative burden and, if both exporters provided information on their commercial interest rates, would not misrepresent the country-wide benefit.

Department's position: We disagree. The information that Humex provided (one sample loan for each year) concerning its short-term rates on peso loans during the review period involves nominal rates, "intereses ordinarios," not effective rates. Such rates are the basis for the I.E. nominal rates published by the Banco de Mexico, and Humex' rates on these loans closely match the I.E. average nominal rates. However, as we have previously stated many times, where we have information for an effective interest rate benchmark we will use it. (See, e.g., Final Results of Countervailing Duty Administrative Review; Fabricated Automotive Glass from Mexico (51 FR 44652; December 11, 1986).)

The I.E. effective rates that we used as our benchmark are based on the I.E. nominal rates plus various additional costs and charges bearing on a company's loans. Humex argues that it did not incur the additional charges reflected in the I.E. effective rates because of its size and the relationship with its banks. While it is possible that such charges were not specifically applied to each loan, Humex does not address the broader issue of costs not directly tied to specific loans and the consequences of its relationship with its banks in terms of the effective cost of any particular loan. As we noted in Ceramic Tile,

> The types and amounts of charges and costs that commercial banks impose vary widely from company to company and loan to loan; there is no method that can be considered standard practice. The basis for our national-average effective interest rate benchmark is a weighted average of effective rates reported to the Banco de Mexico by a sample of companies representing a cross-section of the Mexican economy. (53 FR 15091)

With respect to the difficulty of establishing company-specific benchmarks, Humex overstates the Department's reliance on the administrative burden of such an exercise as its reason for using national average benchmarks. While it is clear that two companies would be much less burdensome than the more than 40 companies involved in Ceramic Tile, Humex fails to take account of the basic difficulty of calculating any company's effective interest rate.

> The complexity of using numerous short-term loans to calculate a company-specific effective interest rate benchmark increases the probability of error, creates an incentive to underreport costs not directly tied to specific loans, and likely would require verification to establish its reliability. We are not required to conduct a verification in each review * * * (Ceramic Tile (53 FR 15091))

Our views on the applicability of using national average benchmarks to measure the benefit from preferential short-term loans with respect to FOMEX peso-denominated pre-export loans were fully discussed in Ceramic Tile. Humex has not provided any new arguments that would prompt us to change our practice.

Comment 2: Humex maintains that the Department's use of a dollar benchmark, based on average fixed commercial lending rates reported in the Federal Reserve Bulletin, overstates the benefits conferred by dollar-denominated FOMEX export loans. The benchmark is a weighted average of the effective weighted-average rates for five categories of loans, each representing a different size range of loans. Humex asserts that it would be more reasonable for the Department to use as benchmarks each of the Federal Reserve Bulletin rates for the five different loan categories, selecting as the appropriate benchmark the average lending rate that corresponds to the size of the FOMEX export loan for which a benefit is being measured. A single weighted average is "particularly unreasonable" given the "enormous variety" of FOMEX export loan amounts received by Humex during the review period.

Further, Humex argues that use of the Federal Reserve rates to measure the benefit from FOMEX export loans is

inappropriate because any national average rate benchmark would distort the benefit from these loans. As with FOMEX pre-export loans, Humex asserts that there is no need to use a national average benchmark when there are only two respondents and advocates the use of company-specific benchmarks, contending that the reasons for using national average benchmarks cited by the Department in Ceramic Tile are equally inapplicable with respect to dollar-denominated loans.

Department's position: We disagree. Contrary to Humex' claims that the "enormous variety" of its FOMEX export loan amounts makes our use of a single weighted-average benchmark "particularly unreasonable," we consider this variety well suited to and a strong argument in favor of our policy of using a single benchmark. Of Humex' 49 dollar-denominated FOMEX export loans, only one was for an amount sufficiently large to include it in the Federal Reserve Bulletin size category which had an average interest rate 2.35 percentage points below our national average benchmark. Another 19 of these loans were in the loan category which had an average interest rate only 0.51 percentage points below our benchmark. The remaining 29 loans were in the three size categories where the interest differentials were as much as 1.44 percent higher than our benchmark.

We would have preferred to use a national average benchmark derived from lending experience in Mexico, rather than from U.S. experience, but no such national average dollar rate was available for the review period. Our rationale for using a national average benchmark for measuring the benefit from FOMEX dollar loans instead of a benchmark based on company-specific loans is the same as that we set forth with respect to peso-denominated loans in our response to Comment 1.

Comment 3: Negromex maintains that, due to material differences between individual company benefits, the Department should impose separate company-specific countervailing duty assessment rates for the 1985 review period. Negromex argues that the existing statutory presumption in favor of a weighted-average country-wide rate was intended only to limit the administrative burden of company-specific rates. Since there are only two producers of carbon black in Mexico, Negromex believes that the additional administrative burden imposed by the use of company-specific rates would be negligible and thus should not be a consideration in the Department's decision regarding the use of company-specific rates. Negromex also argues that, since the individual rate for Humex in 1985 is about three times as large as the individual rate for Negromex, Negromex is being unfairly penalized by the application of the country-wide rate while its only competitor in Mexico receives a windfall reduction of its duty.

Negromex concedes that section 706(a)(2) of the Tariff Act, as amended by section 607 of the Trade and Tariff Act of 1984 (19 U.S.C. 1671(a)), requires a "significant differential" and may have circumscribed the older rule that a "material" difference alone sufficed to require the Department to issue company-specific rates. However, Negromex insists that the differential between the two respondents' individual rates and the fact that the Government of Mexico owned a majority share of Humex obligates the Department to use company-specific rates under the current statutory requirements. In addition, Negromex argues that the issuance of a country-wide rate may compromise the basic purpose of the countervailing duty law contending that the catch-all rate encourages any company with above *de minimis* benefits to maximize its subsidies. Negromex reasons that a company paying more in countervailing duties than it receives in actual benefits would naturally seek to correct this balance with increased subsidies while companies receiving benefits in excess of the average rate are not motivated to reduce their subsidies.

In pointing out what it claims to be contradictory directives from the Congress, to discourage future subsidies and to ease the administrative burden of company-specific rates, Negromex advocates the use of a more flexible standard than the current policy for determining whether a significant differential exists sufficient to justify assessment of company-specific rates. By suggesting that the Department might apply a less stringent benchmark for company-specific rates in cases in which there are four or less respondents, one of the respondents is government-owned and the domestic petitioner does not oppose company-specific rates, Negromex argues that such measures would reflect a proper balancing of the factors necessary to carry out the intent of the law. Negromex further asserts that use of company-specific rates in this case would not compromise the Department's policy of presumptive county-wide rates, citing Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Portland Hydraulic Cement and Cement Clinker from Mexico (Cement) (48 FR 43063; September 21, 1983) as precedent.

Conversely, Humex argues that Negromex has not demonstrated the existence of a significant differential and maintains that the Department's calculation of a single country-wide countervailing duty rate is consistent with prior administrative practice and rulings by the courts.

Department's Position: We agree with Humex. Section 706(a)(2) of the Tariff Act establishes a statutory presumption in favor of country-wide countervailing duty rates without requiring any case-specific justification for the use of such rates. However, the statute provides for the possibility of company-specific rates if the Department determines that a significant differential exists. Because Negromex has not demonstrated that a significant differential exists between the net subsidy it received and the weighted-average country-wide rate, we have determined that a country-wide countervailing duty rate is applicable for the 1985 review period.

The Department's current policy for calculating a company-specific rate is outlined in 19 CFR 355.22(d). These regulations reflect the statute's presumption in favor of country-wide rates while defining the precise conditions under which company-specific rates are allowed. According to § 355.22(d)(1), the Department may review the individual companies' rates to determine whether a significant differential exists and, if such a differential exists, the Department will establish company-specific rates accordingly. Section 355.22(d)(3) defines a significant differential as either "[a] difference of the greater of at least five percentage points, or 25 percent, from the weighted-average net subsidy calculated on a country-wide basis"; or "[t]he difference between a net subsidy of zero (or *de minimus*) and any rate greater than *de minimis*." While Negromex qualifies for a company-specific rate for the 1985 review period even though the individual rate for Humex in 1985 is about three times as large as the individual rate for Negromex. This determination is consistent with Department's established practice (see, e.g., Certain Welded Carbon Steel Pipe and Tube Products from Turkey; Final Results of Countervailing Duty Administrative Review (53 FR 9791; March 25, 1988)).

Negromex asserts that the primary intent of Congress in making a presumption in favor of country-wide rates was to limit the administrative burden of assessing countervailing

duties in cases in which there are numerous companies. The Department believes that Congressional intent was not so narrowly focussed. While the consideration of administrative burden is an important factor, equal weight should be given to the consideration that the basic purpose of the countervailing duty law is better served by the use of country-wide rates. As we noted in the preamble to 19 CFR 355.20(d):

> Unlike the antidumping law, which is directed at company-specific activity, the countervailing duty law is directed at government or government-sponsored activity. Country-wide countervailing duty rates are well-suited to discourage such foreign subsidization. (53 FR 52325; December 27, 1988)

Negromex also assets that the issuance of country-wide rates counters the purpose of the countervailing duty law because it encourages all companies with above *de minimis* benefits to maximize their subsidies. The Department has recognized this possibility, but has reached a different conclusion:

> [A]ssigning the same rate to all companies encourages those that receive less than the maximum subsidies available to seek maximal subsidization, which would probably overburden the foreign government. In that event, the foreign government would be driven to lower the overall level of subsidization or eliminate the program. (Preamble to 19 CFR 355.20(d); (53 FR 52325))

With respect to Negromex' claim that government-ownership of Humex virtually requires us to use company-specific rates, the Department's regulations state only that we will examine whether a significant differential existed for a government-owned producer and will establish a company-specific rate if we determine that a government-owned producer received a significantly different net subsidy. In applying the standards set by our regulations, we did not find a significant differential between the company rates in the 1985 review period.

Finally, Negromex cites Cement from Mexico as a precedent for using company-specific rates. However, Cement predated the current rules for determining whether a significant differential exists; we calculated company-specific rates in Cement on the basis that benefits received by different companies were "materially different." In the first review of Cement however, the Department imposed a country-wide rate despite strong arguments from the respondents that we should continue to calculate company-specific rates (Final Results of Countervailing Duty Administrative Review; Portland Hydraulic Cement and Cement Clinker from Mexico (50 FR 51733; December 19, 1985)). We determined in those final results that section 706 of the Tariff Act justified the Department's shift in the administrative review to a more restrictive approach regarding company-specific rates than that previously provided by the less stringent "materially different" standard.

Comment 4: Cabot, without addressing any particular program, requested that the Department reconsider its preliminary results to the extent that they are inconsistent with the Court of International Trade's decision in *Cabot Corp.* v. *United States*, 9 CIT 489, 620 F. Supp. 722 (1985), *appeal dismissed*, 788 F. 2d 1539 (Fed Cir. 1986), *vacated in part*, November 1, 1986 (unpublished order) [*Cabot I*], or are otherwise based on an improper application of the specificity test.

Department's Position: We believe that our preliminary results are based on a proper application of the specificity test and are consistent with court rulings in *Cabot I, Cabot* v. *United States*, 694 F. Supp. 949 (CIT 1988), *aff'd on remand*, June 7, 1989 (*Cabot II*), and *PPG Industries* v. *United States*, CIT , 662 F. Supp. 258 (1987), *appeal docketed*, No. 88–1175 (Fed. Cir., December 28, 1987).

Comment 5: Negromex argues that the Department should use the actual dollar value of its U.S. exports in calculating the FOMEX export loan benefit. Negromex asserts that, since the FOMEX export loans were originally issued in dollars, the U.S. sales figure over which the benefit is calculated should be in its original dollar denomination.

Department's position: We agree and have adjusted our calculations accordingly. We have also corrected some clerical errors in the application of our loan methodology as well as taking into account the fact that the weighted-average rates that we derived from the Federal Reserve Bulletin data represent effective interest rates and compared these commercial benchmarks to the effective rates on FOMEX export loans. As a result, the benefit from FOMEX loans is zero for Negromex and 0.28 percent *ad valorem* for all other firms during the period October 1, 1983 through December 31, 1983; 0.38 percent *ad valorem* for Negromex and 1.15 percent *ad valorem* for all other firms during the period January 1, 1984 through December 31, 1984; and, 1.90 percent *ad valorem* for all firms during the period January 1, 1985 through December 31, 1985.

Comment 6: Negromex argues that one of its FONEI loans is not countervailable because the funds from that loan were authorized and used solely for the purpose of purchasing pollution control equipment and, therefore, are not countervailable.

Department's position: We agree. We determined in Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Portland Hydraulic Cement and Cement Clinker from Mexico (48 FR 43067; September 21, 1983) that FONEI loans for the acquisition of environmental control equipment to comply with national antipollution control requirements are not limited to exporters, to a specific enterprise or industry, or group of enterprises or industries and, therefore, such loans were not countervailable.

Comment 7: Negromex states that the CEPROFI certificate it received in 1984 was linked to the company's Altimira plant in the state of Tamaulipas, which produces synthetic rubber and resin, and various plastic products, but does not manufacture carbon black. Furthermore, Negromex claims none of its carbon black facilities are in the priority zones for which countervailable CEPROFI certificates are granted. Therefore, Negromex argues that the 1984 CEPROFI certificate did not provide a countervailable benefit to carbon black.

Department's position: We agree and have adjusted our calculations accordingly.

Comment 8: Humex argues that the Department lacks the statutory authority to impose countervailing duties on all merchandise covered by this review because such imposition would take place well after April 23, 1985, the effective date of the "Understanding Between the United States and Mexico Regarding Subsidies and Countervailing Duties" (the Understanding). Pursuant to the Understanding, the United States Trade Representative designated Mexico a "country under the Agreement" as defined in section 701 of the Tariff Act. Humex argues that since Mexico is now a "country under the Agreement," section 701, rather than section 303, applies to this proceeding and entitles Mexico to a determination by the International Trade Commission (ITC) that the subject merchandise is materially injuring or threatening material injury to a United States industry producing a like product. In *Cementos Anahuac del Golfo, S.A.*, v. *United States*, 12 CIT _____ Slip Op. 88–58 (May 12, 1988) (*Anahuac I*), the Court of International Trade (CIT) ruled that the Department's assessment of countervailing duties after the effective date of the Understanding would violate

section 701, even if the entries were made before the effective date of the Understanding. Countervailing duties could only be imposed on Mexican merchandise following an affirmative ITC injury determination, regardless of whether the countervailing duty order was issued before or after the effective date of the Understanding.

Respondents further contend that the Department must revoke the countervailing duty order on carbon black from Mexico effective April 23, 1985. Since the ITC has indicated that it does not have the authority to conduct an injury investigation on merchandise already subject to an outstanding order, the Department must revoke this order.

In reply, Cabot Corporation argues that in *Cementos Guadalajara, S.A., et al.* v. *United States*, Slip Op. 88–48 (April 27, 1988) (*Guadalajara*) and subsequently in *Clementos Anahuac del Golfo, S.A.*, v. *United States*, Slip Op. 88–75 (June 9, 1988) (*Anahuac II*), the CIT reached the opposite conclusion from that of *Anahuac I*. Consequently, *Anahuac I* provides no basis for revoking the countervailing duty order.

Department's position: We agree with Cabot. The CIT and the U.S. Court of Appeals for the Federal Circuit have sustained the Department's legal position that Mexican imports subject to an outstanding countervailing duty order already in effect when Mexico entered into the Understanding are not entitled to an injury test pursuant to section 701 of the Tariff Act and paragraph 5 of the Understanding (*Cementos Anahuac del Golfo, S.A.* v. *U.S.*, 689 F.Supp. 1192, 1210–1211 (CIT 1988) *aff'd sub nom, Cementos Guadalajara, S.A.* v. *U.S.* 879 F.2d 847 (Fed. Cir. 1989), *cert. denied* 110 S. Ct. 1318 (1990)). Because the Department published the countervailing duty order on carbon black from Mexico before Mexico entered into the Understanding, imports of the subject merchandise are not entitled to an injury test pursuant to section 701 of the Tariff Act.

Final Results of Review

After reviewing all comments received, we determine the total bounty or grant to be 0.06 percent for Negromex and 2.88 percent *ad valorem* for all other firms during the period October 1, 1983 through December 31, 1983; 0.41 percent for Negromex and 4.20 percent *ad valorem* for all other firms during the period January 1, 1984 through December 31, 1984; and 4.53 percent *ad valorem* for all firms during the period January 1, 1985 through December 31, 1985. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

The Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Negromex exported on or after October 1, 1983 and on or before December 31, 1984. For all other firms, the Department will instruct the Customs Service to assess countervailing duties of 2.88 percent of the f.o.b. invoice price on shipments of this merchandise exported on or after October 1, 1983 and on or before December 31, 1983 and 4.20 percent of the f.o.b. invoice price on shipments of this merchandise exported on or after January 1, 1984 and on or before December 31, 1984. The Department will also instruct the Customs Service to assess countervailing duties of 4.53 percent of the f.o.b. invoice price on shipments of this merchandise from all firms exported on or after January 1, 1985 and on or before December 31, 1985.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22

Dated: December 10, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–29473 Filed 12–14–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–428–807 and A–412–805]

Final Determinations of Sales at Less Than Fair Value: Sodium Thiosulfate From the Federal Republic of Germany and the United Kingdom

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that imports of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom are being, or are likely to be sold, in the United States at less than fair value. We have notified the International Trade Commission (ITC) of our determinations and have directed the Customs Service to continue to suspend liquidation of all entries of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom, as described in the "Suspension of Liquidation" section of this notice. The ITC will determine on or before February 8, 1991, whether these imports materially injure, or threaten material injury to, a U.S. industry.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Steve Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8830, or (202) 377–1766, respectively.

SUPPLEMENTARY INFORMATION:

Final Determinations

We determine that imports of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(d)(a) (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of preliminary determinations (55 FR 42424, October 19, 1990), the following events have occurred. On October 22, 1990, William Blythe & Co., Ltd. ("Blythe"), respondent in the antidumping duty investigation of sodium thiosulfate from the United Kingdom, requested a public hearing. On October 23, 1990, the Calabrian Corporation, petitioner, requested to participate in any hearing requested by respondents. Petitioner and Blythe filed case briefs on November 5, 1990. On November 7, 1990, Blythe submitted United Kingdom export statistics for all thiosulfates for the month of September. Also on November 9, 1990, Blythe withdrew its request for a public hearing. Accordingly, no public hearing was held.

Scope of Investigations

The products covered by these investigations are all grades of sodium thiosulfate, in dry or liquid form, used primarily to dechlorinate industrial waste water. The chemical composition of sodium thiosulfate is $NA_2S_2O_3$. Sodium thiosulfate is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 2832.30.1000. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Period of Investigation

The period of investigation is February 1, 1990, through July 31, 1990.

Standing

Prior to the issuance of our preliminary determinations, Blythe contested petitioner's standing. Blythe cited *Suramerica de Aleaciones Laminadas, C.A.* v. *U.S.*, Slip. Op. 90–79

at 32 (CIT Aug. 22, 1990), in which the Court of International Trade held that the Department cannot presume industry support for a petition. The Department is appealing Suramerica. And, as stated in our preliminary determinations, there is nothing in the statute, its legislative history, or our regulations which requires that petitions establish affirmatively that they have the support of a majority of their industries. In many cases, such a requirement would be so onerous as to preclude access to import relief under the countervailing and antidumping duty laws. In addition, no other party has expressed its opposition to these proceedings. Therefore, consistent with our past practice (*see,* for example, Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Hollow Products from Sweden (52 FR 5794, February 26, 1987); Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada (51 FR 10041, March 24, 1986); and Frozen Concentrated Orange Juice from Brazil: Final Determination of Sales at Less than Fair Value (52 FR 8324, March 17, 1987)), we have determined that the petitioner does not lack standing.

Fair Value Comparisons

To determine whether sales of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom to the United States were made at less than fair value, we used the best information available, as required by section 776(c) of the Act, because both Blythe (the respondent in the investigation of sodium thiosulfate from the Untied Kingdom) and Th. Goldschmidt AG (the respondent in the investigation of sodium thiosulfate from the Federal Republic of Germany), declined to respond to the Department's request for information. We determined that the best information available was information submitted by the petitioner.

For the United Kingdom, we used the highest margin listed in the petition for sodium thiosulfate for the period of investigation. We made adjustments to the U.S. price and foreign market value for this sale to correct for clerical errors.

For the Federal Republic of Germany, we used the only margin listed in the petition for sodium thiosulfate for the period of investigation.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of the subject merchandise from the Federal Republic of Germany and the United Kingdom. Section 733(e)(1) of the Act provides that critical circumstances exist if we determine that there is a reasonable basis to believe or suspect that:

(A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class of kind of merchandise which is the subject of the investigation over a relatively short period.

Pursuant to section 733(e)(1)(B), we generally consider the following factors in determining whether imports have been massive over a short period of time: (1) the volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by imports.

For our preliminary determinations, we found that critical circumstances existed based on best information available because Blythe and Th. Goldschmidt AG (Goldschmidt) declined to participate in these investigations. As best information available, we assumed that imports of sodium thiosulfate were massive over a relatively short period of time.

Since the preliminary determinations, we have been able to obtain updated U.S. import statistics for sodium thiosulfate from the Federal Republic of Germany and the United Kingdom through September 1990.

Pursuant to § 353.16(g) of the Department's regulations, in making critical circumstances determinations the Department normally considers the period beginning on the date the proceeding begins and ending at least three months later. The Department considers this period because it is the period immediately prior to a preliminary determination in which exporters of the subject merchandise could take advantage of their knowledge of the dumping investigation to increase exports to the United States without being subject to antidumping duties. (*See, e.g.,* Final Determination of Sales at Less Than Fair Value; Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 53 FR 12552, April 15, 1988.) For purposes of these determinations, however, we are using as our comparison period the two months following the month of the filing of the petition (*i.e.,* August and September 1990) because (1) we recognize that, due to the lag between export and import, the import statistics for July reflect exports made prior to the date on which the proceeding began (*i.e.,* July 9, 1990) and (2) we only have available two months of import data.

The official U.S. import statistics for August and September indicate that there have been no imports of sodium thiosulfate from the Federal Republic of Germany and that there has been a significant decrease in imports of sodium thiosulfate from the United Kingdom.

Based on these import statistics, we determine that imports of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom have not been massive over relatively short period of time. Moreover, with respect to the United Kingdom, official export statistics from the United Kingdom confirm these findings.

Because we find that imports have not been massive over a relatively short period of time for both the Federal Republic of Germany and the Untied Kingdom, we do not need to determine whether there was a knowledge or history of dumping. Therefore, in accordance with section 733(e)(1)(B), we determine that critical circumstances do not exist with respect to both Blythe and Goldschmidt.

With respect to firms covered by the "All Other" rate, we have determined that imports of sodium thiosulfate have not been massive over a relatively short period of time. As such, we determine that critical circumstances do not exist for those firms.

Verification

No verification occurred because the respondents failed to respond to the Department's questionnaire.

Interested Party Comments

All comments raised by parties to the proceeding in the antidumping duty investigation of sodium thiosulfate from the United Kingdom are discussed below. There were no comments submitted in connection with the antidumping duty investigation of sodium thiosulfate from the Federal Republic of Germany.

Comment 1

Petitioner believes that, because Blythe has refused to answer the Department's questionnaire, the Department should use, as best information available for the United Kingdom, the highest margin found in the petition for the class or kind of merchandise instead of the average of margins found for each such or similar category.

Respondent argues that Blythe decline to respond to the Department's questionnaire because of its modest level of involvement in the U.S. market, not because it attempted to impede the Department's investigation. Therefore, respondent contends that the Department should continue to use the simple average of margins alleged in the petition for the final determination.

DOC Position

The Department has discretion in determining what information to use as best information available, and determines what to use based on the circumstances of each investigation. We agree that because Blythe failed to respond to our questionnaire, the appropriate best information available rate should be based on the petition. After further consideration, and consistent with our treatment of non-responding companies in past determinations, we agree with petitioner that the highest single margin for the such or similar category of sodium thiosulfate alleged in the petition should be used as best information available. (*See, e.g.*, Final Determination of Sales at Less Than Fair Value; Sweaters Wholly or in Chief Weight of Man Made Fiber from Hong Kong, 55 FR 30733, July 27, 1990; Final Determination of Sales at Less Than Fair Value; Certain Residential Door Locks and Parts Thereof From Taiwan, 54 FR 53153, December 27, 1989; and Final Determination of Sales at Less than Fair Value; Drafting Machines and Parts Thereof From Japan, 54 FR 46961, November 8, 1989.)

Comment 2

Petitioner asserts that the Department should compare the volume of imports entered for a period of 102 days after the filing of the petition to the volume of imports entered for a period of 102 days before the filing of the petition to determine whether critical circumstances exist with respect to Blythe. Moreover, petitioner states that the Department should rely on official United Kingdom export statistics only if official U.S. import statistics are unavailable.

Respondent urges the Department to use official United Kingdom export statistics or U.S. import statistics to compare the volume of imports/exports for a period of three months following the date the proceeding commences to the volume of imports/exports for a period of three months prior to the date the proceeding commences to determine whether critical circumstances exist with respect to Blythe.

DOC Position

See the "Critical Circumstances" section of this notice.

Continuation of Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to continue to suspend liquidation of all entries of sodium thiosulfate from the Federal Republic of Germany and the United Kingdom, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The Customs Service shall continue to require a cash deposit or posting of a bond equal to the final dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice and applies to all sodium thiosulfate from the Federal Republic of Germany, including entries from the former German Democratic Republic.

Manufacturer/producer/exporter	Margin percentage
United Kingdom	
William Blythe & Co., Ltd.	50.13
All Others	50.13
Federal Republic of Germany	
Th. Goldschmidt AG	100.40
All Others	100.40

Because we now determine that critical circumstances for both Blythe and Goldschmidt do not exist, the retroactive suspensions of liquidation ordered at the time of the preliminary determinations are terminated for entries of both companies. All cash deposits or bonds placed on entries made by Blythe and Goldschmidt prior to October 19, 1990, shall be refunded.

ITC Notification

In accordance with section 735(c) of the Act, we have notified the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to these investigations. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

The ITC will determine on or before February 8, 1991, whether these imports materially injure, or threaten material injury to, a U.S. industry. If the ITC determines that material injury, or the threat of material injury, does not exist, the proceedings will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, the Department will issue an Antidumping Duty Order directing customs officials to assess antidumping duties on sodium thiosulfate from the Federal Republic of Germany and the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, equal to the margins shown above.

These determinations are published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: December 10, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-29480 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-05-M

Auto Parts Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

NOTICE: Closed meeting.

ACTION: Notice of closed meeting of Auto Parts Advisory Committee.

SUMMARY: The U.S. Automotive Parts Advisory Committee (the "Committee") advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Auto Parts Act of 1988. The Committee: (1) Reports annually to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets; (2) assists the Secretary in reporting to the Congress on the progress of sales of U.S.-made auto parts in Japanese markets, including the formation of long-term supplier relationships; (3) reviews and considers data collected on sales of U.S.-made auto parts to Japanese markets; (4) advises the Secretary during consultations with the Government of Japan on these issues; and (5) assists in establishing priorities for the Department's initiatives to increase U.S.-made auto parts sales to Japanese markets, and otherwise provide assistance and direction to the Secretary in carrying out these initiatives. At the meeting, committee members will receive briefings on the status of ongoing consultations with the Government of Japan and will discuss

specific trade and sales expansion programs related to U.S.-Japan automotive parts policy.

DATE AND LOCATION: The meeting will be held on Thursday, January 10, 1991 from 10:00 a.m. to 4:00 p.m. in Room 3407, Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Stuart Keitz, Office of Automotive Industry Affairs, Automotive Affairs and Consumer Goods Sector, Trade Development, Main Commerce, Room 4036, Washington, DC 20230, telephone: (202) 377–0669.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel formally determined on June 14, 1989, pursuant to Section 10(d) of the Federal Advisory Act, as amended, that the series of meetings or portions of meetings of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the act relating to open meeting and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b (c) (4) and (9)(B). A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the International Trade Administration Records Inspection Facility, Room 4104, Main Commerce.

Dated: December 5, 1990.

Henry Misisco,

Director, Office of Automotive Industry Affairs.

[FR Doc. 90–29388 Filed 12–14–90; 8:45 am]

BILLING CODE 3510–DR–M

Applications for Duty-Free Entry of Scientific Instruments; U.S. Naval Research Laboratory, et al

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 90–207. *Applicant:* U.S. Naval Research Laboratory, 4555 Overlook Avenue, SW., Washington, DC 20375–5000. *Instrument:* Electron Microscope, Model CM30. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* The instrument will be used for studies of the following:

(1) High temperature superconducting materials including bismuth, thallium and rare earth superconductors,

(2) Twins, grain boundaries and antiphase boundaries,

(3) Composites of superconductors and noble metals,

(4) Metallic single crystal superlattices of lattice-matched structures,

(5) Semiconductors and intermetallic compounds,

(6) Diamond thin films and

(7) Point, line, planar and three dimensional defects.

Application Received by Commissioner of Customs: November 16, 1990.

Docket Number: 90–208. *Applicant:* Yale University, New Haven, CT 06520. *Instrument:* Electron Paramagnetic Resonance Spectrometer System, Model ESP 300–10/12. *Manufacturer:* Brunker Analytische Messtechnik GmbH, West Germany. *Intended Use:* The instrument will be used to study such phenomena as spin exchange reactions between unpaired electrons on nitroxide free radicals and other paramagnetic species. Experiments will be conducted to record the electron paramagnetic resonance spectrum as a funtion of temperature, pressure, and concentration of free radical species for fundamental understanding of free-radical reactions in supercritical fluids. *Application Received by Commissioner of Customs:* November 16, 1990.

Docket Number: 90–209. *Applicant:* Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. *Instrument:* Microtherm Electrothermal Vaporization Inlet System. *Manufacturer:* VG Elemental, United Kingdom. *Intended Use:* The instrument is an accessory to an existing inductively-coupled plasma mass spectrometer (ICPMS) which serves the function of introducing the sample into the ICPMS highly efficiently, thereby improving the detection limit for Ir by a factor of 50. *Application Received by Commissioner of Customs:* November 11, 1990.

Docket Number: 90–210. *Applicant:* University of Massachusetts Medical Center, 55 Lake Avenue North, Worcester, MA 01655. *Instrument:* Microvolume Rapid Kinetics Accessory, Model SFA–12M with Pneumatic Drive Attachment and Trigger Unit. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used for the study of the interaction of sugars with the glucose transport protein purified from human erythrocyte membranes. *Application Received by Commissioner of Customs:* November 21, 1990.

Docket Number: 90–211. *Applicant:* University of California at Berkeley, Berkeley, CA 94720. *Instrument:* Imaging Plate X-ray Data Collector. *Manufacturer:* MAR Research, West Germany. *Intended Use:* The instrument will be used to determine the three-dimensional structure of proteins and nucleic acids. *Application Received by Commissioner of Customs:* November 21, 1990.

Docket Number: 90–212. *Applicant:* Food and Drug Administration, Center for Biologic Evaluation Research, 8800 Rockville Pike, Bethesda, MD 20892. *Instrument:* Microvolume Stopped-flow Spectrofluorimeter, SF–17MW. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The instrument will be used for the study of a variety of chemically modified hemoglobin solutions and intact red blood cells. *Application Received by Commissioner of Customs:* November 23, 1990.

Docket Number: 90–213. *Applicant:* Wright State University, Department of Chemistry, 3640 Colonel Glenn Hwy., Dayton, OH 45435. *Instrument:* Gas Chromatograph Mass Spectrometer System, Model MS 890. *Manufacturer:* Kratos Analytical, Inc., United Kingdom. *Intended Use:* The instrument will be used to obtain high-resolution mass spectral data for a wide variety of organic chemicals and to analyze polychlorinated dibenzodioxins, dibenzofurans, biphenyls and related toxic compounds. *Application Received by Commissioner of Customs: November 23, 1990.*

Docket Number: 90–214. Applicant: Argonne National Laboratory, Materials Science Division, Building 212, 9700 South Cass Avenue, Argonne, IL 60439. *Instrument:* Analytical Transmission Electron Microscope, Model HB603Z. *Manufacturer:* VG Instruments Inc., United Kingdom. *Intended Use:* The instrument will be used for basic

research in the characterization of the morphology, crystallography, and composition of defects, interfaces and phases present in metal, alloys, ceramics and related materials. Investigations are conducted to further elucidate and understand the structure/property relationships of materials as they relate to programmatic research.

Application Received by Commissioner of Customs: November 26, 1990.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-29390 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DS-M

Decision of Application for Duty-Free Entry of Scientific Instrument; VA Medical Center

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 90-001.

Applicant: VA Medical Center, Kansas City, MO 64128.

Instrument: Photomultiplier Power Supply, Model PPS-60.

Manufacturer: Hi-Tech Scientific Ltd., United Kingdon.

Intended Use: See notice at 55 FR 3438, February 1, 1990.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated June 26, 1990, that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-29391 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India

December 11, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Group II is being increased by application of swing, reducing the limit for Category 369pt. The sublimit for Category 369-S is being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 53351, published on December 28, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1990

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive of December 21, 1989, as amended, issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 18, 1990 you are directed to adjust the limits for textile products in the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and India:

Category	Adjusted 12-month limit [1]
Level in group I	
369pt.[2]	6,817,176 kilograms of which not more than 776,345 kilograms shall be in Category 369-D [3] and not more than 402,629 kilograms shall be in Category 369-S.[4]
Group II	
200, 201, 220-229, 237, 239, 300/301, 317, 326, 330-334, 345, 349-352, 359-362, 600-607, 611-635, 638-652, 659, 665-O [5], 666-670 and 831-859, as a group.	110,420,002 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

[2] Category 369pt.: all HTS numbers except 5702.10.9020, 5702.49.1010 and 5702.99.1010 (rugs exempt from the Bilateral Agreement).

[3] Category 369-D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 369-S: only HTS number 6307.10.2005.

[5] Category 665-O: all HTS numbers except 5702.10.9030, 5702.42.2010, 5702.92.0010 and 5703.20.1000 (rugs except from the Bilateral Agreement.

Also, you are directed to charge the following amounts to the categories indicated below for 1990. These changes are for hand-made handloom made-up articles exported and imported during the period January 1, 1990 through February 21, 1990.

Category	Amount to be charged
In Group I	
369pt	35,032 kilograms
369-D	None.
369-S	None.
In Group II	
360	250 numbers.
362	1 numbers.
665-O	8 kilograms.
670	307 kilograms.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–29397 Filed 12–14–90; 8:45 am]

BILLING CODE 3510-DR-M

Negotiated Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Korea

December 11, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing and establishing limits.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–8041. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Republic of Korea have agreed to establish limits for Categories 239 and 651 for 1990.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 55 FR 1706, published on January 18, 1990; and 55 FR 38831, published on September 21, 1990.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, DC.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. This directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 18, 1990, you are directed to amend further the directive of January 11, 1990 to increase and establish limits for the following categories:

Category	12-month limit [1]
Sublevels in Group II	
239	830,992 kilograms.
651	68,407 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

Category 651 shall remain subject to the current Group II limit. Import charges already made to Category 651 in Group II shall be retained.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–29394 Filed 12–14–90; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Malaysia

December 10, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 10, 1990.

FOR FURTHER INFORMATION CONTACT: Kim-Bank Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6496. For information on embargoes and quote re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 638/639 is being increased for swing and carryover. The Fabric Group is being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 48292, published on November 22, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 10, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive of November 16, 1989 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 10, 1990, you are directed to adjust the current limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and Malaysia:

Category	Adjusted 12-month limit [1]
Fabric Group	
218, 219, 220, 225–227, 313–315, 317, 326, 613/614/615/617, as a group.	61,965,237 square meters.
Other specific limit	
638/639	339,031 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–29395 Filed 12–14–90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the United Mexican States

December 11, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535–9481. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 13, 1988, as amended, between the Governments of the United States and the United Mexican States establishes import limits for certain cotton, wool and man-made fiber textile products for 1991, including certain categories subject to the Special Regime. Sublimits and separate limits for Normal Regime categories are established for products which are not subject to the terms of the Special Regime.

A copy of the current bilateral textile agreement between the Governments of the United States and the United Mexican States is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–3889.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990).

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1990

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 13, 1988, as amended, between the Governments of the United States and the United Mexican States; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Mexico and exported during the twelve-month period beginning on January 1, 1991 and extending through December 31, 1991, in excess of the following levels and sublevels of restraint:

Category	12-month limit
Group I	
218–220, 225–227, 313–326, 611–617 and 625–629, as a group.	47,700,000 square meters equivalent.
Sublevels within the Group	
218	995,840 square meters.
219	14,840,000 square meters.
313	26,500,000 square meters.
317	13,250,000 square meters.
326	995,840 square meters.
Individual Limits not in the Group	
300/301/607–Y [1]	7,420,000 kilograms of which not more than 4,028,000 kilograms shall be in Category 300.
334/634	150,000 dozen.
335 (Special Regime)	135,000 dozen.
336/636 (Special Regime).	424,000 dozen.
338/339/638/639 (Special Regime).	1,400,000 dozen.
340/640 (Special Regime).	428,766 dozen.
341/641	822,436 dozen of which not more than 297,138 dozen shall be in blouses with two or more colors in the warp and/or filling in Categories 341–Y/641–Y. [2]
342/642 (Special Regime).	300,000 dozen.
347/348/647/648 (Special Regime).	4,500,000 dozen.
351/651 (Special Regime).	350,000 dozen.
352/652 (Special Regime).	2,800,000 dozen.
359–C/659–C [3] (Special Regime).	1,800,000 kilograms.
363	5,500,000 numbers.
410	397,160 square meters.
433	11,000 dozen.
435	12,000 dozen.
443	116,150 numbers.
604–A [4]	1,853,633 kilograms.
604–O/607–O [5]	1,118,775 kilograms.
633 (Special Regime)	100,000 dozen.
635	136,967 dozen.
643	155,556 numbers.
669–B [6]	702,306 kilograms.
670	3,000,000 kilograms.
Normal Regime Category (Not Subject to the Special Regime)	
335 (sublimit)	35,000 dozen.
336/636 (sublimit)	212,000 dozen.
338/339/638/639 (sublimit).	650,000 dozen.
340/640 (sublimit)	107,191 dozen.
342/642	106,000 dozen.
347/348/647/648	650,000 dozen.
351/651	75,000 dozen.
352/652	1,696,000 dozen.
359–C/659–C (sublimit)	250,000 kilograms.
633 (sublimit)	10,000 dozen.

[1] Categories 300 and 301; Category 607–Y: only HTS numbers 5509.53.0030 and 5509.53.0060.

[2] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030; Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.

[3] Category 359–C: only HTS numbers 6103.42.2010, 6103.42.2025, 6103.49.3034, 6104.62.1010, 6104.62.1020, 6104.69.3010, 6114.20.0042, 6114.20.0048, 6114.20.0052, 6203.42.2005, 6203.42.2010, 6203.42.2090, 6204.62.2005, 6204.62.2010, 6211.32.0007, 6211.32.0010, 6211.32.0025, 6211.42.0007 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43, 2015, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1010, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2005, 6203.43.2010, 6203.43.2090, 6203.49.1005, 6203.49.1010, 6203.49.1090, 6204.63.1505, 6204.63.1510, 6204.69.1005, 6204.69.1010, 6210.10.4015, 6211.33.0007, 6211.33.0010, 6211.33.0017, 6211.43.0007 and 6211.43.0010.

[4] Category 604–A: only HTS number 5509.32.0000.

[5] Category 604–O: all HTS numbers except 5509.32.0000 (604–A); Category 607–O: all HTS numbers except 5509.53.0030 and 5509.53.0060 (607–Y).

[6] Category 669–B: only HTS numbers 6305.31.0020 and 6305.39.0000.

Imports charged to these category limits for the periods January 1, 1990 through December 31, 1990 and July 1, 1990 through December 31, 1990 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for these periods have been exhausted by

previous entries, such goods shall be subject to the limits set forth in this directive.

The bilateral agreement establishes separate treatment for products in certain categories. Those products which are made of U.S. formed and cut fabric are subject to the Special Regime and to the category limits listed in this directive. Those products which are exported from Mexico to the United States under provisions of the Special Regime on and after January 1, 1991 must be accompanied by a properly certified Form ITA-370P.

Any shipment for entry under the Special Regime Program which is not accompanied by a valid and correct certification and Shippers Export Declaration (Form ITA-370P) in accordance with the provisions of the certification requirements established in the directive of August 22, 1988, as amended, shall be denied entry. Invoices visaed for Special Regime shall include only products that are subject to the Special Regime or entry will be denied.

Shipments of products in categories covered by the Special Regime, but that are not subject to the Special Regime, are subject to the applicable limits and sublimits listed in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29393 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

December 10, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commission of Customs amending limits.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated November 28, 1990, the Governments of the United States and Singapore agreed, among other things, to increase the current designated consultation level for Categories 351/651 for 1990 only. Also, the two governments agreed to convert the current designated consultation level for Category 222 to a specific limit at an increased level.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 Fr 47548, published on November 15, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 10, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 9, 1989 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 18, 1990, the directive of November 9, 1989 is being amended further to increase the current limits for cotton and man-made fiber textile products in the following categories:

Category	Adjusted 12-month limit [1]
Sublevels in Group II	
222	300,000 kilograms.
351/651	50,000 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29392 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

December 11, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, Internaitonal Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In the Memorandum of Understanding (MOU) dated November 28, 1990 between the Governments of the United States and the Republic of Singapore, agreement was reached to extend the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, for five one-year periods, beginning on January 1, 1991 and extending through December 31, 1995. A formal exchange of notes will follow.

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish limits for the period beginning January 1, 1991 and extending through December 31, 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement and the MOU, but are designed to assist only in the implementaiton of certain of their provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 11, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1991 and extending through December 31, 1991, in excess of the following levels of restraint:

Category	12-month restraint limit
Levels in Group I	
239	380,690 kilograms.
331	364,996 dozen pairs.
334	59,294 dozen.
335	178,358 dozen.
338/339	942,827 dozen of which not more than 550,996 dozen shall be in Category 338 and not more than 612,638 dozen shall be in Category 339.
340	659,838 dozen.
341	165,917 dozen.
342	102,103 dozen.
347/348	834,677 dozen of which not more than 521,673 dozen shall be in Category 347 and not more than 405,746 dozen shall be in Category 348.
435	6,388 dozen.
604	746,689 kilograms.
631	382,885 dozen pairs.
634	226,375 dozen.
635	231,658 dozen.
638	831,438 dozen.
639	3,038,472 dozen.
640	140,671 dozen.
641	229,450 dozen.
645/646	127,520 dozen.
647	461,194 dozen.
648	1,434,308 dozen.
Group II	
200–229, 237, 300/301, 313–330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/653/654, 359–369, 400–434, 436, 438, 439, 440–444, 445/446, 447, 448, 459–469, 600–603, 606, 607, 611–630, 632, 636, 642–644, 649, 650, 659–S [1], 659–V [2], 659–O [3] and 665–670, as a group.	38,461,859 square meters equivalent.
Sublevels within Group II	
200	251,996 kilograms.
201	259,196 kilograms.
218	1,672,255 square meters.
219	1,672,255 square meters.
220	1,672,255 square meters.
222	318,000 kilograms.
223	119,366 kilograms.
224	1,672,255 square meters.
225	1,672,255 square meters.
226	1,672,255 square meters.
227	1,672,255 square meters.
229	122,592 kilograms.
237	205,504 dozen.
300/301	197,214 kilograms.
313	1,672,255 square meters.
314	1,672,255 square meters.
315	1,672,255 square meters.
317	1,672,255 square meters.
326	1,672,255 square meters.
330	1,176,471 dozen.
332	434,783 dozen pairs.
333/633	41,500 dozen.
336	70,000 dozen.
345	54,348 dozen.
349	416,667 dozen.
350	39,216 dozen.
351/651	38,462 dozen.
352/652	148,148 dozen.
353/354/653/654	48,426 dozen.
359	197,214 kilograms.
360	1,818,182 numbers.
361	322,581 numbers.
362	289,855 numbers.
363	4,000,000 numbers.
369	197,214 kilograms.
400	34,019 kilograms.
410	125,419 square meters.
414	45,359 kilograms.
431	71,429 dozen pairs.
432	53,571 dozen pairs.
433	4,167 dozen.
434	6,000 dozen.
436	3,049 dozen.
438	10,000 dozen.
439	20,012 kilograms.
440	6,250 dozen.
442	10,000 dozen.
443	33,336 numbers.
444	33,336 numbers.
445/446	20,000 dozen.
447	8,333 dozen.
448	8,333 dozen.
459	34,019 kilograms.
464	52,338 kilograms.
465	139,355 square meters.
469	34,019 kilograms.
600	259,196 kilograms.
603	266,819 kilograms.
606	83,228 kilograms.
607	259,196 kilograms.
611	1,672,255 square meters.
613	1,672,255 square meters.
614	1,672,255 square meters.
615	1,672,255 square meters.
617	1,672,255 square meters.
618	1,672,255 square meters.
619	1,672,255 square meters.
620	1,672,255 square meters.
621	116,306 kilograms.
622	1,672,255 square meters.
624	1,672,255 square meters.
625	1,672,255 square meters.
626	1,672,255 square meters.
627	1,672,255 square meters.
628	1,672,255 square meters.
629	1,672,255 square meters.
630	1,176,471 dozen.
632	434,783 dozen pairs.
636	140,000 dozen.
642	209,106 dozen.
643	444,444 numbers.
644	444,444 numbers.
649	416,667 dozen.
650	39,216 dozen.
659–S	145,150 kilograms.
659–V	145,150 kilograms.
659–O	145,150 kilograms.
665	1,858,061 square meters.
666	116,306 kilograms.
669	116,306 kilograms.
670	453,592 kilograms.

[1] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[2] Category 659–V: only HTS numbers 6110.30.1030, 6110.30.1040, 6110.30.3035 6110.30.2030, 6110.30.2040, 6110.30 3030, 6110.90.0052, 6110.90.0054, 6201.93.2020, 6202.93.2020, 6211.33.0050 and 6211.43.0080.

[3] Category 659–O: all HTS numbers except 6211.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659–S); 6110.30.1030, 6110.30.1040, 6110.30.2030, 6110.30.2040, 6110.30.3030, 6110.30.3035, 6110.90.0052, 6110.90.0054, 6201.93.2020, 6202.93.2020, 6211.33.0050 and 6211.43.0080 (Category 659–V).

Imports charged to these category limits for the period January 1, 1990 through December 31, 1990 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The conversion factor for Categories 352/652 is 11.3 square meters equivalent per dozen.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29396 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DR-M

Cancellation of the Automated Visa Verification System for Shipments of Textile and Apparel Products From China

December 12, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Announcement.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

SUPPLEMENTARY INFORMATION: As the result of an analysis conducted by the U.S. Customs Service, U.S. Customs has decided, effective on January 1, 1991, to cancel the Automated Visa Verification System (AVVS) for shipments of textile and apparel products, produced or manufactured in China and exported from China, regardless of the date of export.

The existing visa arrangement between the Governments of the United States and the People's Republic of China shall remain in effect. All shipments of textile and apparel products which are produced or manufactured in China and exported from China for consumption, or withdrawn from warehouse for consumption, in the United States will continue to require an appropriate export visa for entry as required by visa arrangement.

Interested persons are advised to take all necessary steps to ensure that the requirements of the existing visa arrangement between the Governments of the United States and the People's Republic of China are met.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29430 Filed 12-14-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of a Request for Bilateral Textile Consultations With the Government of the United Arab Emirates

December 10, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On November 29, 1990, under the terms of Section 204 of the Agricultural Act of 1956, as amended, the Government of the United States requested consultations with the Government of the United Arab Emirates regarding Categories 334/634 (cotton and man-made fiber other coats), produced or manufactured in the United Arab Emirates.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of the United Arab Emirates, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Categories 334/634, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on November 29, 1990 and extends through November 28, 1991 at a level of not less than 95,690 dozen.

A summary market statement concerning these categories follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 334/634, or to comment on domestic production or availability of products included in these categories, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230, ATTN: Public Comments.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 334/634. Should such a solution be reached in consultations with the Government of the United Arab Emirates, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989).

Ronald I. Leven,

Acting Chairman, Committee for the Implementation of Textile Agreements.

United Arab Emirates

November 1990.

Re: Market Statement, Category 334/634, Men's and Boys' Cotton, and Man-Made Fiber Other Coats

Import Situation and Conclusion

U.S. imports of men's and boy's cotton and man-made fiber other coats, Category 334/634, from the United Arab Emirates reached 95,690 dozen in the year ending August 1990, three and a half times the 27,011 dozen imported a year earlier. During the first eight months of 1990 imports from the United Arab Emirates were 67,539 dozen, nearly three times their January-August 1989 level and 28 percent above their total calendar year 1989 level. Imports of Category 334/634 from the United Arab Emirates were 52,782 dozen in 1989, 20 times their 1988 level.

The sharp and substantial increase in Category 334/634 imports from the United Arab Emirates is causing disruption in the U.S. market for men's and boys' cotton and man-made fiber other coats.

U.S. Production and Market Share

U.S. production of men's and boys' cotton and man-made fiber other coats, Category 334/634, fell from 5,380 thousand dozen in 1987 to 4,922 thousand dozen in 1989, a decline of 9 percent. The domestic

manufacturers' share of this market fell from 51 percent in 1987 to 49 percent in 1989.

U.S. Imports and Import Penetration

U.S. imports of men's and boys' cotton and man-made fiber other coats, Category 334/634, increased from 5,164 thousand dozen in 1987 to 5,202 thousand dozen in 1989. In the year ending August 1990 imports of Category 334/634 jumped 24 percent, reaching 5,910 thousand dozen, when compared with the same period in 1989. The ratio of imports to domestic production reached 106 percent in 1989, up to 10 percentage points from 96 percent in 1987.

Duty-Paid Value and U.S. Producers' Price

Approximately 72 percent of Category 334/634 imports from the United Arab Emirates during the first eight months of 1990 entered under HTSUSA numbers 6101.20.0010—men's cotton knit overcoats, capes, cloaks, anoraks, windbreakers and similar articles; 6201.92.2050—men's cotton woven anoraks, windbreakers and similar articles other than of corduroy and blue denim; 6101.30.2010—men's man-made fiber knit overcoats, capes, cloaks, anoraks, windbreakers and similar articles, other than those containing 25 percent or more leather by weight, and other than those containing 23 percent by weight of wool; 6101.30.2020—boys' man-made fiber knit overcoats, capes, cloaks, anoraks, windbreakers and similar articles, other than those containing 25 percent or more leather and other than those containing 23 percent or more by weight of wool; 6210.20.1020—other man-made fiber woven overcoats, capes, cloaks, anoraks, windbreakers and similar articles, other than those having an outer surface, covered or laminated with rubber or plastic materials which completely obscures the underlying fabric. These coats entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable coats.

[FR Doc. 90–29398 Filed 12–14–90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Ad Hoc Committee on the Extension of Dormant Munitions Storage Life and Insensitive High Explosives Research and Development will meet on 14–18 January 1991, from 8 a.m. to 5 p.m. at HQ USAFE, Ramstein AB, Hahn AB, Fraunhofer Institute, Berghausen, and Bayern Chemie, MBB (GmbH), Ottobrun, Germany.

The purpose of this meeting is to gather information in support of the SAB study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraph (1) and (4).

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 90–29386 Filed 12–14–90; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Financial Assistance; Intent To Negotiate a Cooperative Agreement Entitled "Advanced Materials for Aluminum" With Massachusetts Institute of Technology

SUMMARY: The U.S. Department of Energy, Idaho Operations Office, intends to award on a noncompetitive basis, a cooperative agreement, as a result of an unsolicited proposal, submitted by the Massachusetts Institute of Technology, Cambridge, MA. This unsolicited proposal was submitted by MIT under its own initiative in April 1990, and is accepted for support pursuant to the provisions of 10 CFR 600.14. The purpose of this research and development is to prove the hypothesis that a nonconsumable anode consisting of an oxidized film on a metal monolith can be used as a nonconsumable anode in aluminum electrolysis cells. DOE funding for this project will amount to $145,742. MIT's unsolicited proposal has been accepted for DOE financial assistance based on its meeting the criteria outlined in the following paragraphs listed under 10 CFR Part 600.14: (a) The activity to be funded is an innovative approach relevant to a public purpose, and (d) the applicant possesses the facilities and techniques necessary to achieve the proposed project objectives.

CONTACT: U.S. Department of Energy, Idaho Operations Office, Attn: Scott D. Applonie, Contracts Management Division, 785 DOE Place, Idaho Falls, Idaho 83402–1129 (208) 526–8558.

PROCUREMENT REQUEST NUMBER: DE–FC07–91ID13053.

R. Jeffrey Hoyles,

Acting Director, Contracts Management Division.

[FR Doc. 90–29460 Filed 12–14–90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 9952–002]

Warren Osborn; Availability of Environmental Assessment, Idaho

December 10, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for major license for the proposed Sixmile Creek Hydroelectric Project located on Sixmile Creek in Adams County, near New Meadows, Idaho, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308 of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29423 Filed 12–14–90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91–501–000, et al.]

Sabine Pipe Line Co., et al.; Natural Gas Certificate Filings

December 7, 1990.

Take notice that the following filings have been made with the Commission:

1. Sabine Pipe Line Co.

[Docket No. CP91–501–000]

Take notice that on November 23, 1990, Sabine Pipe Line Company (Sabine), 1111 Bagby Street, Houston, Texas 77002, filed in Docket No. CP91–501–000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing certain existing Natural Gas Policy Act section 311 facilities which were acquired in place, leased, or constructed by Sabine and are currently used exclusively to perform section 311 transportation services, all

as more fully set forth in the request which is on file with the Commission and open to public inspection.

Sabine states that the Commission's Interim Regulations issued on August 2, 1990, in Docket No. RM90–13–000 have prompted it to request authority to use its existing section 311 facilities to render jurisdictional transportation services. Specifically, Sabine is requesting section 7(c) authorization for (1) Two compressor stations and pipeline connections with seven interstate and three intrastate pipelines at the Henry Hub in Vermilion Parish, Louisiana; (2) a pipeline interconnect with Florida Gas Transmission Company in Vermilion Parish, Louisiana; (3) a pipeline interconnect with ANR Pipeline Company in Jefferson Davis Parish, Louisiana; and (4) one offshore lateral that connects a gas production platform with Sea Robin Pipeline Company in East Cameron Block 278, offshore Louisiana.

Sabine states that certain of the Henry Hub facilities are leased from Texaco Inc. (Texaco), who retains a portion of the capacity in such facilities in order to move gas under its own contracts. Sabine also states that the lease agreement with Texaco provides that Sabine is permitted to use the leased facilities solely to provide Section 311 transportation until such time as Sabine seeks and obtains a certificate of public convenience and necessity authorizing the use of such facilities for jurisdictional service. Sabine requests that the Commission declare in its order in this docket that Texaco's reservation and use of capacity in these facilities would not be subject to the Commission's jurisdiction.

Sabine proposes to charge its currently effective FT–1 and IT–1 rates for firm and interruptible transportation, respectively. Sabine states that the cost of the facilities that were constructed or purchased in place is $9,746,880. The cost of the leased facilities is $10,000 per month.

Sabine asserts that section 8(c) authorization for these facilities would allow it to provide transportation services under its blanket certificate through all of its facilities to all current and potential shippers.

Comment date: December 28, 1990, in accordance with Standard Paragraph F at the end of this notice.

2. Gas Gathering Corp., Texas Eastern Transmission Corp., Texas Eastern Transmission Corp., Williston Basin Interstate Pipeline Co.

[Docket Nos. CP91–491–000,[1] CP91–530–000, CP91–531–000, CP91–532–000]

Take notice that the above referenced companies (Applicants) filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by the Applicants and is included in the attached appendix.

The Applicants also state that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket Number (date filed)	Applicant	Shipper name	Peak day avg, annual [1]	Points of—		Start up date, rate shchedule	Related dockets [2]
				Receipt	Delivery		
CP91–491–000 (11–20–90)	Gas Gathering Corp. P.O. Box 519, Hammond, LA 70404.	Amoco Energy Trading Co.	4,000 500 182,500	LA	LA	11–01–90 IT–1	ST91–2710–000
CP91–530–000 (11–29–90)	Texas Eastern Transmission Corp. P.O. Box 2521, Houston, TX 77252–2521.	Vesta Energy Co.	10,000 10,000 3,650,000	OLA, LA, AL, AR, IL, IN, KY, MO, MS, NJ, NY, OH, PA, TN, TX, WV	IL	10–25–90 IT–1	ST91–3050–000
CP91–531–000 (11–29–90)	....do	Transworld Oil U.S.A. Inc.	20,000 20,000 7,300,000	OLA, LA, Al, AR, IL, IN, KY, MO, MS, NJ, NY, OH, PA, TN, TX, WV	PA, NJ, NY	10–09–90 IT–1	ST91–2960–000
CP91–532–000 (11–29–90)	Williston Basin Interstate Pipeline Co., Suite, 200, 304 East Rosser Ave, Bismarck, ND 58501.	Prairielands Energy Marketing, Inc..	53,000 13,000 19,345,000	WY, MT	ND, MT, SD, WY	10–18–90 IT–1	ST91–3569–000

[1] Quantities are shown in MMBtu except for Williston Basin Interstate Pipleine Company which is shown in dt.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Northern Natural Gas Co., Division of Enron Corp.

[Docket Nos. CP91–586–000, CP91–587–000, CP91–588–000, CP91–589–000, and CP91–590–000]

Take notice that on December 6, 1990, Northern Natural Gas Company, Division of Enron Corp. (Applicant), P.O. Box 1188, Houston, Texas 77251–1188, filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86–435–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[2]

[2] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name	Peak day [1]	Points of—		Start up date, rate schedule, service type	Related [3] docket, contract date
		Avg. annual	Receipt [2]	Delivery [2]		
CP91-586-000 (12-6-90)	NGC Transportation, Inc.	300,000 225,000 109,500,000	IA, KS, MN, NE, NM, OK, SD, TX, WI	TX	11-1-90, IT-1, Interruptible	ST91-4035-000, 11-1-90,
CP91-587-000 (12-6-90)	Richardson Products Co.	50,000 37,500 18,250,000	NM	TX	11-1-90, IT-1, Interruptible	ST91-3039-000, 11-1-90
CP91-588-000 (12-6-90)	NGC Transportation, Inc.	50,000 37,500 18,250,000	OLA, OTX	IA, TX, WI	11-1-90, IT-1, Interruptible	ST91-3136-000, 11-1-90
CP91-589-000 (12-6-90)	Williams Gas Marketing Co.	100,000 75,000 36,500,000	IA, KS, MN, NM, NE, OK, SD, TX, WI	IA, IL, KS, MI, MN, NE, OK, SD, TX, WI	11-1-90, IT-1, Interruptible	ST91-4265-000, 11-10-90
CP91-590-000 (12-6-90)	Mobil Natural Gas, Inc.	100,000 75,000 36,500,000	IA, KS, MN, NE, NM, OK, SD, TX, WI	KS, TX	11-1-90, IT-1, Interruptible	ST91-4031-000, 11-1-90

[1] Quantities are shown in MMBtu.
[2] Offshore Louisiana and Offshore Texas are shown as OLA and OTX.
[3] If an ST docket is shown, 120-day transportation service was reported in it.

4. El Paso Natural Gas Co., El Paso Natural Gas Co., El Paso Natural Gas Co. El Paso Natural Gas Co.

[Docket Nos. CP91-562-000, CP91-563-000, CP91-565-000, and CP91-566-000]

Take notice that Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, and El Paso Natural Gas Company, P.O. Box 1492, El Paso, Taxas 79978, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP88-328-000 and Docket No. CP88-433-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-562-000 (12-04-90)	Enron Gas Marketing, Inc.	51,500 51,500 18,797,500	Various	AZ, NM, TX	9-24-90, T-1, Interruptible	ST91-3566, 11-1-90
CP91-563-000 (12-04-90)	Wallace Oil & Gas, Inc.	1,545 1,545 563,925	OK	OK	9-18-90, T-1, Interruptible	ST91-3153, 10-18-90
CP91-565-000 (12-04-90)	Oryx Gas Marketing Limited Partnership (Producer)	103,000 51,500 18,797,500	Various	CO, NM, OK, TX	9-24-90, T-1, Interruptible	ST91-3150, 10-13-90
CP91-566-000 (12-04-90)	Phillips 66 Natural Gas Co. (Marketer)	10,223 10,223 3,731,395	NM, TX	NM, TX	9-5-90, T-1, Interruptible	ST91-3152 11-1-90

5. Transcontinental Gas Pipe Line Corp.

[Docket No. CP91-552-000]

Take notice that Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, and El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued in Docket No. CP88-328-000 and Docket No. CP88-433-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[4]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-552-000 (12-03-90)	Fina Oil and Chemical Co..	1,010,000 30,000 10,950,000	Various	Various	8-24-90, IT, Interruptible.	ST91-2760, 11-5-90

6. Transcontinental Gas Pipe Line Corp.

[Docket No. CP91-569-000]

Take notice that on December 4, 1990, Transcontinental Gas Pipe Line Corporation (Transco) Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP91-569-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that in recent years, it has been experiencing a decline in wellhead gas deliverability directly connected to its pipeline system in its traditioinal production supply area, particularly on the Southeast Louisiana Lateral. Transco further states that several new fields within economic reach of the existing Southeast Louisiana Lateral are currently being developed. Transco, therefore, requests authorization to construct and operate approximately 73 miles of pipeline that would extend its Southeast Louisiana Lateral, Offshore Louisiana. Transco states that the facilities would be constructed in two phases.

It is stated that the proposed facilities would have a design capacity of 225 MMcf per day and a maximum capacity of 300 MMcf per day. Transco states that such facilities are required in order to increase Transco's capability to move additional gas supplies from the Offshore Louisiana area to Transco's existing pipeline system. Transco further states that the new facilities would be utilized to make available additional receipt points and gas supplies for transportation service to its shippers and to purchase system supply gas for resale. Transco maintains that gaining access to new reserves through construction of the Southeast Louisiana extension would prolong the useful life of the existing Southeast Louisiana Lateral by enhancing system supply availability from the Louisiana sector of the Gulf, where Transco is currently experiencing a decline in deliverability.

Transco estimates the cost of constructing the facilities to be $59,081,239, which would be financed initially through short-term loans and funds on hand. Permanent financing would be undertaken as part of Transco's overall long-term financing program at a later date.

Comment date: December 28, 1990, in accordance with Standard Paragraph F at the end of this notice.

7. Northwest Pipeline Corp.

[Docket No. CP91-553-000]

Take notice that on December 3, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP91-553-000 a request pursuant to §§ 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act for authorization to change and abandon delivery points under its blanket certificate issued in Docket No. CP82-433 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest requests authorization to: (1) Add a new delivery point off Pacific Gas Transmission Company's (PGT) mainline near LaPine, Oregon for delivery of natural gas to Cascade Natural Gas Company (Cascade) under Northwest's Rate Schedules ODL-1 and SGS-1; (2) add the existing Madras and Redmond, Oregon sales delivery points on PGT's system as storage delivery points to Cascade under Northwest's Rate Schedule SGS-1; (3) abandon existing Rate Schedules ODL-1 and SGS-1 service for Cascade to the Cresent, Oregon delivery point on PGT's system; and (4) reallocate Northwest's maximum daily delivery obligations (MDDO) for Rate Schedule ODL-1 sales gas and maximum delivery quantities (MDQ) for Rate Schedule SGS-1 storage gas among various delivery points to Cascade located on PGT's system.

Northwest states that pursuant to a letter agreement with PGT, dated June 12, 1990, Northwest agreed to reimburse PGT for the total cost of about $111,970 associated with the construction of the PGT's new LaPine Meter Station. Northwest further states that Cascade has agreed to reimburse Northwest for the payments made to PGT for the LaPine Meter Station.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

8. Columbia Gas Transmission Corp.

[Docket Nos. CP91-546-000,[5] CP91-547-000, CP91-548-000, CP91-549-000, CP91-550-000, and CP91-551-000]

Take notice that on November 30, 1990, Columbia Gas Transmission Corporation (Applicant), filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice

[5] These prior notice requests are not consolidated.

requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day, [1] avg, annual	Points of—		Start up date; rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-546-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Anue, S.E., Charleston, WV 25314.	Unifield Natural Gas Group, Limited Partnership.	5,000 4,000 1,825,000	KY, OH, PA, WV	OH	9-25-90, ITS	CP86-240-000, ST91-1447-000
CP91-547-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, WV 25314.	NGC Transportation, Inc.	7,000 5,600 2,555,000	WV	PA	10-2-90 FTS	CP86-240-000, ST91-1446-000
CP91-548-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, WV 25314.	Tex/Con Gas Marketing Co.	100,000 80,000 36,500,000	KY, OH, PA, WV, MD, VA, NJ	AL, NC, NJ, NY, GA, SC, DC, DE, PA, OH, CT, VA, WV, MD	10-3-90, ITS	CP86-240-000, ST91-2734-000
CP91-549-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, WV 25314.	PSI, Inc	2,150 1,720 784,750	OH	OH	10-1-90, FTS	CP86-240-000, ST91-1445-000
CP91-550-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, WV 25314.	Gulf Ohio Corp	210 168 76,650	WV	OH	10-16-90, FTS	CP86-240-000, ST91-1444-000
CP91-551-000 (11-30-90)	Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, S.E., Charleston, WV 25314.	Gas Marketing, Inc	300 240 109,500	KY, WV, OH	WV, OH	10-2-90, ITS	CP86-240-000, ST91-1441-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

9. Northern Natural Gas Co., Division of Enron Corp., Stingray Pipeline Co., Williams Natural Gas Co.

[Docket Nos. CP91-575-000, CP91-582-000, and CP91-585-000]

Take notice that Applicants filed prior notice requests in the above-referenced dockets with the Commission pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued to Applicants pursuant to section 7 of the NGA, all as more fully set forth in the requests which are open to public inspection.[6]

Information applicable to each transaction, including the shipper's identity; the type of transportation service; the appropriate transportation rate schedule; the peak day, average day and annual volumes; the initiation service dates; and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in appendix A. Applicants' addresses and transportation blanket certificates are shown in appendix B.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[6] These prior notice requests are not consolidated.

APPENDIX A

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related Docket, start up date
CP91-575-000 (12-5-90)	American Central Gas Companies, Inc. (Marketer).	200,000 150,000 73,000,000	IA, KS, MN, NE, NM, OK, SD, TX, WI	IA, IL, KS, MI, MN, NE, NM, OK, SD, TX, WI	10-13-90, IT-1, Interruptible.	ST91-1711, 10-13-90
CP91-582-000 (12-5-90)	Trans Marketing Houston, Inc. (Marketer).	250,000 100,000 36,500,000	LA, OLA, OTX	LA, OTX	09-18-89, IT-1, Interruptible. ST91-2708, 10-3-90	
CP91-585-000 (12-5-90)	Associated Natural Gas, Inc. (Marketer).	[2] 110 110 40,150	CO, KS, MO, OK, TX, WY	MO	10-1-90, FTS, Firm	ST91-2927 10-1-90

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Dekatherms.

APPENDIX B

Applicants' addresses	Blanket dockets
Northern Natural Gas Co., Division of Enron Corp., 1400 Smith Street, P.O. Box 1188, Houston, TX 77251-1188.	CP86-435-000
Stingray Pipeline Co., P.O. Box 1642, Houston, TX 77251-1642.	RP89-70-000[3]
Williams Natural Gas Co., P.O. Box 3288, Tulsa, OK 74101.	CP86-631-000

[3] Order No. 509 issued Stingray a blanket transportation certificate corresponding to the rates, terms and conditions filed in Docket No. RP89-70-000.

10. Tennessee Gas Pipeline Co.

[Docket Nos. CP91-559-000 and CP91-560-000]

Take notice that Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[7]

[7] These prior notice requests are not consolidated.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dt	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-559-000 (12-4-90)	Tejas Power Corporation (Marketer).	35,000 35,000 12,775,000	TX	LA	FT-A, Firm	ST91-3975, 10-1-90.
CP91-560-000 (12-4-90)	Enron Gas Marketing Company (Marketer).	30,000 30,000 10,950,000	TX	LA	FT-A, Firm	St91-3804, 9-1-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

11. Columbia Gulf Transmission Co.

[Docket No. CP91-539-000]

Take notice that on November 30, 1990, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP91-539-000 an application pursuant to section 7(b) of the Natural Gas Act (NGA) requesting an order permitting and approving abandonment of a transportation service for Sea Robin Pipeline Company (Sea Robin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gulf states that by Commission Order issued August 5, 1977 in Docket No. CP77-326-000, as amended by Commission Orders issued October 11, 1979 and November 4, 1983, Columbia Gulf was authorized to transport for Sea Robin, on a contract demand basis, 15,000 Mcf per day of Sea Robin's natural gas volumes from West Cameron Blocks 609 and 617, Offshore Louisiana, to a point near Egan, Louisiana.

Columbia Gulf states that its request for authority to abandon this transportation service is in response to a letter from Sea Robin cancelling the agreement under which the gas is transported, in accordance with the terms contained therein effective November 28, 1990.

Comment date: December 28, 1990, in accordance with Standard Paragraph F at the end of the notice.

12. Superior Offshore Pipeline Co., U-T Offshore System, Midwestern Gas Transmission Co., Viking Gas Transmission Co.

[Docket Nos. CP91-555-000, CP91-556-000, CP91-557-000, CP91-558-000]

Take notice that Applicants filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued to Applicants pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[8]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix A. Applicants' addresses and transportation blanket certificates are shown in the attached appendix B.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[8] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dtn	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-555-000 (11-30-90)	Kerr-McGee Corporation	42,000 42,000 [2] 5,040,000	OLA	LA	10-25-90, T-1, Firm.	ST91-2711-000, 10-25-90.
CP91-556-000 (12-3-90)	Santa Fe International Corp. (Producer).	135,000 135,000 [3] 49,275,000	OLA	LA	7-1-90, IT, Interruptible.	ST91-2922-000, 10-16-90.
CP91-557-000 (12-4-90)	Stellar Gas Company (Marketer).	30,000 30,000 10,950,000	IL, IN, TN, KY	IL, IN, KY	10-22-90, IT, Interruptible.	ST91-3796-000, 11-1-90.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-558-000 (12-4-90)	U.S. Gas Marketing, Inc. (Marketer).	50,000 50,000 18,250,000	WI, MN, ND	WI, MN, ND	10-10-90, IT-2, Interruptible.	ST91-4021-000, 10-20-90.

[1] Offshore Louisiana is shown as OLA.
[2] SOPCO's quantities are in MMBtu.
[3] U-TOS' quantities are in Mcf.

Applicant's address	Blanket docket
Midwestern Gas Transmission Company, P.O. Box 2511, Houston, Texas 77252.	CP90-174-000
Superior Offshore Pipeline Co., 12450 Greenspoint Drive, Houston, Texas 77060.	CP86-387-000
U-T Offshore System, P.O. Box 1396, Houston, Texas 77251.	RP89-99-000 [4]
Viking Gas Transmission Company, P.O. Box 2511, Houston, Texas 77252.	CP90-273-000

[4] Order No. 509 issued U-TOS a blanket transportation certificate corresponding to the rates, terms and conditions filed in Docket No. RP89-99-000.

13. Panhandle Eastern Pipe Line Co.

[Docket No. CP91-526-000]

Take notice that on November 29, 1990, Panhandle Eastern Pile Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed a request with the Commission in Docket No. CP91-526-000, pursuant to § 157.205 of the Commission's Regulations, for authorization to add an existing delivery point to Central Illinois Public Service Company's (CIPSCO) sales service agreement and to reassign volumes on Illinois Power Company's (Illinois Power) sales service agreement under the blanket certificate issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act (NGA), all as more fully set forth in the request which is open to public inspection.

Panhandle proposes to add the existing Bourbon delivery meter to CIPSCO's sales service agreement dated October 27, 1990. Panhandle also requests the reassignment of volumes to Illinois Power's Decatur, Elmwood-Galesburg, Mt. Zion, and Savoy delivery points. It is stated that no increase in volumes is proposed, and that the aggregate volumes delivered on a single day would not exceed 150,000 Mcf for CIPSCO and 115,000 Mcf for Illinois Power.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

14. United Gas Pipe Line Co.

[Docket No. CP91-533-000]

Take notice that on November 29, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP91-533-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Louisiana State Gas Corporation, an intrastate pipeline, under the blanket certificate issued in Docket No. CP88-6-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that, pursuant to an agreement dated January 24, 1990, under its Rate Schedule ITS, it proposes to transport up to 39,655 MMBtu per day equivalent of natural gas. United indicates that the gas would be transported from Mississippi, and las, and would be redelivered in Louisiana. United further indicates that it would transport 39,655 MMBtu on an average day and 14,474,075 MMBtu annually.

United advises that service under § 284.223(a) commenced October 8, 1990, as reported in Docket No. ST91-2859.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

15. High Island Offshore System, High Island Offshore System, High Island Offshore System, Columbia Gulf Transmission Co.

[Docket Nos. CP91-535-000, CP91-536-000, CP91-537-000, and CP91-538-000]

Take notice that High Island Offshore System, 500 Renaissance Center, Detroit, Michigan 48243, and Columbia Gulf Transmission Company, 3805 West Alabama, Houston, Texas 77027, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under the blanket certificates issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89-82-000 and in Docket No. CP86-239-000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[9]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: January 22, 1991, in accordance with Standard Paragraph G at the end of this notice.

[9] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual [2]	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-535-000 (11-30-90)	Sonat Marketing Company (Marketer).	39,000 39,000 14,235,000	OTX, OLA	OTX, OLA	4-1-90, IT, Interruptible.	ST91-860, 10-9-90.
CP91-536-000 (11-30-90)	Pennzoil Gas Marketing Company (Marketer).	102,400 102,400 37,376,000	OTX, OLA	OTX, OLA	4-1-90, IT, Interruptible.	ST91-858, 10-5-90.
CP91-537-000 (11-30-90)	V.H.C. Gas Systems, L.P. (Marketer).	566,950 566,950 206,936,750	OTX, OLA	OTX, OLA	4-1-90, IT, Interruptible.	ST91-857, 10-5-90.
CP91-538-000 (11-30-90)	Mobil Natural Gas Inc. (Producer).	30,000 10,000 3,650,000 [3]	OLA	LA	8-24-90, ITS-2, Interruptible.	ST91-857, 9-1-90.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] HIOS uses Mcf and Columbia Gulf uses MMBtu as the unit of measurement for volumes of natural gas.
[3] Columbia states that this is the annual volume based on the average day figure and that the annual volume based on the peak day figure is 10,959,000 MMbtu.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-29411 Filed 12-14-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP90-12-006 and CP89-1554-005]

Colorado Interstate Gas Co.; Tariff Filing

December 10, 1990.

Take Notice that on December 6, 1990, Colorado Interstate Gas Company ("CIG") tendered for filing the following tariff sheets in its Original Volume No. 3:

Original Volume No. 3 ("Base" Sheets)
Substitute Original Sheet No. 97A
Substitute Original Sheet No. 97B
First Revised Sheet No. 116
Original Sheet No. 117
Original Volume No. 3 ("Alternate" Sheets) [1]
Second Revised Sheet No. 97B
First Revised Sheet No. 97C
First Revised Sheet No. 116 [2]
Original Sheet No. 117 [2]

CIG states that the purpose of this filing is to comply with Ordering Paragraph (B) of the Commission's November 23, 1990, order in Docket Nos. RP90-12-005 and CP89-1554-004 requiring CIG to file tariff sheets within 15 days detailing the information it will provide on its electronic bulletin board regarding volumes and rates applicable to gas in the "waiting queue" awaiting service.

CIG states that copies of its filing were served on all holders of Volume No. 3 of CIG's FERC Gas Tariff and appropriate state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before December 17, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-29420 Filed 12-14-90; 8:45 am]

BILLING CODE 6717-01-M

[1] The "Alternate" sheets listed are built upon sheets currently pending Commission approval in Docket No. RP91-24-000.

[2] These sheets are included with both "Base" and "Alternate" sheets and will be required regardless of which set of Volume No. 3 sheets are finally accepted and made effective.

[Docket No. RP91-41-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 10, 1990.

Take notice that Columbia Gas Transmission Corporation (Columbia) on December 6, 1990, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, with a proposed effective date of December 17, 1990:

Four Revised Sheet Nos. 30A01-30A05
Original Sheet Nos. 30A06-30A12
Fifth Revised Sheet No. 30B01
First Revised Sheet No. 173
First Revised Sheet No. 174

Columbia states that the foregoing tariff sheets are being filed pursuant to Order No. 528 (i) To place tariff sheets into effect which establish the general procedures pursuant to Order No. 528 through which Columbia will recover from its customers the take-or-pay and contract reformation cost fixed charges which Columbia's pipeline suppliers bill to Columbia in accordance with Federal Energy Regulatory Commission orders on individual filings made or to be made by such suppliers; and (ii) to place tariff sheets into effect to flow through Transcontinental Gas Pipe Line Corporation's Order No. 500 billings to Columbia.

Columbia states that copies of the filing were served upon Columbia's jurisdictional customers, interested state commissions and parties listed on the official service list in Columbia's various Order No. 500 flow through proceedings.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Captiol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 18, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-29412 Filed 12-14-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-5-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

December 10, 1990.

Take notice that on December 5, 1990, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 filed Third Revised First Revised Sheet No. 21 in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness of December 5, 1990.

According to the Granite State, this out-of-cycle purchased gas adjustment is necessary to reflect increases in its projected cost of gas purchases not reflected in its current rates. Granite State states that, since its last purchased gas cost adjustment in Docket No. TQ91-4-4-000, Tennessee Gas Pipeline Company (Tennessee) filed an out-of-cycle purchased gas cost adjustment in Docket No. TQ91-2-9-000 for effectiveness on December 1, 1990. According to Granite State, Tennessee is Granite State's largest supplier of firm gas supplies during the winter season. Granite State further states its costs for gas purchased from Algonquin Gas Transmission Company and its projected costs for spot market purchases have also increased above the levels reflected in its current rates. It is stated that this out-of-cycle purchased gas cost adjustment is necessary to avoid undercollection in purchased gas costs.

According to Granite State the proposed rate changes are applicable to its jurisdictional sales services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to make any protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 17, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-29419 Filed 12-14-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-45-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

December 10, 1990.

Take notice that on December 7, 1990, Natural Gas Pipeline Company of America (Natural) submitted for filing the tariff sheets listed below to be part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective January 1, 1991:

Second Revised Sheet No. 25
Sixth Revised Sheet No. 26
Second Revised Sheet Nos. 28 and 29
First Revised Sheet No. 32

Natural states that these sheets are being submitted to incorporate in Natural's Rate Schedule S-1 the definition of a Daily Withdrawal Maximum (DWM) for Rate Schedule S-1 customers. Natural states that the DWM would determine the peak amount of gas a Rate Schedule S-1 customer or buyer may withdraw from service, an amount which may vary by month from a high of 105% to a lower level set forth in the service agreement between Natural and the buyers of its Rate Schedule S-1 storage service (Section 8 of Natural's existing Rate Schedule S-1 permits deliveries in excess of the customer's or buyer's demand withdrawal quantity, subject to certain conditions). Natural further states that the purpose and effect of this change is to modify the profile of permitted withdrawals under Rate Schedule S-1 to mirror more closely its actual customer needs, but without changing the overall dedication to Rate Schedule S-1 service of the storage capacity or withdrawal capability of Natural's reservoirs. Natural also states that it is making this revision to its Rate Schedule S-1 as the result of the overall renegotiation of all of its service agreements.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective January 1, 1991.

Natural states that a copy of its filing is being mailed to Natural's jurisdictional sales customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission (Commission), 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before December 18, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parites to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29418 Filed 12–14–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–1–40–000]

Raton Gas Transmission Co.; Filing of Quarterly Purchased Gas Adjustment

December 10, 1990.

Raton Gas Transmission Company (Raton) on December 7, 1990, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, to implement its quarterly purchased gas adjustment under the provisions of Order Nos. 483 and 483A. The proposed tariff sheet is to be effective January 1, 1991.

Raton states that the revised tariff sheet reflects a Demand Rate increase of 5¢ per MCF and a Commodity Rate increase of 2.71¢ due to Colorado Interstate Gas Company (CIG) PGA filing in Docket No. TQ 91–1–32 filed on November 30, 1990 to become effective on January 1, 1991.

Raton states that copies of this filing have been served on Raton's two customers and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211 (1988)). All such motions or protests should be filed on or before December 18, 1990.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29413 Filed 12–14–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP89–36–008 and CP90–273–005]

Viking Gas Transmission Co.; Tariff Filing

December 10, 1990.

Take notice that on December 6, 1990, Viking Gas Transmission Company (Viking) filed its corrected Fourth Revised Sheet No. 11 to Original Volume No. 1 of its FERC Gas Tariff, to be effective November 1, 1990. Viking states that the purpose of this filing is to correct an inadvertent pagination error.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before December 18, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29422 Filed 12–14–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–183–021]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

December 10, 1990.

Take notice that Williams Natural Gas Company (WNG) on December 6, 1990, tendered for filing the following tariff sheets to its FERC Gas Tariff:

Original Volume No. 1

Effective December 1, 1989

Fourth Revised Third Revised Sheet No. 30
Substitute Original Sheet No. 30A
Second Substitute Fourth Revised Sheet No. 31
First Revised Volume No. 1

Effective January 1, 1991

First Revised Sheet Nos. 116–122

WNG states that this filing is being made in compliance with the Commission's November 21, 1990 Order in Docket No. RP89–183–019 directing WNG to refile its receipt point flexibility provisions for shippers under Rate Schedule FTS.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Regulations. All such protests should be filed on or before December 18, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–29421 Filed 12–14–90; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3820–4]

Renewal for the Chesapeake Executive Council

The U.S. Environmental Protection Agency announces the renewal for the Chesapeake Executive Council following consultation with the Committee Management Secretariat, General Services Administration. EPA has determined that renewal of this advisory committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues this advisory committee for two years, unless otherwise sooner terminated, will be filed with the appropriate Congressional committees and the Library of Congress. The committee will operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations issued in implementation of the Act.

FOR FURTHER INFORMATION CONTACT: Harry Wells, EPA Chesapeake Bay Liaison Office, 410 Severn Avenue, Suite 109, Annapolis, Maryland 21403, 301–267–0061.

Dated: December 6, 1990.

Charles S. Spooner,

Director Chesapeake Bay Program.

[FR Doc. 90–29463 Filed 12–14–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–011033–002.

Title: Second Amendment to Nippon Yusen Kaisha, Ltd. and Port of Seattle Terminal 37 Lease.

Parties:

Port of Seattle,
Nippon Yusen Kaisha.

Synopsis: The Agreement adjusts the premises and rental, pursuant to the renegotiation provisions of the basic agreement.

Agreement No.: 224–200429–001.

Title: First Amendment to Stevedoring Services of America and Port of Seattle Terminal 42 Lease.

Parties:

Port of Seattle,
Stevedoring Services of America ("SSA").

Synopsis: The Agreement provides that SSA may assign its interest in the basic agreement to Hyundai Merchant Marine Company at some future date.

By Order of the Federal Maritime Commission.

Dated: December 11, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–29424 Filed 12–14–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 11, 1990

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public)

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer—Gary Waxman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202–395–7340)

Final approval under OMB delegated authority of the extension, with revision, of the following reports:

Report title: Applications for Membership in the Federal Reserve System.

Agency form number: FR 2083, 2083A–2083E.

OMB Docket number: 7100–0046.

Frequency: On occasion.

Reporters: Commercial banks and certain mutual savings banks.

Annual reporting hours: 1,388.

Estimated average hours per response: 37.5.

Number of respondents: 37.

Small businesses are not affected.

General description of report: This application provides managerial, financial and structural data necessary for the Federal Reserve Board to evaluate a new or existing bank's application for admission to the Federal Reserve System pursuant to criteria established by statute and regulation (Regulation H). The revisions would standardize the format of certain information and reflect reduced reporting requirements resulting from amendments to the Change in Bank Control Act.

This information collection is authorized by law (12 U.S.C. 321–328). Parts may be given confidential treatment at applicant's request (5 U.S.C. 552(b)(4)).

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports:

1. *Report title:* Monthly Survey of Eligibility Bankers Acceptances.

Agency form number: FR 2006.

OMB Docket number: 7100–0055.

Frequency: Monthly.

Reporters: U.S. commercial banks, U.S. branches and agencies of foreign banks and edge corporations.

Annual reporting hours: 2570.

Estimated average hours per response: 2.1.

Number of respondents: 1.2.

Small businesses are not affected.

General description of report:

This information collection is voluntary (12 U.S.C. 248(a), 625, and 3105(b)) and is given confidential treatment (5 U.S.C. § 552(b) (4) and (8)).

This report provides timely and detailed information on eligible dollar acceptances traded in the United States. The data are used for constructing a measure of short-and intermediate-term business credit and are relied upon to provide information to the Federal Reserve's trading desk.

2. *Report title:* Survey to Obtain Information on the Relevant Market in Individual Merger Cases.

Agency form number: FR 2060.

OMB Docket number: 7100–0232.

Frequency: On occasion.

Reporters: Small businesses and consumers.

Annual reporting hours: 55.

Estimated average hours per response: 10 minutes for small businesses, 6 minutes for consumers.

Number of respondents: 25 small businesses and 50 consumers per survey.

Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 1828(c)) and is given confidential treatment (5 U.S.C. 552(b)(4) & (b)(6)).

This telephone survey is designed to determine from what sources small businesses and consumers obtain financial services. The information is needed for specific merger and acquisition applications to determine relevant banking markets in the analysis of local market competition.

3. *Report title:* Report by Banks Proposing to Amortize Losses on Qualified Agricultural Loans.

Agency form number: FR 4020.

OMB Docket number: 7100–0231.

Frequency: On occasion for initial applications, annually for participating banks.

Reporters: State member banks.

Annual Reporting hours: 25.

Estimated average hours per response: 15 for initial applications, 2 for participating banks.

Number of respondents: 4 currently, with 1 initial application expected. Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 321 et seq.), and individual respondent data may be given confidential treatment (5 U.S.C. 552(b)(4) & (b)(8)).

The report documents an applicant state member bank's eligibility to amortize losses on qualified agricultural loans under the Competitive Equality Banking Act of 1987 and provides information needed by the Federal Reserve to fulfill its supervisory responsibilities in establishing the eligibility of the bank and in monitoring the bank's compliance with the conditions of the program.

4. *Report title:* Transfer Agent Registration and Amendment Form.

Agency form number: FR TA-1.

OMB Docket number: 7100-0099.

Frequency: On occasion.

Reporters: State member banks, bank holding companies, and certain nondeposit trust company subsidiaries of bank holding companies.

Annual reporting hours: 23.

Estimated average hours per response: 1.25 for initial registrations, 10 minutes for amendments.

Number of respondents: 16 filing initial registrations and 18 filing amendments.

Small businesses are not affected.

General description of report: This information collection is mandatory (15 U.S.C. 78q-1(c)(1) & (2) and is not given confidential treatment.

This interagency form fulfills the statutory registration and amendment requirements for entities acting as transfer agents for securities registered under section 12 of the Securities Exchange Act of 1934. Such entities must register with the appropriate regulatory agency prior to performing the functions of a transfer agent.

5. *Report title:* Reports Related to Securities of State Member Banks as Required by Regulation H.

Agency form number: N.A.

OMB Docket number: 7100-0091.

Frequency: On occasion, quarterly, and annually.

Reporters: State member banks with more than 500 shareholders and more than $5 million in total assets.

Annual reporting hours: 7,324.

Estimated average hours per response: 6.75.

Number of respondents: 35.

Small businesses are not affected.

General description of report: This information collection is mandatory (15 U.S.C. 78(i)) and is not given confidential treatment.

Since December 1987 state member banks that meet the shareholder and total asset criteria have been required pursuant to Regulation H to file the same securities forms and reports that bank holding companies and non-bank entities use when they file directly with the Securities and Exchange Commission. Some examples of such reports are Form 10-Q quarterly reports, Form 10-K annual reports, and event-generated Form 3 and Form 4 reports.

Proposal to approve under OMB delegated authority the discontinuance of the following report:

Report title: Monthly Report of International Banking Facility (IBF) Accounts.

Agency form number: FR 2072.

OMB Docket number: 7100-0158.

Frequency: Monthly.

Reporters: Financial institutions.

Annual reporting hours: 1,187.

Estimated average hours per response: 2.3.

Number of respondents: 43.

Small businesses are not affected.

General description of report: This information collection is required by law (12 U.S.C. 248(a), 602, 625, and 3105(b). Individual respondent data are given confidential treatment (5 U.S.C. 552(b)(4)).

This report collects data on assets and liabilities of International Banking Facility (IBF) accounts. The Board no longer needs the data from this report to monitor the activities of IBFs or for interpretation of the monetary and credit aggregates because the data are available from another source.

Board of Governors of the Federal Reserve System, December 11, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-29434 Filed 12-14-90; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

[File No. 892 3212]

Lewis Galoob Toys, Inc. and Towne, Silverstein, Rotter, Inc.; Proposed Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreements.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, the consent agreements, accepted subject to final Commission approval, would prohibit, among other things, a San Francisco, CA, based toy company ("Galoob") and a New York City based advertiser ("TSR") from making deceptive advertising claims in the future. In addition, Galoob would be prohibited from making misrepresentations, as to whether its toys must be purchased separately, or the toys' assembly requirements, in the labelling, packaging, sale or distribution, as well as the advertising, of its toys.

DATES: Comments must be received on or before February 15, 1991.

ADDRESSES: comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Joel Winston, FTC/S-4002, Washington, DC 20580. (202) 326-3153.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreements containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, have been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Lewis Galoob Toys, Inc., a Corporation; Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Lewis Galoob Toys, Inc., ("Galoob"), a corporation, hereinafter sometimes referred to as proposed respondent and it now appearing that proposed respondent is willing to enter into an agreement to cease and desist from the use of certain acts and practices being investigated.

It is hereby agreed by a between counsel for the Federal Trade Commission and Galoob, by its duly authorized officer and its attorney, that:

1. Proposed respondent Galoob is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its offices and principal place of business located at 500 Forbes Boulevard, in the City of San Francisco, State of California.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps; and

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All rights under the Equal Access to Justice Act.

4. This Agreement shall not become part of the public record in the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of the agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to the proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of the complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this order the required disclosures shall conform to the following requirements: (a) In television advertisements, a legible superscript in a manner to ensure clarity and prominence with a simultaneous voice-over recitation; except that any advertisement which, in view of its content and placement, is directed to adults need not contain a simultaneous voice-over recitation; (b) in printed advertisements and promotional materials, a disclosure printed in a typeface and color that are clear and prominent; (c) in radio advertisements, a statement included in a manner to ensure clarity and prominence. Any disclosure required by this order shall be in language understandable to children unless, in view of its content and placement, the advertisement is directed to adults. For purposes of this order adults are defined as individuals age thirteen (13) and older.

I

It is ordered That respondent Lewis Galoob Toys, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of any toy in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from depicting or describing in any advertisement or other promotional material two or more non-identical toys that are not available for purchase together as a set, unless respondent clearly and prominently discloses that the toys must be purchased separately.

II

It is further ordered That respondent Lewis Galoob Toys, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, or distribution of any toy that requires significant assembly prior to use in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from depicting or otherwise representing such toy as fully assembled unless respondent clearly and prominently discloses on the packaging that the toy must be assembled before it is ready for use.

III

It is further ordered that respondent Lewis Galoob Toys, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, labelling, packaging, offering for sale, sale or distribution of any toy in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or indirectly, that any such product can move by itself without human assistance, or any other movement capability, or the need for assembly; provided, however, that nothing in this order shall be deemed to preclude the use of stop-action photography in television commercials so long as the advertisement as a whole represents the toy in a non-deceptive manner, such as but not limited to, by means of a clear and prominent depiction of hands-on play showing the method of operation of the toy.

IV

It is further ordered That respondent Lewis Galoob Toys, Inc., and its successors and assigns, shall, for three (3) years after the date of the last dissemination of the representation to which they pertain, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating any representation covered by this order;

B. All film footage used in connection with any advertisement that contains any representation covered by this order; and

C. Any toy as well as the packaging for any toy involved in any representation covered by this order.

V

It is further ordered That respondent Lewis Galoob Toys, Inc., shall distribute a copy of this order to each of its operating divisions, to each of its managerial employees, and to each of its officers, agents, representatives or employees engaged in the preparation or placement of advertising or other materials covered by this order and shall secure from each such person a signed statement acknowledging receipt of this order.

VI

It is further ordered That respondent Lewis Galoob Toys, Inc. shall notify the Commission at least thirty (30) days prior to any proposed change such as the dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

VII

It is further ordered That respondent Lewis Galoob Toys, Inc., shall, within sixty (60) days after service upon it of this order and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the requirements of this order.

Towne, Silverstein, Rotter, Inc., a Corporation; Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Towne, Silverstein, Rotter, Inc., ("TSR"), a corporation ("TSR"), hereinafter sometimes referred to as proposed respondent and it now appearing that proposed respondent is willing to enter into an agreement to cease and desist from the use of certain acts and practices being investigated.

It is hereby agreed by a between counsel for the Federal Trade Commission and TSR, by its duly authorized officer and its attorney, that:

1. Proposed respondent TSR is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its offices and principal place of business located at 411 Lafayette Street, in the City of New York, State of New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps; and

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All rights under the Equal Access to Justice Act.

4. This Agreement shall not become part of the public record in the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of the agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to the proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of the complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this order the required disclosures shall conform to the following requirements: (a) In television advertisements, a legible superscript in a manner to ensure clarity and prominence with a simultaneous voice-over recitation; except that any advertisement which, in view of its content and placement, is directed to adults need not contain a simultaneous voice-over recitation; (b) in printed advertisements and promotional materials, a disclosure printed in a typeface and color that are clear and prominent; (c) in radio advertisements, a statement included in a manner to ensure clarity and prominence. Any disclosure required by this order shall be in language understandable to children unless, in view of its content and placement, the advertisement is directed to adults. For purposes of this order adults are defined as individuals age thirteen (13) and older.

I

It is ordered That respondent Towne, Silverstein, Rotter, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of any toy in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from depicting or describing two or more non-identical toys that are not available for purchase together as a set, unless respondent clearly and prominently discloses that the toys must be purchased separately.

II

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., a

corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of any toy manufactured or sold in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act by Lewis Galoob Toys, Inc., or its successors or assigns, that requires significant assembly prior to use, do forthwith cease and desist from depicting or otherwise representing such toy as fully assembled unless respondent has a reasonable basis to believe that there is a clear and prominent disclosure on the packaging that the toy must be assembled before it is ready for use.

III

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., a corporation, its successors and assigns, and their officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of any toy in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, directly or indirectly, that any such product moves by itself without human assistance or any other movement capability; provided, however, that nothing in this order shall be deemed to preclude the use of stop-action photography in television advertisements so long as the advertisement as a whole represents the toy in a non-deceptive manner, such as, but not limited to, by means of a clear and prominent depiction of hands-on play showing the method of operation of the toy.

IV

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., and its successors and assigns, shall, for three (3) years after the date of the last dissemination of the representation to which they pertain, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating any representation covered by this order;

B. All film footage used in connection with any advertisement that contains any representation covered by this order; and

C. Any toy as well as the packaging for any toy involved in any representation covered by this order.

V

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., shall distribute a copy of this order to each of its operating divisions, to each of its managerial employees, and to each of its officers, agents, representatives or employees engaged in the preparation or placement of advertising or other materials covered by this order and shall secure from each such person a signed statement acknowledging receipt of this order.

VI

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., shall notify the Commission at least thirty (30) days prior to any proposed change such as the dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

VII

It is further ordered That respondent Towne, Silverstein, Rotter, Inc., shall, within sixty (60) days after service on it of this order and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the requirements of this order.

Analysis of Proposed Consent Orders to Aid Public Comment

The Federal Trade Commission has accepted consent agreements to proposed orders from Lewis Galoob Toys, Inc., (Galoob) and its advertising agency, Towne, Silverstein, Rotter, Inc., (TSR).

The proposed consent orders have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements or make final the proposed orders.

The complaints against Galoob and TSR charge that the proposed respondents engaged in deceptive practices in the advertising the sale of various toys. The challenged practices fall into three general categories: Misrepresentations regarding toy performance and operation; Misrepresentations regarding the number of items purchasers receive when they buy the toy; and the failure to disclose the need for assembly of the toy.

Paragraphs Five and Six of the complaints concern proposed respondents' advertisements for the Bouncin' Kid Ballerina Kid doll. They allege that the ads represent that the Ballerina Kid doll can stand alone and twirl gracefully without human assistance, when in fact the doll cannot do so. Paragraphs Seven and Eight of the complaints concern proposed respondents' ads for the Xpanders Chopper/Assault Base toy. They allege that the ads falsely represent that the toy fires a missile that travels at a high speed for a considerable distance. Paragraphs Twelve and Thirteen of the complaints allege that the ads for Xpanders Chopper/Assault Base and for the Transport Chopper toy falsely claim that the rotors of these toy helicopters turn and move by themselves without human assistance.

Paragraphs Nine and Ten of the complaints allege that ads for Micro Machine playsets Transport Chopper, Aircraft Carrier and Air Cargo represent that the playsets include some or all of the toy cars and other accessory vehicles pictured in the ads, whereas the playsets do not include any accessory vehicles. The complaint against Galoob also alleges that the packaging for the playsets misrepresents that some or all of the pictured vehicles are sold with the playsets.

Paragraph Eleven of the complaints alleges that advertisements for Xpanders Chopper/Assault Base depict the toy as fully assembled and ready to use, but fail to disclose that significant assembly is required prior to use. The failure to disclose this fact, which is material to consumers in their purchase decisions, is alleged to be a deceptive practice.

The proposed orders against Galoob and TSR are substantially similar and are designed to prevent recurrence of the alleged violations. The order against Galoob prohibits certain misrepresentations in the advertising, labelling, packaging, sale or distribution of toys, while the order against TSR applies only to advertising.

Part I of the proposed orders prohibits proposed respondents from depicting two or more non-identical toys that are not available for purchase together as a set without clearly and prominently disclosing that the toys must be purchased separately. The order sets forth the requirements for a clear and prominent disclosure, depending on whether the ad is directed to a child or adult. All disclosures in ads directed to

children must be in language that is understandable to children.

Part II of the orders addresses the assembly-required issue. Part II of the proposed Galoob order prohibits the depiction of a toy that requires significant assembly without a clear and prominent disclosure on the package that the toy must be assembled before it is ready for use. Part II of the order against TSR requires that TSR have a reasonable basis for believing that a disclosure about the need for assembly has been made on the packages of Galoob toys that require significant assembly.

Part III of the orders contains fencing-in provisions. Both orders prohibit any misrepresentations concerning the ability of a toy to move without human assistance or any other movement capability. In addition, Part III of the Galoob order prohibits misrepresentations about the need for assembly. Both orders contain a proviso permitting the use of stop-action photography in ads so long as the advertisement as a whole represents the toy in a non-deceptive manner, such as, but not limited to, by means of a clear and prominent depiction of hands-on play showing the operation of the toy.

The remainder of both proposed orders contains standard implementing provisions. Part IV requires the proposed respondents to maintain certain records for 3 years; Part V requires notice to relevant employees concerning the existence of the order; Part VI requires notice to the Commission of any corporate change affecting compliance obligations; and Part VII requires the filing of compliance reports.

The purpose of this analysis is to facilitate public comment on the proposed orders, and it is not intended to constitute an official interpretation of the agreements and proposed orders or to modify their terms in any way.

Donald S. Clark,

Secretary.

[FR Doc. 90-29452 filed 12-14-90; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. 9170]

New England Motor Rate Bureau, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the final order, that prohibits the respondent from agreeing to fix rates charged for interstate transportation in certain states, by deleting references to the state of Massachusetts, pursuant to the mandate of the First Circuit in the United States Court of Appeals.

DATES: Final Order issued August 18, 1989. Modifying Order issued November 6, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph Eckhaus, FTC/S-2115, Washington, DC 20580. (202) 326-2687.

SUPPLEMENTARY INFORMATION: In the Matter of New England Motor Rate Bureau, Inc. The prohibited trade practices and/or corrective actions, as set forth at 54 FR 53187, remain unchanged.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

Modified Order to Cease and Desist

Commissioners: Janet D. Steiger, Chairman, Mary L. Azcuenaga, Andrew J. Strenio, Jr., and Deborah K. Owen.

Respondent New England Motor Rate Bureau ("NEMRB") having filed in the United States Court of Appeals for the First Circuit on October 11, 1989, a petition to review an order to cease and desist entered herein on August 18, 1989; the court of appeals having rendered its decision and judgment on July 20, 1990, affirming and enforcing the Commission's order with modifications; and the time in which to file a petition for certiorari having expired without either party having filed such a petition;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the court of appeals to read as follows:

Order

I

It is ordered That NEMRB, its successors and assigns, and its officers, agents, representatives, directors and employees directly or through any corporation, subsidiary, division or other device shall forthwith cease and desist from:

1. Entering into, adhering to, or maintaining, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy to fix, stabilize, raise, maintain, or otherwise interfere or tamper with the rates charged by carriers that compete for the intrastate transportation of property or related services, good or equipment within any of the states in which NEMRB operates.

2. Knowingly preparing, developing, disseminating, or filing a proposed or existing tariff provision that contains collective rates for the intrastate transportation of property or other related services, goods, or equipment.

3. Providing information to any carrier about rate changes ordered by any other carrier employing the publishing services of the respondent prior to the time at which such rate change becomes a matter of public record.

4. Inviting, coordinating, or providing a forum for (including by publication of an informational bulletin) any discussion or agreement between or among competing carriers concerning intrastate rates charged or proposed to be charged by carriers for the intrastate transportation of property or related services, goods, or equipment.

5. Suggesting, urging, encouraging, persuading, or influencing in any way members to charge, file, or adhere to any existing or proposed tariff provision that affects rates, or otherwise to charge or refrain from charging any particular price for any services rendered or goods or equipment provided.

6. Agreeing with any carrier to institute automatic changes to rates on file for that carrier.

Provided, however, that except as to the state of New Hampshire, nothing in this order shall prohibit NEMRB from jointly setting or adhering to rates charged for intrastate transportation of property in any state where such joint activity is engaged in pursuant to a policy, clearly articulated and affirmatively expressed by the state legislature, to displace competition with respect to those prices *and* where such joint activity is actively supervised by a state regulatory body.

II

It is further ordered That NEMRB shall, within six (6) months after service upon it of this order:

1. Take such action as may be necessary to effectuate cancellation and withdrawal of all tariffs and any supplements thereto on file with any state or commonwealth that it was involved in preparing, developing, or filing that establish rates for transportation of property or related services, goods or equipment by common carriers within such state or commonwealth.

2. Terminate all previously executed powers of attorney and rate and tariff service agreements, between it and any carrier utilizing its services, authorizing the publication and/or filing of intrastate collective rates within any state or commonwealth.

Provided, however, that except as to the state of New Hampshire, nothing in

this order shall require NEMRB to cancel and withdraw tariff filings, powers of attorney, or rate and tariff service agreements in any state where joint setting of rates charged for intrastate transportation of property is engaged in pursuant to a policy, clearly articulated and affirmatively expressed by the state legislature, to displace competition with respect to those prices *and* where such joint activity is actively supervised by a state regulatory body.

III

It is further ordered That NEMRB shall within thirty (30) days after service upon it of this Order, mail or deliver a copy of this Order to each current member, and for a period of three (3) years from the date of service of this Order, to each new member within ten (10) days after the member's acceptance by NEMRB.

IV

It is further ordered That NEMRB notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale resulting in the emergency of a successor corporation, or any other proposed change in the corporation which may affect compliance obligations arising out of the order.

V

It is further ordered That NEMRB shall file a written report within six (6) months after the date of service of this Order, and annually on the anniversary date of the original report for each of the five years thereafter, and at such other times as the Commission may require by written notice to respondent, setting forth in detail the manner and form in which it has complied with this Order.

By the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-29451 Filed 12-14-90; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3312]

T&N PLC; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Manchester, England, manufacturer to divest within twelve months certain thinwall engine bearing assets and certain tri-metal heavywall engine bearing assets to a Commission-approved acquirer or acquirers; and if required by the acquirers, requires the respondent to supply certain input material to the acquirers for five years. If neither the respondent nor the trustee successfully divests either set of assets, the order requires the divestiture of J.P. Industries' McConnelsville, Ohio, facility, in addition to certain thinwall engine bearing assets.

DATES: Complaint and Order issued November 8, 1990.[1]

FOR FURTHER INFORMATION CONTACT: Allee A. Ramadhan, FTC/S-2105, Washington, DC 20580. (202) 326-2716.

SUPPLEMENTARY INFORMATION: On Friday, August 24, 1990, there was published in the **Federal Register**, 55 FR 34749, a proposed consent agreement with analysis In the Matter of T&N plc, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

Authority: Section 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.

Donald S. Clark,

Secretary.

[FR Doc. 90-29450 Filed 12-14-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency For Toxic Substances and Disease Registry

[ATSDR-31]

Availability of Final Versions of First 25 Toxicological Profiles

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PH), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: This notice announces the availability of all of the final versions of the toxicological profiles prepared by ATSDR on the first set of 25 Superfund priority substances.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act (SARA) (Pub. L. 99-499) requires that ATSDR compile a priority list of at least 100 hazardous substances most commonly found at facilities on the CERCLA National Priorities List (NPL), and which are determined to pose the most significant potential threat to human health. The list identifying the first 100 hazardous substances was published in the **Federal Register** on April 17, 1987 (52 FR 12866), as required by CERCLA section 104(i)(2)(A). Section 104(i)(3) of CERCLA further requires that the Administrator of ATSDR prepare toxicological profiles for the hazardous substances included on the priority list.

Notice of the availability of the draft toxicological profiles on the first 25 priority substances for public review and comment was published in the **Federal Register** on October 15, 1987 (52 FR 38340), with notice that a 90-day public comment period would be provided for each profile, starting with the actual release date. Following the close of each comment period, chemical specific comments were addressed, and where appropriate, changes were incorporated into each profile. Generic comments were considered in revising the contractor guidance for subsequent sets of profiles. The public comments, the classification of and response to those comments, and other data submitted in response to the **Federal Register** notice bear the docket control number ATSDR-2. This material in available for public inspection at ATSDR, Executive Park Drive, Building 33, Atlanta, Georgia, between 8 a.m. and 4:30 p.m. Monday through Friday, except legal holidays.

Availability

This notice is to announce the availability of all of ATSDR's final toxicological profiles for the first 25 substances as mandated by CERCLA. Notice of the availability of 5 of the final toxicological profiles was published in the **Federal Register** on June 23, 1989 (54 FR 26417); a notice for an additional 5 was published in the **Federal Register** on December 1, 1989 (54 FR 49816). The following toxicological profiles are now available through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA

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[1] Copies of the Complaint, the Decision and Order, and the dissenting statement are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

22161, telephone (800) 336–4700 or (703) 487–4650. There is a charge for these profiles determined by NTIS. If you require further technical information, you may contact the Division of Toxicology, Toxicological Information Branch, ATSDR, telephone (404) 639–6043.

Toxicological Profile	NTIS Order Number	CAS #
Aldrin/Dieldrin	PB/89/214514/AS	60–57–1/309–00–2
Arsenic	PB/89/185706/AS	7440–38–2
Benzene	PB/89/209464/AS	71–43–2
Benzo(a)anthracene	PB/90/247669/AS	56–55–3
Benzo(a)pyrene	PB/90/258245/AS	50–32–8
Benzo(b)fluoranthene	PB/90/247651/AS	205–99–2
Beryllium	PB/89/148233/AS	7440–41–7
Cadmium	PB/89/194476/AS	7440–43–9
Chloroform	PB/89/160360/AS	67–66–3
Chromium	PB/89/236665/AS	7440–47–3
Chrysene	PB/90/2477644/AS	218–01–9
Cyanide	PB/90/162058/AS	57–12–5
Dibenzo(a,h)anthracene	PB/90/247636/AS	53–70–3
1,4-Dichlorobenzene	PB/89/160352/AS	106–46–7
Di(2-ethylhexyl)phthalate	PB/89/194484/AS	117–81–7
Heptachlor/Heptachlor epoxide	PB/89/194492/AS	76–44–8/1024–57–3
Lead	PB/90/267378/AS	7439–92–1
Methylene Chloride	PB/89/194468/AS	75–09–2
Nickel	PB/89/160378/AS	7440–02–0
N-Nitrosodiphenylamine	PB/89/154090/AS	86–30–6
Polychlorinated biphenyls (PCBs)	PB/89/225403/AS	
Aroclor–1260		11196–82–5
–1254		11097–69–1
–1248		12672–29–6
–1242		53469–21–9
–1232		11141–16–5
–1221		11104–28–2
–1016		12674–11–2
2,3,7,8,-Tetrachlorodibenzo-p-dioxin	PB/89/214522/AS	1745–01–6
Tetrachloroethylene	PB/90/247628/AS	127–18–4
Trichloroethylene	PB/90/127523/AS	79–01–6
Vinyl Chloride	PB/90/103870/AS	75–01–4

Dated: December 10, 1990

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 90–29444 Filed 12–14–90; 8:45 am]

BILLING CODE 4160–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed City of Santa Rosa PL 84–984 Loan Project, Santa Rosa, CA

AGENCY: Bureau of Reclamation (Reclamation), Interior.

ACTION: Notice of availability and notice of public hearings on Draft Environmental Impact Report/Draft Environmental Impact Statement, (DEIR/DEIS): INT DES 90–31.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, the Council of Environmental Quality Guidelines (40 CFR, part 1500), and section 21002 of the California Environmental Quality Act, Reclamation and the city of Santa Rosa have prepared a joint DEIR/DEIS. The city is in the process of applying for a Public Law 84–984 loan from Reclamation to finance construction of an irrigation distribution system and wetlands as part of a multipurpose wastewater reclamation and reuse project. A grant for wildlife enhancement is also being considered.

The purpose of the project are to provide: Irrigation for 7,500 acres of presently unirrigated land; enhancement of wildlife resources; and elimination of weather-dependent wastewater disposal. Its major features would include: Expansion of the city's existing tertiary wastewater treatment plant; installation of 6 miles of buried pipeline; construction of a 15,000-acre-foot reservoir, installation of a 32-mile pipeline irrigation distribution system; development of 670 acres of wetlands and upland habitat; and provision of tertiary treated water for enhancement of wildlife habitat.

A public hearing will be held to receive comments from interested organizations and individuals on the potential environmental impacts of the proposal.

DATES: A 60-day public review period commences with the publication of this notice. Within that review period, written comments on the DEIR/DEIS may be submitted to either the city of Santa Rosa or the Regional Director, Mid-Pacific Region, Bureau of Reclamation, at the addresses provided below.

A public hearing on the DEIR/DEIS will be held on the following date at the location indicated.

Hearing: January 15, 1991 at 2 p.m., Santa Rosa City Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, CA 95402–1678.

ADDRESSES: Copies of the DEIR/DEIS may be requested at the following addresses:

Regional Director, Bureau of Reclamation (Code: MP–205), Mid-Pacific Region, 2800 Cottage Way, Sacramento, CA 95825–1898; or

Department of Community Development, City of Santa Rosa, 100 Santa Rosa Avenue, Santa Rosa, CA 95402–1678.

Copies of the DEIR/DEIS are available for inspection at the addresses above and at the following locations:

Office of the Commissioner, Bureau of Reclamation, Technical Liaison Division, 18th and C Streets, NW., room 7456, Washington, DC 20240; telephone: (202) 208–4662.

Denver Office, Bureau of Reclamation, Library, Room 167, Building 67, Denver Federal Center, Denver, CO 80225; telephone: (303) 236–6963.

Libraries

California State University, 2000 Jed Smith Dr., Sacramento, CA 95819
Sacramento County Library, 536 Downtown Plaza, Sacramento, CA 95814
University of California, Water Resources Center, Berkeley Archives Collection, Berkeley, CA
Numerous local libraries in the immediate vicinity will receive copies for public review.

FOR FURTHER INFORMATION CONTACT:
Mr. Richard Chelini, Regional Loan Engineer, Bureau of Reclamation (Code: MP-205), Mid-Pacific Region, telephone (916) 978-5002;
or
Ms. Marie Merdith, Associate Planner, Department of Community Development, city of Santa Rosa, telephone: (707) 576-5295.

SUPPLEMENTARY INFORMATION: The proposed project is located southwest of Santa Rosa, California, in the Americano Creek and Stemple Creek watersheds. The primary land use in these areas is dairy farming.

Tertiary treated wastewater would be pumped to the proposed reservoir and stored for use in irrigating 7,500 acres of land and for wetland development and riparian habitat enhancement. These improvements would be done in cooperation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Anyone interested in more information concerning this proposal or who has suggestions as to significant environmental issues should contact the people listed above.

Dated: December 7, 1990.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 90-29474 Filed 12-14-90; 8:45 am]

BILLING CODE 4310-09-M

Change in Discount Rate for Water Resources Planning

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of change in discount rate for water resources planning.

SUMMARY: This notice sets forth that the discount rate to be used in Federal water resources planning for fiscal year 1991 is 8¾ percent.

DATES: This discount rate is to be used for the period October 1, 1990, through and including September 30, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Kent Shuyler, Acting Chief, Economic Analysis Branch, U.S. Bureau of Reclamation, D-5440, Building 67, Denver Federal Center, Denver, CO 80225-0007. Telephone 303/236-8388.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 8¾ percent for fiscal year 1991.

This rate has been computed in accordance with section 80(a), Public Law 93-251 (88 Stat. 34) and 18 CFR 704.39, which (1) specify that the rate shall be based upon the average yield during the preceding fiscal year on interest bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity (average yield is rounded to nearest one-eighth percent); and (2) provide that the rate shall not be raised or lowered more than one-quarter of 1 percent for any year. The Treasury Department calculated the specified average yield to be 8.69 percent.

The rate of 8¾ percent shall be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

Dated: December 7, 1990.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 90-29445 Filed 12-14-90; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

Intent to Conduct a Public Scoping Meeting for Preparation of a Draft Environmental Impact Statement for Operations and Maintenance of the Lower Rio Grande Flood Control Project Hidalgo, Cameron, and Willacy Counties, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of intent to conduct a public scoping meeting.

SUMMARY: The United States Section (U.S. Section) of the International Boundary and Water Commission (Commission) intends to conduct a public scoping meeting for preparation of a draft environmental impact statement (DEIS) for the operations and maintenance of the Lower Rio Grande Flood Control Project (LRGFCP) in Hidalgo, Cameron, and Willacy Counties, Texas.

DATES: The U.S. Section will conduct a public scoping meeting at the Hoblitzelle Auditorium at the Texas A&M University Research and Extension Center at 2415 East Highway 83, Weslaco, Texas, on January 8, 1991, at 7 p.m. CST.

ADDRESSES: All interested parties are invited to submit written comments and suggestions, for inclusion in the formal record, to the U.S. Section prior to, during, or after the public scoping meeting. Comments should be sent to Dr. Conrad, G. Keyes, Jr., Principal Engineer, Planning, U.S. Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C-310, El Paso, Texas 79902-1422. Telephone: 915/534-6703, FTS 570-6703.

SUPPLEMENTARY INFORMATION: On November 5, 1990, the U.S. Section of the Commission issued a notice in the **Federal Register** (55 FR 48176-48177) formally announcing plans to prepare the LRGFCP DEIS and invited public participation in the process. That notice indicated the scoping meeting was scheduled for January 29, 1991. The scoping meeting has been rescheduled for January 8, 1991, as announced by this notice.

The purpose of the scoping meeting is to bring interested agencies and parties together early in the process and seek their input prior to writing the LRGFCP DEIS. The meeting is for an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the U.S. Section operation and maintenance of the LRGFCP.

Dated: December 7, 1990.

Suzette Zaboroski,

Staff Counsel.

[FR Doc. 90-29427 Filed 12-14-90; 8:45 am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative Notice to the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Date: December 12, 1990.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form

BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Agway Inc., 333 Butternut Drive, Dewitt, NY 13214
(2)
(3) Box 4933, Syracuse, NY 13221
(4) Margaret A. Vargo, Box 4853, Syracuse, NY 13221

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-29453 Filed 12-14-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[Order No. 1456-90]

Changes to Repatriation Review Program For Mariel Cubans

AGENCY: Department of Justice.

ACTION: Public Notice.

SUMMARY: Notice is hereby given that the Attorney General, pursuant to his prosecutorial discretionary authority, has revised the Repatriation Review Program for Cubans who arrived in the United States during the 1980 Mariel Cuban boatlift. These revisions are minor modifications to the program. The purpose of this program has been to determine which of certain Mariel Cubans found to be excludable from the United States are to be returned to Cuba. This Notice is being published in order to give the public information on the Department's continuing activities with respect to the deportation of excludable Cuban boatlift participants.

EFFECTIVE DATE: December 6, 1990.

FOR FURTHER INFORMATION CONTACT: Rex J. Ford, Associate Deputy Attorney General, Office of the Deputy Attorney General, Department of Justice, Room 4222, Washington, DC 20530. Telephone (202) 514-2707.

SUPPLEMENTARY INFORMATION: On December 28, 1987, a Notice was published in the **Federal Register** (52 FR 48884) which described the program established by Attorney General Edwin Meese III for the review of the cases of detained, excludable Mariel Cubans to determine which of these aliens are to be repatriated to Cuba. Attorney General Meese directed that this Repatriation Review Program, as well as a separate Departmental Parole Review Program, be supervised by the Associate Attorney General. As the result of experience gained in the day-to-day administration of the Programs, modifications to the repatriation review process were made pursuant to an additional Notice published on December 28, 1988 in the **Federal Register** (53 FR 52520). These modifications were made, in part, upon the determination that with only minor revisions to the repatriation review process the Department could save considerable resources and simultaneously eliminate potentially substantial delays in the release of certain detainees.

The Notice presented herein addresses the redelegation of the supervision of the Mariel Cuban review programs to the Deputy Attorney General's Office. In addition, the Department's continuing experience with the program indicates that the review of repatriation cases can be expedited and further resources conserved. Further, this Notice specifies by categories the groups of detainees to whom the Repatriation Review Process will extend henceforth, and provides a mechanism for bringing the program to a conclusion.

The modifications identified in this Notice will not affect any of the normal administrative and judicial remedies available to these individuals. Those remedies include a formal determination of excludability and opportunities for relief within the statutory framework of the Immigration and Nationality Act. The process includes review before an Immigration Judge, and, if appropriate appeals are pursued, review before the Board of Immigration Appeals, the United States District Courts, the United States Courts of Appeals, and the United States Supreme Court.

In keeping with the previously published Notices, the Department concludes that this revised Mariel Cuban Repatriation Review Program is not subject to notice and comment rulemaking under the Administrative Procedure Act because the program: (1) Is exempt as a "foreign affairs function of the United States," 5 U.S.C. 553(a)(1); (2) reflects a "general statement of policy," 5 U.S.C. 553(b)(A); (3) constitutes "rules of agency organization, procedure, or practice," 5 U.S.C. 553(b)(A); and (4) there is "good cause" why notice and comment would be "impracticable, unnecessary, or contrary to the public interest," 5 U.S.C. 553(b)(B).

The following modifications of the Departmental Mariel Cuban Repartriation Review Program are effective on the date the Notice is signed by the Attorney General, except for paragraph one below which was previously implemented.

1. In order to reflect the current assignment of oversight responsibility for this program, references to "the Associate Attorney General" in the Notice of December 28, 1988, are hereby changed to read "the Deputy Attorney General."

2. In an effort to bring the Repatriation Review Program to an orderly end, eligibility for future Departmental Repatriation Review will be limited as follows:

A Mariel Cuban detainee is eligible for review by a Departmental Repatriation Review Panel (hereinafter "panel") only if all of the following conditions are met: (1) The detainee is incarcerated on December 6, 1990, in federal custody by virtue of the Attorney General's civil immigration authority under the Immigration and Nationality Act; and (2) the detainee is among those the government of Cuba agreed in 1984 to accept back; and (3) the detainee has never elected in writing on Form I-809 to return to Cuba; and (4) the detainee has not escaped from Immigration custody on or after December 28, 1987; and (5) the detainee has not been paroled from Immigration detention subsequent to December 6, 1990.

The Deputy Attorney General shall further determine when the panels have completed or substantially completed the review of the cases of detainees eligible for Departmental Panel Review, and shall then bring the panel review process to a conclusion. In the event that there are any remaining cases of detainees eligible for Departmental Review after the panels have ceased functioning, the Deputy Attorney General, or his designee, shall decide those remaining cases and shall determine the procedures for any such review.

3. The review process is revised to eliminate the INS Questionnaire and case summary. For cases in which the detainee has previously been served a Notice of Intent to Repatriate, the Service may eliminate preparation of its

case summary after the detainee has been given a DOJ questionnaire and written notice that no case summary will be prepared. The revised process will begin when the detainee is served with a DOJ Questionnaire, and a Notice that the government intends to repatriate him to Cuba. For cases commenced under earlier procedures, the revised process begins when the detainee is served with either an INS case summary, or a notice that no case summary will be prepared. The detainee will be given 30 days, if he desires, to prepare a written submission for consideration by a panel and to answer the questionnaire.

The Service may review any submission made by the detainee and respond thereto. Should the Service elect to make a response, a copy shall be provided to the detainee, who shall have 30 days in which to make a reply.

4. In order to permit greater flexibility in panel assignments, the requirement that a representative from the Community Relations Service, and the Civil Rights Division sit on every panel is changed as follows:

Each panel shall be composed of 3 members, and shall consist of the following: (1) The Deputy Attorney General, or his designee; and (2) an attorney from one of the Department's litigating divisions; and (3) the Assistant Attorney General for Civil Rights, or his designee, or the Director of the Community Relations Service, or his designee.

5. In the event a detainee has been granted parole by a panel, but has not been released, a panel may, preceded by appropriate notice to the detainee, reconsider the grant of parole and the question of repatriating the detainee to Cuba. The procedures for any such reconsideration shall be specified by the Deputy Attorney General, who may require the Service to explain what efforts have been made to obtain sponsorship for the detainee, and why the detainee has not been released from custody. Should the question of reconsidering any case arise after the Repatriation Panels have ceased reviewing cases, as specified in paragraph 2, above, the Deputy Attorney General, or his designee, shall decide the case.

Dated: December 6, 1990.

William P. Barr,

Acting Attorney General.

[FR Doc. 90-29387 Filed 12-14-90; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction or records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303(a).

DATES: Request for copies must be received in writing on or before January 31, 1991. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction or records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes in to account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1-AFU-90-52). Routine cost records.
2. Department of the Air Force (N1-AFU-91-6). Routine safety program administration records.
3. Department of the Army (N1-AU-90-21). Routine records relating to resources management.
4. Department of the Army (N1-AU-91-3). Unreadable magnetic tapes accumulated by the U.S. Military Assistance Command—Vietnam.
5. Department of the Army (N1-AU-91-4 and N1-AU-91-5). Routine records relating to tax matters.
6. Department of the Navy, Bureau of Medicine and Surgery (N1-52-90-1). Routine administrative files, reports, and Dental Officer treatment logs.
7. Department of the Navy, Bureau of Naval Personnel (N1-24-91-1). Routine administrative files and reports relating to personnel matters.
8. Defense Logistics Agency (N1-361-91-1). Routine and facilitative records of the Office of Telecommunications and the Office of Information Systems.
9. Defense Logistics Agency (N1-361-91-2). Files pertaining to personnel, contracts, workspace planning, and other routine administrative matters.
10. Department of Agriculture, Soil Conservation Service (N1-114-90-2). Reference collection of publications and background material related to reports of the Water Resources Council.
11. Central Intelligence Agency (N1-263-91-1). This CIA schedule is classified in the interests of national security pursuant to Executive Order

12356 and is further exempt from public disclosure pursuant to the National Security Act of 1947, 50 U.S.C. 403(d)(3), and the CIA Act of 1949, 50 U.S.C. 403g.

12. Department of Commerce, Bureau of Export Administration, Office of Enforcement Support (N1–476–90–9). Comprehensive records schedule.

13. Environmental Protection Agency, Office of Toxic Substances (N1–412–89–2). Application Review Files and Award Case Files covering grant and/or loan projects under the Asbestos School Hazard Abatement Act of 1984.

14. Environmental Protection Agency, Assistance and Interagency Agreement Office (N1–412–89–3). Asbestos School Hazard Abatement Assistance Program Agreements that document financial transactions concerning grant and/or loan projects under the Asbestos School Hazard Abatement Act of 1984.

15. Farm Credit Administration (N1–103–91–1). Case files of work papers and feeder reports created during evaluations of agency internal accounting and administrative control systems.

16. Federal Communications Commission, Common Carrier Division (N1–173–90–1). Updated comprehensive schedule.

17. Federal Communications Commission, Office of the General Counsel (N1–173–91–1). Project case files, reading files, and docket material.

18. Federal Deposit Insurance Corporation (N1–34–90–1). Corporation structure construction files determined to lack sufficient archival value to warrant permanent retention by the National Archives; routine management studies.

19. Department of Housing and Urban Development (N1–207–91–1). Contract and grant operations files maintained by Government Technical Monitors.

20. Department of Justice, Foreign Claims Settlement Commission (N1–299–90–3). Working papers, routine field office files, and facilitative background material.

21. Department of Labor, Occupational Health and Safety Administration (N1–100–90–1). Administrative records such as foreign trainee case files, code comparison records, accident reports, memorandums, correspondence and forms, 1944–1980.

22. Department of Labor, Labor Management Services Administration (N1–317–91–1). Labor Organization Registration Reports, 1956–59; routine issuances and organizational files, 1959–76.

23. National Archives and Records Administration, Office of Records Administration (N1–64–90–3). Working papers of the Department of Justice Litigation Case File Appraisal Project.

24. National Security Agency (N1–457–91–1). Routine records pertaining to telecommunications. This schedule is not releasable pursuant to provisions of P.L. 86–36.

25. Public Health Service, Health Resources and Services Administration and predecessor agencies (N1–90–89–5). Subject files, general correspondence, grant records, statistical reports and surveys, clinical files and records relating to research, 1921–74.

26. Railroad Retirement Board, Bureau of Retirement Claims (N1–184–91–1). Facilitative electronic system pertaining to annuitants.

27. Department of State, Deputy Under Secretary for Administration (N1–59–90–26). Routine and facilitative records.

28. Department of State, Bureau of Near Eastern and South Asian Affairs, Office of African Affairs (N1–59–90–28). Duplicative records.

29. Department of Transportation, Federal Highway Administration (N1–406–89–3). Routine and facilitative records of the Office of Motor carriers.

30. Department of the Treasury, Bureau of the Public Debt (N1–53–89–2). Office of the Commissioner, Finance Records and Files Section, subject files, 1913–1981, consisting chiefly of correspondence with the public and documentation relating to administrative and housekeeping matters.

31. Department of the Treasury, Office of the Secretary, Office of the Fiscal Assistant Secretary (N1–56–90–4). Subject files, working files, and correspondence from departmental offices of the Fiscal Assistant Secretary.

32. Department of the Treasury, Office of Law Enforcement, (N1–56–90–6). Administrative records relating to training and investigative coordination.

33. Department of the Treasury (N1–56–90–10). Grant in aid application forms (SF 240).

34. Department of the Treasury, United States Secret Service, (N1–87–89–1). Revisions to comprehensive records schedule for the Office of Protective Operations.

35. Department of the Treasury, Office of Thrift Supervision (N1–195–90–1). Federal Home Loan Bank Board correspondence and examination folders, 1932–74.

36. Department of the Treasury, Financial Management Service (N1–425–90–1). Three digit check issue information.

37. Department of Veterans Affairs, Veterans Benefits Administration (N1–15–91–1). Files covering educational benefits under the Omnibus Diplomatic Security, Antiterrorism Act of 1986, and Executive Order 12598.

Dated: December 7, 1990.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 90–29382 Filed 12–14–90; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION THE ARTS AND THE HUMANITIES

Meeting of the National Council on the Arts Amended

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice of a meeting of the National Council on the Arts printed in the **Federal Register** to be held on December 15, 1990 from 9 a.m.—5 p.m. at the Hay Adams Hotel, 1 Lafayette Square, Washington, DC. 20006, has been changed.

The meeting will now take place on December 14–15, 1990 from 9 a.m. to 5 p.m. on both days. The entire meeting will be open to the public on a space-available basis. Any interested persons may attend this meeting as observers.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 90–29513 Filed 12–13–90; 9:47 am]

BILLING CODE 7537–01–M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Implementation of the Accelerated Tariff Elimination Provision of the United States—Canada Free-Trade Agreement

AGENCY: Office of the U.S. Trade Representative.

ACTION: Amendment to notice of, and request for comments on, articles under consideration for negotiations with the Canadian Government for accelerated tariff elimination.

SUMMARY: This is an amendment to the **Federal Register** notice of October 5,

1990. Section 201(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 ("FTA Implementation Act") grants the President, subject to consultation and layover requirements of section 103 of that Act, the authority to proclaim any accelerated schedule for duty elimination that may be agreed to by the United States and Canada under FTA Article 401(5). This notice is intended to inform the public of those articles that may be the subject of negotiations between the United States and Canada for accelerated tariff elimination which were inadvertently omitted from the list published on October 5, 1990.

DATES: Public comments are due January 11, 1991.

ADDITIONAL INFORMATION: Further information on this subject may be found in the **Federal Register** notices of February 8, 1990, Volume 55, Number 27, at pages 4501 through 4503; and October 5, 1990, Volume 55, Number 194, at pages 40964 through 40973. Inquiries regarding this notice or other aspects of the implementation of accelerated tariff elimination under the FTA should be directed to James H. Grossman, Director of Tariff Negotiations for Canada, Office of North American Affairs, Office of the U.S. Trade Representative, room 501, 600 17th Street, NW., Washington, DC 20506, telephone (202) 395–5663.

Requests for Comments

Comments supporting or opposing accelerated U.S. or Canadian duty elimination on articles provided for in the tariff subheadings listed below will be accepted until January 11, 1991, if submitted in accordance with 15 CFR part 2003. Comments should be typewritten and submitted in twenty copies to Carolyn Frank, Secretary, Trade Policy Staff Committee, Room 517, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506. All submissions must specify: (1) The United States and/or Canadian tariff subheading to which the comments refer, (2) the name, address, and telephone number of the person, firm, or organization making the comments, and (3) an indication as to whether the writer represents a:

—Producer in the United States
—Importer in the United States
—Exporter in the United States
—Consumer in the United States
—Other, in the United States (Specify)
—Producer in Canada
—Importer in Canada
—Exporter in Canada
—Consumer in Canada
—Other, in Canada (Specify)

Advice of the United States International Trade Commission

The United States International Trade Commission is being furnished with the list of articles listed below for the purpose of securing from the Commission its judgment as to the probable economic effect of acceleration of elimination of United States duties on industries producing like or directly competitive articles and on consumers.

Advice of the Private Sector Advisory Committees

Pursuant to section 103(a)(1) of the FTA Implementation Act, private sector advisory committees are being furnished with the list of articles listed below for the purpose of securing their advice.

Articles That May Be Considered In Negotiations

The following articles provided for in the listed subheading of the Harmonized Tariff Schedule of the United States (HTS) and the Customs Tariff of Canada will be subject to negotiations with Canada on accelerated duty elimination:

Article	U.S. HTS subheading	Canadian tariff subheading
Lingonberries (partridgeberries), frozen	0811.90.80 (part)	0811.90.90 (part).
Cottonseed oil, crude	1512.21.00	1512.21.00.
Cottonseed oil, other than crude	1512.29.00	1512.29.00.
Bitumen		2714.90.90 (part).
Sodium metasilicates, anhydrous	2839.11.00 (part)	2839.11.00 (part).
Hexamethylene diamine, not derived from adipic acid	2921.22.50 (part)	2921.22.00 (part)
Indomethacin pellets	3003.90.00 (part)	3003.90.99 (part).
Lignin	3913.90.50 (part)	3913.90.90 (part).
Polyvinyl chloride used to cover edgebanding exposed particleboard edges	3919.10.20 (part)	3919.10.99 (part).
Polyvinyl chloride edgebanding, used to cover exposed particleboard edges	3920.410.00 (part)	3920.41.00 (part).
Nonwovens, whether or not impregnated, coated, covered or laminated	5603.00	5603.00.
Machine-tufted, rubber-backed floor mats	5703.20.20 (part)	5703.20.20 (part).
Cat litter	6815.99.40 (part)	6815.99.91 (part).

In addition, please note the following typographical error in the document distributed upon request entitled "Supplement to Annex II In the **Federal Register** notice of October 5, 1990": HTS number 8418.90.40 should have read 8415.90.40.

Charles E. Roh, Jr.,

Assistant U.S. Trade Representative of North American Affairs.

[FR Doc. 90–29468 Filed 12–14–90; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–28689; File No. SR–CBOE–90–31]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Time Period for a Declared Opening Delay in Index Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 21, 1990, the Chicago Board Options Exchange ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to modify Exchange Rule 24.13 to decrease from 15 minutes to 5 minutes the time period a delayed opening in index options will last.

The text of the proposed rule change is available at the Office of the

Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange's current delayed opening procedure for index options requires that once such a delay is declared, the Exchange must wait 15 minutes to begin the opening rotation. If, during those 15 minutes, it is determined that another delay should be imposed, an additional 15 minutes must pass prior to the beginning of the opening rotation. The Exchange believes that these 15 minute intervals place the Exchange in a difficult competitive position because neither the futures markets nor the stock markets require that a declared delay be of a specified time duration. For example, if an opening imbalance is declared on a stock market, the stock in which the imbalance occurred will open as soon as the imbalance is resolved. Further, no such delay is imposed on index futures trading on the futures markets. Instead, if an opening limit is reached on an index future, trading continues in the future but the price cannot trade beyond the limit reached. The only opening time period halt or delay on the Chicago Mercantile Exchange ("CME") occurs at 8:40 a.m. Chicago time, for two minutes, and only if the market is at limit at the time the delay is imposed. However, if an opening delay is declared by the CBOE, the CBOE can only open at 8:45 a.m., 9 a.m., or any of the next succeeding 15 minute intervals. Thus, the Exchange believes that imposing a delay in 15 minute intervals disadvantages CBOE traders in the OEX and SPX index options because other markets are open during the delay, which markets are creating and/or responding to price fluctuations that CBOE traders cannot react to. Therefore, to limit unnecessary delays in opening of index options, the Exchange believes that reducing the time period for the delay from 15 minute intervals to 5 minute intervals is warranted. Further, the Exchange surveyed ten retail member firms and a overwhelming majority agreed that 5 minutes was a reasonable time delay and that the change from 15 minutes would not adversely impact retail customers.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade and to remove impediments to a free and open market.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 7, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Dated: December 10, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-29454 Filed 12-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-28688; File No. SR-OCC-90-13]

Self-Regulatory Organizations; The Options Clearing Corporation; Filing of Proposed Rule Change Relating to an Electronic Mail Service to be Offered to Clearing Members and Fees to be Charged in Connection Therewith

December 10, 1990.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 3, 1990, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR-OCC-90-13) as described in Items I, II, and III below, which items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Proposed rule change relates to OCC's proposal to offer a new service to Clearing Members and to charge fees in connection therewith.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 17 CFR 200.30-3(a)(12) (1990).

statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change would offer a new electronic mail service ("E-Mail") to OCC Clearing Members. The E-Mail service is proposed to be offered to clearing members in conjunction with OCC's Options News Network.[1] In connection therewith, OCC proposes to charge subscribing Clearing Members $15.00 per month per access code issued. Should a Clearing Member subscribe to five or more access codes, OCC will discount such fees to 12.00 per month per access code issued.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change, would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which OCC consents, the Commission shall:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-90-13 and should be submitted by January 7, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-29405 Filed 12-14-90; 8:45 am]

BILLING CODE 8010-01-M

[1] OCC's Option News Network was approved in Securities Exchange Act Release No. 28669 (December 3, 1990), 55 FR 40793. That Release approved use of the E-Mail service by exchange participants.

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs

[Public Notice 1304]

Conservation Measures for Antartic Fishing Under the Auspices of the Commission for the Conservation of Antarctic Marine Living Resources

AGENCY: Bureau of Oceans and International Environmental and Scientific Affairs, State.

ACTION: Notice.

SUMMARY: At its Ninth Annual Meeting in Hobart, Tasmania, October 22 to November 2, 1990, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted the conservation measures listed below, pending countries' approval, pertaining to fishing in the CCAMLR Convention Area in Antarctic waters. These were agreed upon in accordance with Article IX, paragraph 6(A) of the Convention for the Conservation of Antartic Marine Living Resources. The measures restrict overall catches of certain species of fish, prohibit the taking of certain species of fish, list the fishing seasons, and define reporting requirements. In addition, a conservation measure was adopted to delineate procedures for according protection to CCAMLR Ecosystem Monitoring Program (CEMP) sites.

DATES: Persons wishing to comment on the measures or desiring more information should submit written comments on or before January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Ray Arnaudo, Chief, Division of Polar Affairs, Office of Oceans Affairs (OES/OA), Room 5801, Department of State, Washington, DC 20520, (202) 647-3262.

SUPPLEMENTARY INFORMATION:

Conservation Measures Adopted at the Ninth Meeting of CCAMLR

At its Ninth Annual Meeting in Hobart, Tasmania, October 22 to November 2, 1990, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted the following eleven conservation measures and one resolution. The conservation measures addressing catch limitations were adopted in accordance with Conservation measure 7/V and therefore enter into force immediately.

Conservation Measure 19/IX

Mesh Size for Champsocephalus Gunnari

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. The use of pelagic and bottom trawls having the mesh size in any part of a trawl less than 90 mm is prohibited for any directed fishery for *Champsocephalus gunnari.*

2. The mesh size specified above is defined in accordance with the regulations on mesh size measurement, Conservation Measure 4/V.

3. It is prohibited to use any means or device which would obstruct or diminishes the size of the meshes.

4. This Conservation Measure does not apply to fishing conducted for scientific research purposes.

5. This Measure will apply as of 1 November 1991.

6. Conservation Measure 2/III is amended accordingly.

Conservation Measure 20/IX

Limitation of the Total Catch of Champsocephalus Gunnari in Statistical Subarea 48.3 in the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. The total catch of *Champsocephalus guannari* in the 1990/

91 season shall not exceed 26,000 tonnes in Statistical Subarea 48.3.

2. In statistical Subarea 48.3, the by-catch of *Notothenia gibberifrons* shall not exceed 500 tonnes and the by-catch of any of the following species: *Notothenia rossii, Notothenia squamifrons, Chaenocephalus aceratus* and *Pseudochaenichthys georgianus* shall not exceed 300 tonnes.

3. The fishery in Statistical Subarea 48.3 shall close if the by-catch of any of the species named in paragraph 2 above reaches their by-catch limit or if the total catch of *Champsocephalus gunnari* reaches 26,000 tonnes, whichever comes first.

4. If, in the course of the directed fishery for *Champsocephalus gunnari*, the by-catch of any one haul of any of the species named in paragraph 2 above exceeds 5%, the fishing vessel shall move to another fishing ground within the subarea.

5. The use of bottom trawls in the directed fishery for *Champsocephalus gunnari* in Statistical Subarea 48.3 is prohibited.

6. For the purpose of implementing paragraphs 1, 2 and 3 of this Conservation Measure, the Catch Reporting System set out in Conservation Measure 25/IX shall apply in 1990/91 season.

Conservation Measure 21/IX

Closed Seasons in the 1990/91 Season in Statistical Subarea 48.3

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing on *Champsocephalus gunnari* in Statistical Subarea 48.3 between 1 April and 4 November 1991 is prohibited.

Conservation Measure 22/IX

Prohibition of Directed Fishery on Notothenia Gibberifrons, Chaenocephalus Aceratus, Pseudochaenichthys Georgianus and Notothenia Squamifrons in Statistical Subarea 48.3 in the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing on *Notothenia gibberifrons, Chaeoncephalus aceratus, Pseudochaenichthys georgianus* and *Notothenia squamifrons* in Statistical Subarea 48.3 is prohibited in the 1990/91 season.

Conservation Measure 23/IX

Prohibition of Directed Fishery on Patagonotothen Brevicauda guntheri in Statistical Subarea 48.3 for the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Directed fishing on *Patagonotothen brevicauda guntheri* in Statistical Subarea 48.3 is prohibited in the 1990/91 season.

Conservation Measure 24/IX

Catch Limit on Dissostichus Eleginoides in Statistical Subarea 48.3 for the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. The total catch of *Dissostichus eleginoides* in Statistical Subarea 48.3 caught in the 1990/91 season shall be limited to 2,500 tonnes.

2. For the purposes of the fishery for *Dissostichus eleginoides* in Statistical Subarea 48.3, the 1990/91 fishing season is defined as the period from 2 November 1990 to the end of the Commission meeting in 1991.

3. For the purpose of implementing this Conservation Measure:

(i) The catch reporting system set out in Conservation Measure 25/IX shall apply in the 1990/91 season, commencing on 2 November 1990.

(ii) The data reporting system set out in Conservation Measure 26/IX shall apply in the 1990/91 season, commencing on 2 November 1990.

Conservation Measure 25/IX

Catch and Effort Reporting System in Statistical Subarea 48.3 in the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. For the purposes of this Catch and Effort Reporting System the calendar month shall be divided into six reporting periods, viz: day 1 to day 5, day 6 to day 10, day 11 to day 15, day 16 to day 20, day 21 to day 25, and day 26 to the last day of the month. These reporting periods are hereinafter referred to as periods A, B, C, D, E and F.

2. At the end of each reporting period, each Contracting Party shall obtain from each of its vessels its total catch and total days and hours fished for that period and shall, be cable or telex, transmit the aggregated catch and days and hours fished for its vessels so as to reach the Executive Secretary not later than the end of the next reporting period.

3. Such reports shall specify the month and reporting period (A, B, C, D, E or F) to which each report refers.

4. Immediately after the deadline has passed for receipt of the reports for each period, the Executive Secretary shall notify all Contracting Parties of the total catch taken during the reporting period, the total aggregate catch for the season to that date, together with an estimate of the date upon which the total allowable catch is likely to be reached for that season. Each estimate shall be based on a projection forward of the average daily catch rate (calculated as the total catch by all contracting parties divided by the number of days in the period) for the most recent period based on the reports received for the period in question, to the point at which the total allowable catch will have been taken.

5. When the Executive Secretary has received reports which show that 80% of the total allowable catch has been taken, the Executive Secretary shall make a final estimate of the date upon which the total allowable catch will be reached. The fishery shall close at the end of the last day of the reporting period within which that date falls.

Conservation Measure 26/IX

Effort and Biological Data Reporting System for Dissostichus Eleginoides in Statistical Subarea 48.3 in the 1990/91 Season

The Commission, in accordance with Conservation Measure 7/V, hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

1. At the end of each month, each Contracting Party shall obtain from each of its vessels the haul-by-haul data required to complete the CCAMLR fine-scale catch and effort data form for longline fisheries (Form C2, Ver.1). It shall transmit these data to the Executive Secretary not later than the end of the month following.

2. Each month the length composition of a minimum of 500 fish will be measured and the information passed to the Executive Secretary not later than the end of the month following.

Conservation Measure 27/IX

Prohibition of Directed Fishing for Finish in Statistical Subarea 48.1 and 48.2 in the 1990/91 Season

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

Taking of finfish, other than for scientific research purposes, in Statistical Subareas 48.1 and 48.2 is prohibited in the 1990/91 season.

Conservation Measure 28/IX

Limitation of the Total Catch Notothenia Squamifrons in Statistical Subarea 58.4 in the 1990/91 Season

The Commission hereby adopts the following Conservation Measure in accordance with Article IX of the Convention:

The total catch of *N. squamifrons* in the 1990/91 season on the Lena Bank and Ob Bank (Statistical Division 58.4.4) shall not exceed 305 tonnes and 267 tonnes respectively.

Conservation Measure 18/IX

Procedure for According Protection to CEMP Sites

The Commission adopted a Conservation Measure providing for the protection of sites where colonies of seabirds and seals are being monitored as part of the CCAMLR Ecosystem Monitoring Program. The measure provides for the introduction of management plans for sites, specifying in particular, conditions of access to the sites and activities that are prohibited within them. For more information on this Conservation Measure, contact address above.

Resolution 7/IX

Driftnet Fishing in the Convention Area

1. The Commission endorsed the goals of the UN General Assembly Resolution 44/225 on large-scale pelagic driftnet fishing, which calls, inter alia, for a cessation of any further expansion of large-scale pelagic driftnet fishing on the high seas. Recognizing the concentration of marine living resources present in Antarctic waters, it was noted that large-scale pelagic driftnet fishing can be a highly indiscriminate and wasteful fishing method that is widely considered to threaten the effective conservation of living marine resources. Although no Member is currently engaged in large-scale pelagic driftnet fishing in the Convention Area, the Commission expressed concern about the potential impact on marine living resources if large-scale pelagic driftnetting were to expand in to Convention Area.

2. To this end, the Commission agreed, in accordance with UN Resolution 44/225, that there will be no expansion of large-scale pelagic driftnet fishing into the Convention Area.

3. It was agreed that, in accordance with Article X, the Commission would draw this Resolution to the attention of any State that is not a Party to the Convention and whose nationals or vessels engage in large-scale pelagic driftnet fishing.

Other Conservation Measures in Force

The Commission agreed that Conservation Measures 3/IV, 4/V, and 7/V should remain in force as they stand. Conservation Measures 13/VIII, 14/VIII, 15/VIII, 16/VIII, and 17/VIII expired at the end of the 1989/90 season. Conservation Measure 2/III remains in force, but is amended by deleting the reference to *Champsocephalus gunnari*.

Catch Reporting

Catch and effort data for the fishery on *C. gunnari* in Subarea 48.3 should be reported to the Secretariat for each reporting period as described in Conservation Measure 25/IX.

Catches of *D. eleginoides* should be reported to the Secretariat according to the same system as described above for *C. gunnari* (Conservation Measure 25/IX). Effort and biological data, however, should be reported monthly according to the protocols set out in Conservation Measure 26/IX.

Data to be reported for each reporting period are:

(i) For the fishery targeted on *C. gunnari*, including data from this species and any by-catch of *C. aceratus, P. georgianus, N. rosii, N. gibberifrons*, and *N. squamifrons*:

a. Total catch (metric tons) of each species in the reporting period.

b. Total number of hours fished, as defined on the CCAMLR/CWP form for reporting catches and effort on STATLANT B format, paragraph 2.6.

c. Total number of days fished, as defined on the CCAMLR/CWP form for reporting catches and effort on STATLANT B format, paragraph 2.6.

(ii) For *D. eleginoides*: total catch in the reporting period.

Raymond Arnaudo,

Chief, Division of Polar Affairs, Office of Oceans Affairs.

[FR Doc. 90–29383 Filed 12–14–90; 8:45 am]

BILLING CODE 4710–09–M

DEPARTMENT OF TRANSPORTATIO

National Highway Traffic Safety Administration

Reestablishment of Grant Availability to the States for Projects Implementing School Bus Safety

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of a grant program.

SUMMARY: NHTSA announces the reestablishment of the availability of funds during fiscal year 1991 to assist the States in implementing school bus safety measures. NHTSA rescinded its earlier notice which would have set aside 402 funds in FY 1991 for a grant program designed to develop and implement improvements in school bus safety. This notice establishes a set-aside of $4,500,000 for FY 1991 and solicits applications from States that are interested in developing and implementing projects under the previously announced grant program.

DATES: Applications must be received by January 11, 1990.

ADDRESSES: A State must submit its application to the NHTSA Regional Administrator serving the Region in which the submitting State is located. All applications submitted should be labeled "School Bus Safety Implementation Project." Interested States are advised that no separate application package exists beyond the contents of the announcement in the **Federal Register** notice, dated August 9, 1990 (55 FR 32554).

FOR FURTHER INFORMATION CONTACT: States should direct all questions concerning the grant program and applications to the NHTSA Regional Administrator having responsibilities for the applicant State. More general inquiries on school bus safety may be directed to Ron Engle, Traffic Safety Programs (NTS–23), National Highway Traffic Safety Administration, room 5125, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–2717.

SUPPLEMENTARY INFORMATION:

NHTSA has been actively pursuing school bus safety initiatives over the past few years, for both vehicle and operational improvements. As part of that effort, the agency set aside $4.5 million "Section 402" State grant funds in fiscal year 1990 for school bus safety programs as authorized by the 1987 highway bill. On August 9, 1990, NHTSA announced in the **Federal Register** the availability of a similar set aside during fiscal year 1991 to assist the States in

completing their special bus safety initiatives. The deadline for the receipt of applications was November 1, 1990.

NHTSA was confronted with substantial budget uncertainty at the start of the new fiscal year, because Congress had not completed work on the Federal budget. As a result, the various "unprotected" domestic discretionary accounts, including the section 402 program, were threatened with 33% automatic budget cuts. A reduction of that size would have had serious adverse effects on a broad range of State and local traffic safety programs funded by NHTSA. Accordingly, on October 5, 1990, NHTSA published a notice in the **Federal Register** (55 FR 40975) which rescinded the set aside grant program to minimize those adverse impacts. In that notice, NHTSA clearly indicated the intent to restore the school bus set-aside funding, if and when Congress restored the agency's overall section 402 funding levels. As a result of the budget deficit-reduction agreement, Congress passed and the President signed the FY 1991 appropriation bill for the Department of Transportation, which includes the full amount requested for the Section 402 program.

Therefore, this notice announces the agency's intention to reestablish the grant program at $4,500,000 for FY 1991 as described in the original notice in the **Federal Register** on August 9, 1990, with a revised date for the receipt of applications of January 11, 1990.

Issued on: December 12, 1990.

Jerry Ralph Curry,

Administrator.

[FR Doc. 90-29457 Filed 12-12-90; 1:32 pm]

BILLING CODE 4910-59-M

Rulemaking, Research, and Enforcement Programs; Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, research and enforcement programs.

This notice announces an additional meeting to be held on a possible consumer information program regarding side impact crash test performance.

DATES: The Agency's regular, quarterly public meeting relating to the agency's rulemaking, research, and enforcement programs will be held on January 18, 1991, beginning at 10:30 a.m. Questions relating to the agency's rulemaking, research, and enforcement programs, must be submitted in writing by January 9, 1991. If sufficient time is available, questions received after the January 9, date may be answered at the meeting. The individual, group or company submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by January 9, 1991, and the issues to be discussed will be mailed to interested persons by January 14, 1991, and will be available at the meeting.

The meeting on consumer information on side impact crash test performance will also be held on January 18, 1991, beginning at approximately 1:30 p.m. Anyone interested in making a presentation at this session must submit a request in writing, stating the nature of the presentation, to the address shown below.

ADDRESSES: Questions for the January 18 meeting relating to the agency's rulemaking, research, and enforcement programs or requests to make presentations at the side impact meeting should be submitted to Barry Felrice, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, DC 20590. Both meetings will be held in room 2230, Department of Transportation Headquarters Building, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: NHTSA will hold its regular, quarterly meeting to answer questions from the public and industry regarding the agency's rulemaking, research, and enforcement programs on January 18, 1991. The meeting will be held in room 2230, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. The purpose of the meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, room 5108, 400 Seventh Street, SW., Washington, DC 20590.

To expedite its preparation and mailing of the agenda for the meeting, the agency requests that questions be labeled with the following headings:

I. Rulemaking
  A. Crashavoidance
  B. Crashworthiness
  C. Other
II. Research and Development
III. Enforcement
IV. Consumer Information
V. Miscellaneous

The agency also wishes to announce a meeting on a side impact new car assessment program. The purpose of this session is to provide a forum for the discussion of safety issues as they relate to consumer information on the crashworthiness of passenger cars in side impacts

In 1972, Congress enacted the "Motor Vehicle Information and Cost Savings Act" which requires the development and dissemination of comparative information on the safety of motor vehicles. To partially meet this requirement, frontal-impact testing of production motor vehicles into a rigid barrier at 35 mph was initiated in 1978 under the New Car Assessment Program (NCAP). NCAP has been very successful in providing comparative information to consumers and in encouraging manufacturers to improve the frontal impact safety of their vehicles.

On October 30th, 1990, the agency published its final rule (55 FR 45722) which set forth provisions for full scale side impact dynamic crash test of passenger cars. Based on the technical foundation for this rule, NHTSA is considering the expansion of the NCAP into side-impact testing.

At this meeting the discussion will focus on various options concerning the implementation of a New Car Assessment Side-Impact Program such as;

A. Test parameters.

B. Methods of consumer information dissemination.

C. Scheduling as related to the phased-in compliance requirements of FMVSS 214.

Agency representatives will review various options and provide responses to related questions that have been submitted in advance. The agency also encourages additional presentations from the public.

Issued on: December 11, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90-29399 Filed 12-13-90; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

December 10, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0206.

Form Number: ATF F 5110.41, ATF REC 5110/03.

Type of Review: Extension.

Title: Applications, Miscellaneous Requests and Notices for Distilled Spirits Plants.

Description: The information provided by applicants assists ATF in determining eligibility and providing for registration. These eligibility requirements are for persons who wish to establish distilled spirits plants operations. However, both statutes and regulations allow for variances from the regulations and this information provides data to permit a variance.

Respondents: Businesses or other for-profit, small businesses or organizations.

Estimated Number of Respondents: 320.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,756 hours.

Clearance Officer: Robert Masarsky (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90–29401 Filed 12–14–90; 8:45 am]

BILLING CODE 4810–31–M

Public Information Collection Requirements Submitted to OMB for Review

December 10, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0049.

Form Number: Form 990–BL, Sch. A (Form 990–BL, Sch. A (Form 990–BL), Form 6069.

Type of Review: Extension.

Title: Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trust and Certain Related Persons; Schedule A (Form 990–BL), Computation of Initial Excise Taxes on Black Lung Benefit Trusts and Certain Related Persons; Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

Description: IRS uses Form 990–BL to monitor activities of black lung benefit trusts, and to collect excise taxes on these trusts and certain related persons if they engage in proscribed activities. The tax is figured on Schedule A and attached to the 990–BL. Form 6069 is used by coal mine operators to figure the maximum deduction to a black lung trust. If excess contributions are made, IRS uses the form to figure and collect the tax on excess contributions.

Respondents: Individuals or households, Businesses or other for-profit, Non-profit institutions.

Estimated Number of Respondents: 27.

Estimated Burden Hours Per Response/ Recordkeeping:

Form	1990–BL	Sch. A (Form 990–BL)
Recordkeeping.	16 hrs., 44 mins.	6 hrs., 56 mins.
Learning about the law or the form.	6 hrs., 16 mins.	18 mins.
Preparing and sending the forms to IRS.	6 hrs., 49 mins.	25 mins.

Form 6069:

Recordkeeping—6 hrs., 42 mins.
Learning about the law or the form—2 hrs., 33 mins.
Preparing the form—3 hrs., 42 mins.
Copying, assembling, and sending the form to IRS—16 mins.

Frequency of Response: Annually.

Estimated Total Recordkeeping/ Reporting Burden: 700 hours.

OMB Number: 1545–0954.

Form Number: 1120–ND.

Type of Review: Extension.

Title: Return for Nuclear Decommissioning Funds and Certain Related Persons.

Description: A nuclear utility files Form 1120–ND to report the income and taxes of a fund it set up to provide cash for the dismantling of nuclear plants. IRS uses Form 1120–ND to determine if fund income taxes are paid and if any other person is to be taxed on self–dealings with the fund.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Response/ Recordkeeping:

Recordkeeping—23 hrs., 55 mins.
Learning about the or the form—4 hrs., 2 mins.
Preparing the form—9 hrs., 14 mins.
Copying, assembling, and sending the form to IRS—1 hr., 30 mins.

Frequency of Response: Annually.

Estimated Total Recordkeeping/ Reporting Burden: 3,853 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90–29402 Filed 12–14–90; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

December 10, 1990.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0008.
Form Number: IRS Forms W–2, W–2P, W–2C, W–AS, W–2CM, W–2GU, W–2VI, W–3, W–3C, W–3PR, W–3SS.
Type of Review: Revision.
Title: Wage and Tax Statements.
Description: Employers report income and withholding information on Form W–2. Payers report pension, annuity, retirement, and IRA distributions on Form W–2P. Forms W–2AS, W–2GU, and W–2VI, are the U.S. Possessions versions for Form W–2. The Form W–3 series is used to transmit W–2's to the Social Security Administration. Individuals use Form W–2 to prepare their income tax return.
Respondents: Individuals or households, State or local governments, farms, businesses or other for-profit, Federal agencies or employees, non-profit institutions, small business or organizations.
Estimated Number of Respondents: 200,859,535.
Estimated Burden Hours Per Respondent:

W–2—32 minutes
W–2C—49 minutes
W–2AS—23 minutes
W–2GU—22 minutes
W–2VI—20 minutes
W–3—27 minutes
W–3C—20 minutes
W–3PR—18 minutes
W–3CPR—19 minutes
W–3SS—22 minutes

Frequency of Response: Annually.
Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 90–29403 Filed 12–14–90; 8:45 am]
BILLING CODE 4830–01–M

Customs Service

[T.D. 90–97]

Revocation of Commercial Gauger Approval and Commercial Laboratory Accreditations of Watson Gray (U.S.A.), Inc. of Marcus Hook, PA

AGENCY: U.S. Customs Service, Department of the Treasury.
ACTION: Notice of revocation of approval and accreditations of a commercial gauger and commercial laboratory.

SUMMARY: Pursuant to § 151.13, Customs Regulations (19 CFR 151.13), the commercial gauger approval and commercial laboratory accreditations granted to Watson Gray (U.S.A.), Inc., of Marcus Hook, Pennsylvania have been revoked in full for failure to meet bonding requirements.

EFFECTIVE DATE: November 30, 1990.
FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, Room 7113, 1301 Constitution Avenue NW., Washington, DC 20229 (202–566–2446).

Dated: December 11, 1990.
John B. O'Loughlin,
Director, Office of Laboratories and Scientific Services.
[FR Doc. 90–29458 Filed 12–14–90; 8:45 am]
BILLING CODE 4840–01–M

Office of the Secretary

[Department Circular—Public Debt Series—No. 33–90]

Treasury Notes of November 30, 1992, Series AG–1992

Washington, November 23, 1990.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $12,250,000,000 of United States securities, designated Treasury Notes of November 30, 1992, Series AG–1992 (CUSIP No. 912827 ZP 0), hereafter referred to as Notes. The Notes will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated November 30, 1990, and will accrue interest from that date, payable on a semiannual basis on May 31, 1991, and each subsequent 6 months on November 30 and May 31 through the date that the principal becomes payable. They will mature November 30, 1992, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Tuesday, November 27, 1990, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 26, 1990, and

received no later than Friday, November 30, 1990.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, November 30, 1990. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 28, 1990. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 90-29477 Filed 12-12-90; 2:35 pm]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 34-90]

Treasury Notes of February 15, 1996, Series J-1996

Washington, November 23, 1990.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $9,000,000,000 of United States securities, designated Treasury Notes of February 15, 1996, Series J-1996 (CUSIP No. 912827 ZQ 8), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated December 3, 1990, and will accrue interest from that date, payable on a semiannual basis on August 15, 1991, and each subsequent 6 months on February 15 and August 15 through the date that the principal becomes payable. They will mature February 15, 1996, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Wednesday, November 28, 1990, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 27, 1990, and received no later than Monday, December 3, 1990.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show that yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may be not used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers; as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the

amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Monday, December 3, 1990. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, November 29, 1990. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchaser price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 90-29478 Filed 12-12-90; 2:35 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

EFL Teacher-Trainers and ESP Teachers; Announcement to Solicit Interest From U.S. Professional, Not-for-Profit Institutions in Conducting Recruitment

AGENCY: United States Information Agency.

ACTION: Announcement to solicit interest from U.S. professional, not-for-profit institutions in conducting recruitment of EFL teacher-trainers and ESP teachers.

SUMMARY: The U.S. Information Agency (USIA) solicits interest from U.S. professional, not-for-profit institutions/organizations in conducting the recruitment of EFL teacher-trainers, and attendant administration, for a special Eastern European EFL Fellow program to provide EFL teacher-trainers for teachers of English, and ESP teachers in Poland, Hungary, Czechoslovakia, Romania, Bulgaria, and Yugoslavia inclusive. This program is subject to the availability of funds from Support for Eastern European Democracies II (SEED II) funding for Fiscal Year 1991. All interested institutions/organizations that wish to compete for an assistance award are invited to request detailed proposal guidelines by December 31, 1990, and to submit detailed proposals by January 31, 1991. The proposals will be evaluated by a panel and recommendations for the assistance award will be based on professional staff assessment of relevant qualifications and compliance with established criteria.

The institution/organization sought will receive an assistance award not to exceed a total of $224,000 from the U.S. Information Agency for the purpose of carrying out the following:

—Disseminate information through domestic and international mailings and other means about the Eastern European EFL Fellow program;

—Receive and process applications from condidates, screen for acceptable qualifications set forth by USIA (including U.S. citizenship, native speaker of American English, hold at least an MA degree in applied linguistics or in TESL/TEFL, with teacher-training experience, or English for Special Purposes [ESP] experience, preferably overseas), and select approximately 40 EFL Fellows for teacher training, and approximately 15 ESP/EFL Fellows, to receive a grant from USIA for one year—renewal of the fellowship contingent upon the availability of funds;

—Arrange for and carry out interviews of all candidates having acceptable qualifications at, but not limited to, the annual TESOL convention in New York City, March 24–28, 1991, in collaboration with USIA's English Language Programs Division;

—Conduct all correspondence necessary to compile professional dossiers of each EFL Fellow candidate to be interviewed; establish and define duties expected of each EFL Fellow at the institution assigned, through correspondence with that institution in Eastern Europe and in consultation with USIA's English Language Programs Division:

—Procure all transportation tickets for each EFL Fellow chosen and arrange travel from his/her home to his/her respective destination in Eastern Europe, to include a stop in Washington, D.C.;

—Arrange for and conduct a three-day orientation program for the chosen EFL Fellows, at USIA in Washington, D.C., utilizing both outside experts and USIA officers, in consultation with USIA's English Language Programs Division.

—Allowance will be made for a representative of the assistance award recipient institution/organization to visit Eastern European sites proposed for the EFL Fellows, so as to be familiar with conditions at the host institutions.

Qualifications Required of the Responding Organization: To carry out the above tasks the institution/organization must be incorporated in the U.S. as a 501(c)(3), not-for-profit organization as determined by IRS, and must possess a proven ability to network that provides and allows for

the greatest dissemination of information to and among the profession of Teachers of English as a Second or Foreign Language; must be able to provide knowledgeable, TEFL-qualified, experienced staff capable of interviewing candidates and evaluating their qualifications for conducting teacher-training and for teaching ESP in the context of English as a foreign language, in accord with criteria established by USIA; must provide a summary report and comply with all U.S. Government regulations. The period covered by this assistance award is from nine to fifteen months from the time of issuance. Renewal is contingent upon the availability of funds. Interested institutions/organizations should respond to the address below by December 31, 1990, to receive the assistance award proposal guidelines, and should submit a detailed proposal based on these guidelines by January 31, 1991.

DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Willam Royer, English Language Programs Division, USIA, Room 304, SEED II, 301 Fourth Street, SW., Washington, DC 20547, Telephone (202) 619–5869

William B. Royer, Jr.

Chief, English Language Program Division.

[FR Doc. 90–29426 Filed 12–14–90; 8:45 am]

BILLING CODE 8230–01–M

Fulbright Teacher Exchange Program

The United States Information Agency seeks applications from cooperating institutions of higher education and other organization to coordinate and implement orientation/workshop programs in the United States for the Fulbright Teacher Exchange Program. There will be a general orientation for all U.S. and foreign exchange teachers in August, 1991, workshops for foreign educators in the fall of 1991 and the spring of 1992, and meetings for newly selected U.S. educators in May, 1992. The Fulbright Teacher Exchange Program provides opportunities for U.S. educators at all levels to exchange teaching positions with foreign counterpart teachers from twenty-eight countries for one academic year. Universities or colleges on the west coast of the U.S. with schools or colleges of education or graduate programs in international studies, and located within reasonable proximity of international gateway airports, are invited to submit project proposals. Similarly, universities or colleges in metropolitan Washington, DC, located within reasonable proximity of Washington, DC's three international gateway airports, are invited to submit proposals. Other organizations within the previously described west coast or metropolitan Washington, DC locations, with at least four years of experience in administering exchange programs, and subcontracting and collaborating with colleges or universities, are also welcome to apply.

For application information, please contact Ms. Ilo-Mai Harding, no later than December 27, 1990 at the following address:

Teacher Exchange Branch (E/ASX), Office of Academic Programs, United States Information Agency, 301 4th Street, SW., Washington, DC 20547, Phone: (202) 619–4556.

Dated: December 3, 1990.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 90–29465 Filed 12–14–90; 8:45 am]

BILLING CODE 0230–01–M

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on December 19, 1990 in room 600, 301 4th Street, SW., Washington, DC from 11 a.m. to 12:15 p.m.

The Commission will meet with Ambassador William Rugh, Director of USIA's Office of North African, Near Eastern, and South Asian Affairs, for a discussion of public diplomacy in the Middle East. The Commission will also meet with USIA Inspector General George F. Murphy, Jr. for a discussion of the role of inspections in USIA.

Please call Gloria Kalamets, (202) 619–4468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: December 12, 1990.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 90–29466 Filed 12–14–90; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744..

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by January 16, 1991.

Dated: December 11, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Title of the Information Collection.

a. Application for Ordinary Life Insurance (Age 65).

b. Information About Modified Life Insurance Reduction and Replacement Features (Age 65).

3. The Department Form Numbers.

a. VA Form 29–8485.

a. VA Form 29–8700.

4. These forms are used by the policyholder to apply for replacement insurance for modified life reduced at age 65. The information is used to determine eligibility for the insurance.
5. On occasion.
6. Individuals or households.
7. 4,200 responses.
8. ½ hour.
9. Not Applicable.

[FR Doc. 90–29437 Filed 12–14–90; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by January 16, 1991.

Dated: December 11, 1990.

By direction of the Secretary

Frank E. Lalley,

Director, Office of Information Resources Policies.

New Collection

1. Veterans Benefits Administration.
2. Income Verification.
3. VA Forms 21–0161 and 21–0161a.
4. The forms are used to verify a beneficiary's income-dependent benefits in connection with the administration of veterans benefits. The information is used by VA to accurately adjust pension benefits payments and avoid overpayments.
5. On occasion.
6. Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations.
7. 228,000 responses.
8. ½ hour.
9. Not applicable.

[FR Doc. 90–29440 Filed 12–14–90; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provision of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by January 16, 1991.

Dated: December 11, 1990.

By direction of the Secretary:

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Application for Reinstatement (Non-Medical).
3. VA Form Letter 29–353.
4. The form is used by veterans to reinstate their Government life insurance and/or the Total Disability Income Provision within six months from the date of lapse. The information is used to determine eligibility for the purpose of reinstatement.
5. On occasion.
6. Individuals or households
7. 1,408 responses.
8. ¼ hour.
9. Not applicable.

[FR Doc. 90–29441 Filed 12–14–90; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by January 16, 1991.

Dated: December 11, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Officer of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Wood Destroying Insect Information—Existing Construction.
3. VA Form 26–8850.
4. The form is completed by pest control operators to report the presence, if any, of wood destroying insects and any resulting damage to properties proposed for guaranteed financing. The information is used to determine whether the property is acceptable and the effect, if any, the damage may have on the reasonable value of the property.
5. On occasion.
6. Individuals and households; Businesses or other for-profit; Small businesses or organizations.
7. 228,427 responses.
8. ⅓ hour.
9. Not applicable.

[FR Doc. 90–29442 Filed 12–14–90; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of the Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by January 16, 1991.

Dated: December 11, 1990.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Information Collected from Developers of Condominium Projects.
3. Not applicable.
4. The information is furnished by developers of condominium projects to verify that the project has been established in accordance with local requirements and State laws. The information is used by VA to determine the reasonable value of individual condominium units and the legality of the project under State laws.
5. On occasion.
6. Businesses or other for-profit.
7. 2,100 responses.
8. Not applicable.
9. Not applicable.

[FR Doc. 90–29443 Filed 12–14–90; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 242
Monday, December 17, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD FOR INTERNATIONAL BROADCASTING

TIME AND PLACE: 9:00 a.m., January 31, 1991.

PLACE: Forbes, Inc., 60 Fifth Avenue, New York, NY 10011.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c) (1) and (9) and 22 CFR 1302.4 (a) and (h).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government as they relate to international shortwave radio broadcasting into Eastern Europe and the Soviet Union.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Mark G. Pomar, Executive Director, Board for International Broadcasting, Suite 400, 1201 Connecticut Avenue, NW., Washington, DC 20036.

Mark G. Pomar,
Executive Director.
[FR Doc. 90–29532 Filed 12–13–90; 11:05 am]
BILLING CODE 6155–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Matter To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, December 18, 1990, in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, DC:

Memorandum and resolution re: Lawsuits Brought By the Corporation, FSLIC, or Resolution Trust Corporation ("RTC") Against Firms Seeking to Provide Services to the Corporation or the RTC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: December 13, 1990.
Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 90–29559 Filed 12–13–90; 8:45 am]
BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:05 p.m. on Tuesday, December 11, 1990, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Vice Chairman Andrew C. Hove, Jr., Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), and Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Proposed amendment to the corporation's rules and regulations in the form of a new Part 334 entitled, "Contracts Adverse to Safety and Soundness of Insured Depository Institutions," which would implement section 225 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by prescribing regulations to prevent any depository institution insured by the Corporation from contracting for goods, products or services in a way that would adversely affect the safety and soundness of that institution.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: December 12, 1990.
Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 90–29560 Filed 12–13–90; 12:49 pm]
BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 3:12 p.m. on Tuesday, December 11, 1990, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Director Robert L. Clarke (Comptroller of the Currency) and Chairman L. William Seidman, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of matters relating to the Corporation's corporate activities.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(9)(B)).

Dated: December 12, 1990.
Federal Deposit Insurance Corporation.
Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 90–29561 Filed 12–13–90; 12:49 pm]
BILLING CODE 6714–01–M

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: December 11, 1990, 55 FR 50926.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: December 12, 1990, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number has been added to Item CAG–53 on the Agenda scheduled for December 12, 1990:

Item No., Docket No., and Company

CAG–53—RP91–22–000, Natural Gas Pipeline Company of America

Linwood A. Watson, Jr.,
Acting Secretary.
[FR Doc. 90–29617 Filed 12–13–90; 8:45 am]
BILLING CODE 6717–02–M

RESOLUTION TRUST CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5

U.S.C. 552b), notice is hereby given that at 4:33 p.m. on Tuesday, December 11, 1990, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to: (1) Recommendations regarding the proposed program for the sale of mortgage-backed securities; (2) recommendations regarding the proposed sale of a collateralized bond obligation; (3) the resolution of a failed thrift institution; and (4) recommendations regarding the bulk sale of loans and real estate assets of a failed thrift institution.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, and Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the Federal Deposit Insurance Corporation Building located at 550—17th Street NW., Washington, DC.

Dated: December 12, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-29522 Filed 12-13-90; 10:11 am]

BILLING CODE 6714-01-M

RESOLUTION TRUST CORPORATION

Cancellation of Agency Meeting

Pursuant to the provision of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the previously announced open meeting of the Board of Directors of the Resolution Trust Corporation scheduled to be held on Tuesday, December 8, 1990 at 2:00 p.m. has been Cancelled.

No earlier notice of the cancellation was practicable.

Dated: December 13, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-29578 Filed 12-13-90; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published, Friday, December 14, 1990]

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, December 11, 1990.

CHANGE IN THE MEETING: Addition.

The following item will be considered at an open meeting on Thursday, December 20, 1990, at 10:00 a.m.

Consideration of whether to publish releases for comment on proposed amendments to Rule 10b-7 and proposed new Rule 3b-10, respectively. The proposed amendments to Rule 10b-7 would permit a stabilizing price to reflect the price of a security in a foreign market that is the principal market for such security if the stabilizing activity otherwise complies with the rule's provisions. In addition, the proposed amendments to Rule 10b-7 would permit adjustments of stabilizing bids based on exchange rate fluctuations between the currencies of the markets on which the security is being stabilized. Finally, the proposed amendments to Rule 10b-7 would permit stabilizing activities to be conducted in compliance with comparable foreign regulations where no stabilizing will take place in the United States.

Proposed Rule 3b-10 would define certain terms relevant to the increasing internationalization of world securities markets. For further information, please contact Ethan D. Corey at (202) 272-2848.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Atkins at (202) 272-2000.

Dated: December 13, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-29558 Filed 12-13-90; 12:35 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 55, No. 242
Monday, December 17, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

[DA-90-006]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Revision of United States Standards for Grades of Bulk American Cheese for Manufacturing

Correction

In proposed rule document 90-27982 beginning on page 49526 in the issue of Thursday, November 29, 1990, make the following corrections:

§ 58.2462 [Corrected]

On pages 49528 and 49529, in § 58.2462, the tables should read as follows:

TABLE I.—CLASSIFICATION OF FLAVOR WITH CORRESPONDING U.S. GRADE

Flavor characteristics	U.S. grade designation						
	Fresh or Current				Cured or Aged		
	Extra		Standard	Commercial	Extra	Standard	Commercial
	[1] LH	SH					
Acid	VS	S	D	P	S	D	P
Barny	—	—	S	D	—	S	D
Bitter	—	VS	S	D	VS	S	D
Feed	S	S	D	P	S	D	P
Flat	—	—	S	D	—	S	D
Fruity	—	—	S	D	VS	S	D
Malty	—	—	S	D	—	S	D
Metallic	—	—	—	VS	—	—	VS
Old Milk	—	—	S	D	—	S	D
Onion	—	—	VS	S	—	VS	S
Rancid	—	—	S	D	—	S	D
Sour	—	—	—	VS	—	—	VS
Sulfide	—	—	S	D	VS	S	D
Utensil	—	—	S	D	—	S	D
Weedy	—	—	S	D	—	S	D
Whey Taint (Whey)	—	—	S	D	VS	S	D
Yeasty	—	—	S	D	—	S	D

(—)—Not permitted; VS—Very Slight; S—Slight; D—Definite; P—Pronounced.
[1]—Long-hold—(LH); —Short-hold—(SH).

TABLE II.—CLASSIFICATION OF BODY AND TEXTURE WITH CORRESPONDING U.S. GRADE

Body and texture characteristics	U.S. Grade Designation						
	Fresh or Current				Cured or Aged		
	Extra		Standard	Commercial	Extra	Standard	Commercial
	[1] LH	SH					
Coarse	S	S	D	P	S	D	P
Corky	—	—	S	P	—	S	P
Crumbly	—	S	D	P	S	D	P
Curdy	D	D	D	P	S	D	P
Gassy	—	—	S	D	—	S	D
Mealy	S	S	D	P	S	D	P
* Open	S	D	P	P	S	P	P
Pasty	—	—	D	P	—	D	P
Pinny	—	—	VS	S	—	VS	S
Short	S	S	D	P	S	D	P
Slitty	—	—	S	D	—	S	D
Sweet holes	—	S	D	P	S	D	P
Weak	S	S	D	P	S	D	P

(—)—Not permitted; VS—Very Slight; S—Slight; D—Definite; P—Pronounced.
*—Not applicable for Colby cheese.
[1]—Long-hold—(LH); —Short-hold—(SH).

TABLE III.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE (AS DETERMINED BY EXAMINATION OF AT LEAST THE FILLING END)

Finish and appearance characteristics	U.S. grade designation						
	Fresh or Current				Cured or Aged		
	Extra		Standard	Commercial	Extra	Standard	Commercial
	[1] LH	SH					
Free Whey	S	S	D	P	—	S	D
Mold	—	S	D	D	S	D	D
Rough Surface[2]	S	S	D	P	S	D	P
Rough Surface[3]	D	D	P	P	D	P	P
Soiled Surface	S	S	D	P	S	D	P

(—)—Not permitted; S—Slight; D—Definite; P—Pronounced.
[1]—Long-hold—(LH); —Short-hold—(SH).
[2]—Unsealed primary container.
[3]—Sealed primary container or cheese surface treated with antimycotics.

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 997

[Docket No. FV-90-146FR]

Inspection, Disposition and Minimum Quality Requirements Applicable to Domestically Produced Peanuts Not Subject to the Peanut Marketing Agreement

Correction

In rule document 90-28246 beginning on page 49980, in the issue of Tuesday, December 4, 1990, make the following corrections:

§ 997.20 [Corrected]

1. On page 49985, in the first column, under paragraph (e) of § 997.20, in the 13th line, "purpose" should read "purposes".

§ 997.30 [Corrected]

2. On page 49987, in the first column, under paragraph (c)(5)(i) of § 997.30, in the 11th line, "Dothan," was misspelled.

3. On the same page, under paragraph (d) of § 997.30, in the third column, under in the seventh line, "bag" should read "bags".

§ 997.40 [Corrected]

4. On page 49988, in the first column, under § 997.40(a)(2), the sixth through eighth lines should read "consumption specified in § 997.30(a). Such peanuts".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 90-207]

Mexican Fruit Fly

Correction

In rule document 90-24988 beginning on page 42698 in the issue of Tuesday, October 23, 1990, make the following correction:

PART 301--[AMENDED]

On page 42699, in the third column, in the first line of the authority citation to part 301 "U.S.C. 150bb," should read "7 U.S.C. 150bb,".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Invitation to Serve on Federal Grain Inspection Service Advisory Committee

Correction

In notice document 90-28332 appearing on page 50049, in the issue of Tuesday, December 4, 1990, in the first column, in the sixth line from the bottom, "20-year terms" should read "2-year terms".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Short-Supply Review: Certain Manganese Steel Plate

Correction

In notice document 90-28631 beginning on page 50204 in the issue of Wednesday, December 5, 1990, make the following corrections:

1. On page 50204, in the third column, in the seventh line from the bottom "December 4, 1990" should read "December 14, 1990", and in the third line from the bottom "December 18, 1990" should read "December 12, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 901197-0297]

Atlantic Swordfish Fishery

Correction

In proposed rule document 90-28525 beginning on page 50199 in the issue of Wednesday, December 5, 1990, make the following correction:

On page 50200 in the first column, under **DATES**, "December 20, 1991" should read "December 20, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AD81

Reservists Education; State Approving Agencies and the Montgomery GI Bill; Selected Reserve

Correction

In rule document 90-27138 beginning on page 48843, in the issue of Friday, November 23, 1990, in the second column, the **ACTION** line should read "Final regulations."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 312, 314, and 320

[Docket No. 89N-0367]

Retention of Bioavailability and Bioequivalence Testing Samples

Correction

In interim rule document 90-26484 beginning on page 47034, in the issue of Thursday, November 8, 1990, on the cover page, in the next to last line, "Final" should read "Interim".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. 78N-2847 et al.]

Medical Devices; Classification of 70 Electromedical Devices

Correction

In rule document 90-27219 beginning on page 48436, in the issue of Tuesday, November 20, 1990, make the following corrections:

§ 886.1780 [Corrected]

1. On page 48442, in the second column, under § 886.1780(a), in the last line, "emergency" should read "emergent".

§ 886.1910 [Corrected]

2. On the same page, in the third column, under § 886.1910(a), in the first line, "spectable" should read "spectacle".

§ 886.4070 [Corrected]

3. On page 48443, in the first column, under § 886.4070(a), in the third line, after "motor" insert "and".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Fiscal Service

Bureau of the Public Debt

Privacy Act of 1974, as Amended; Proposed New System of Records

Correction

In notice document 90-28325 beginning on page 50075, in the issue of Tuesday, December 4, 1990, make the following correction:

On page 50077, in the first column, in the 23rd and 24th lines, "(a) The dates of records for correction should specify:" should be removed.

BILLING CODE 1505-01-D

federal register

Monday
December 17, 1990

Part II

Postal Service

39 CFR Part 111

Proposed Domestic Mail Manual Changes To Implement the Rate, Fee, and Classification Changes Proposed in Docket R90-1; Proposed Rule

POSTAL SERVICE

39 CFR Part 111

Proposed Domestic Mail Manual Changes To Implement the Rate, Fee, and Classification Changes Proposed in Docket R90–1

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: On March 6, 1990, pursuant to 39 U.S.C. 3622 and 3623, the Postal Service filed a request for a recommended decision by the Postal Rate Commission (PRC) on Proposed Rate and Fee Changes (see 55 FR 9792–9794). The PRC subsequently designated this filing as Docket No. R90–1 (hereafter referred to simply as R90–1).

This notice contains the implementing regulations the Postal Service proposes to adopt if the PRC's recommended decision in R90–1 is consistent with the Postal Service's request and the Governors of the Postal Service, acting pursuant to 39 U.S.C. 3625, approve that recommended decision.

These proposed regulations are designed to offer an opportunity for mailers to make the system changes and operational adjustments necessary to prepare to implement the rate and classification changes likely to result from R90–1. Publication of these regulations in no way seeks to prejudge the decision of the PRC or usurp the role of the Governors or their statutory authority. Readers and commenters are asked to remember that these regulations may have to be amended to reflect the recommended decision of the PRC and the decision of the Governors.

A final rule, to take into account the comments received and to incorporate the action of the Governors, is expected to be published in late January.

DATES: Comments must be received on or before January 8, 1991.

ADDRESSES: Address all comments to the Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268–5199.

SUPPLEMENTARY INFORMATION: The Postal Service's submission in R90–1 included 15 major classification changes and increases in most existing rate and fee categories. The classification changes would (1) add reduced rates for nonpresorted ZIP+4 Barcoded First-Class Mail; (2) provide separate rates for ZIP+4 Barcoded First-Class Mail sorted to 3- and 5-digit ZIP Codes; (3) introduce Presorted Priority Mail; (4) extend pickup service to include not only Express Mail, but Priority Mail and parcel post as well; (5) provide volume discounts for Express Mail rates; (6) introduce a new "flat rate" envelope and an accompanying rate for both Express Mail and Priority Mail; (7) introduce reduced rates in both second- and third-class for high-density "saturation" mailings prepared in carrier walk sequence; (8) establish ZIP+4 and ZIP+4 Barcoded rates for second-class letter-size mail; (9) provide separate bulk third-class rates for letter-size pieces and for other mailpieces; (10) establish discounts for third-class mail that is deposited by the mailer at the destination BMC, SCF, or delivery unit; (11) extend ZIP+4 Barcoded third-class rates to pieces presorted to other than 5-digit destinations; (12) replace the existing "5-Digit" presort level for third-class with a new "⅗" presort level; (13) initiate reduced rates for parcel post deposited at the destination BMC; (14) remove the existing prohibition against using bound printed matter rates to mail books that are otherwise eligible for the special fourth-class rates; and (15) add two higher rate categories for post office box and caller service in expensive rental areas.

The proposed regulations that follow indicate the revisions to the Domestic Mail Manual necessary to implement these changes. Except where noted, these proposed regulations do not incorporate the changes in the Domestic Mail Manual proposed on October 3, 1990 (55 FR 40560) concerning eligibility requirements for automation based rates. The Postal Service plans to issue a final rule shortly on those proposed regulation changes.

Mailing Statements

Mailing statements are the documents on which the mailer officially declares the volume, preparation, rate eligibility, and postage for a mailing. The proposals in R90–1 render existing mailing statements obsolete, both by the changes in prices and rate categories as well as by the expansion of discount types and combinations. For that reason, the Postal Service has produced eleven new mailing statements for domestic mail: Forms 3541R and 3541N for second-class mail; 3600R and 3600PC for First-Class Mail; 3602R, 3602N, and 3602PC for third-class mail; 3605R and 3605PC for Priority Mail and zone-rated fourth-class mail; 3608R and 3608PC for non-zone-rated fourth-class mail. (The R suffix indicates regular rate permit imprint mailings, the N suffix indicates nonprofit rate permit imprint mailings, and the PC suffix indicates postage-affixed mailings.)

The statements for other than second-class mail have a substantially identical format, facilitating their adaptation to automated or facsimile usage.

Existing regulations would be modified to remove references to specific mailing statements wherever possible in preference to more generic terminology that will require fewer revisions when mailing statements are modified or deleted.

Chapter 1

Postage for Enclosures or Attachments. Section 136 would be amended to allow an attachment or enclosure to enjoy a discounted rate that is analogous to that paid by the host piece, provided the combined piece remains eligible for the discount claimed. In practice, this is consistent with existing language that allows the same presort level rate for an attachment or enclosure as is claimed for the host piece, and means that, for example, if a second-class publication is eligible for the destination delivery zone rate, the analogous destination delivery unit entry discount could be claimed for a third-class enclosure.

Multicolor Preprinted Stamped Envelopes. Section 141 would be amended to detail the rates for multicolor preprinted stamped envelopes. The introduction of these products would allow customers who order stamped envelopes from the Postal Service greater creative latitude in how the envelopes will represent them to the recipient. The new envelope would be available in #6¾ and #10 sizes, with or without a window, at both the regular and nonprofit rates.

On-Site Meter Setting or Examination. Section 144 would be amended to describe the on-site meter setting or examination program, and to apply fees to all occasions when postal personnel visit a meter holder's location either to set or examine a meter, or to remove a meter from service.

Delivery Receipt Fees. Section 149 would be amended to incorporate the increased fee for delivery receipts.

Plant-Verified Drop Shipment. The existing regulations in section 154 would be renamed and would continue to serve their original purpose under the name Expedited Plant Load Shipment. Their general provisions and the term Plant-Verified Drop Shipment would be extended to Chapters 4, 6, and 7 to allow mailers, where authorized by the Postal Service, to have destination entry

mailings preverified at the mailer's plant (see proposed 765, 664, and 784). The amended Plant-Verified Drop Shipment regulations are designed for use when the mailer prepares mailings at any rate which includes a destination entry discount, and the Postal Service determines it is in its best interest to verify such mailings at an existing plant load site (having a postal-staffed detached mail unit (DMU)) rather than at the destination entry postal facility. To be eligible for any of the destination entry rates, the mailer must deposit the corresponding mailing at the appropriate facility serving the ZIP Codes or addresses on the mail. Eligibility for these rates is not determined by the point at which the Postal Service conducts its verification activities.Verification can be performed in advance of the deposit of the mailing and its acceptance as U.S. Mail. Since the destination rates include a destination delivery unit rate, and since these rates contemplate deposit of the mail at the facility at which the corresponding mail is cased for delivery, it is apparent that many facilities—notably stations and branches—would be unequipped to perform what is an essentially new function for them: verifying bulk mail. The Postal Service seeks to benefit from the services of existing DMUs—with equipment and trained staffs already in place—and use them to conduct the primary verification of destination entry Plant-Verified Drop Shipment mailings. Under the proposed Plant-Verified Drop Shipment rules, the Postal Service would centralize its verification functions at the mailings' origin and return the mailings to the mailer for transportation at the mailer's expense to the appropriate destination facility. Because mailings would be preverified and postage would be prepaid at the mailer's plant, authorized mailers would not be restricted in the number of Plant-Verified Drop Shipment mailings that could be deposited at one time for acceptance at a destination facility. By contrast, for purposes of workload management, the Postal Service is proposing to generally establish a limit of 4 destination rate mailings per day where those mailings need to be fully verified and accepted at that destination facility.

Express Mail

Pickup Fees. Section 211 would be amended to note the increase in the pickup fee from $4.00 to $4.50. The Postal Service is also proposing pickup service for Priority Mail and parcel post, and payment of one fee will cover all mail (Express Mail, Priority Mail, and parcel post) picked up at one time.

Volume Discounts. Sections 216 and 282 would be amended to describe the new discounts proposed for Express Mail volume exceeding specified levels. Under the proposed method, the Postal Service would allow its Express Mail Corporate Account (EMCA) customers to take a 12% discount on pieces sent at other than the ½-pound rate once volume at the ½-pound rate (or at a combination of the ½-pound rate and other rates) exceeds $5,000 per four-week postal accounting period.

Flat Rate Envelope. Section 217 would be added to introduce a new flat rate envelope and a corresponding rate. Customers who purchase this mailing container would be charged a flat rate for its mailing regardless of the weight of the material they may place in it. This new option is designed to make use of Express Mail more convenient to customers by allowing them to anticipate a consistent postage cost whenever these containers are used, without the need to weigh individual pieces, monitor content, or affix a variable amount of postage to each.

First-Class

Rates. The maximum weight to which regular First-Class Mail rates apply would be reduced from 11 to 10 ounces. Priority Mail rates would apply to all pieces weighing 10 ounces or more, although lighter pieces may be mailed at the minimum Priority Mail rate at the option of the mailer. The 4-cent reduction in the charge for pieces weighing over 2 ounces would apply to all presort rate categories. A weight limit of 2.5 ounces per piece would be added to the requirements for all ZIP+4 and ZIP+4 Barcoded rate categories. This limitation, which reflects the proposed limits in the October 3 rulemaking, also would apply to second- and third-class automation based rate categories.

Priority Mail. Exhibits 314.1 and 314.2 would be added (replacing exhibit 310, page 2) to illustrate the new rates for Priority Mail. The most significant change is that the unzoned rate structure, now in place only for pieces weighing not more than 2 pounds, is proposed to extend to include 3 additional rate elements: Pieces over 2 but not exceeding 3 pounds, over 3 but not exceeding 4 pounds, and over 4 but not exceeding 5 pounds.

Flat Rate Envelope. The Postal Service proposed a flat rate envelope and a corresponding rate for Priority Mail. This product and rate design are similar to those for Express Mail, as discussed above.

Priority Mail Presort. Sections 326.4 and 362.8 would be added, and sections 363 and 383 revised, to introduce a new Priority mail presort rate. Mailers would receive a discount of $0.10 per piece off the single-piece Priority Mail rates for qualifying pieces. Basic requirements would include a minimum of 300 pieces, presorted to 5-digit, 3-digit, and SCF destinations.

Priority Mail Pickup Service. Section 326.5 would be added to introduce pickup service for Priority Mail. For a single $4.50 fee, the customer can schedule pickup of an unlimited quantity of parcel post, Priority Mail, and Express Mail. Incidental amounts of other postage-affixed full-rate mail can also be collected at the same time. The proposed service would be available on a scheduled or "on-call" basis, during regular business hours, at all post office having city delivery service, and along the route of travel of rural or highway contract routes. For scheduled pickup service, mailers would be required to enter into a service agreement that specifies when pickup service is to be provided and the approximate volume that will be submitted. With at least 24 hours notice, scheduled pickups that are not needed can be canceled without penalty.

Nonpresorted ZIP+4 Rate. The proposed eligibility requirements for nonpresorted ZIP+4 mail would be relocated to new section 327. Those requirements would be further revised to allow up to 15% of the pieces in a nonpresorted ZIP+4 rate mailing to bear only a 5-digit ZIP Code.

Nonpresorted ZIP+4 Barcoded Rate. Section 328 would be added to introduce a nonpresorted rate for ZIP+4 barcoded mail.

ZIP+4 Presort Rate. Sections 324, 365, and 366 would be revised to describe only ZIP+4 Presort, with sections 365 and 366 relating solely to presort and documentation requirements. A new traying option would be added in section 366.3 to eliminate packaging for pieces sorted to trays that are at least ¾ full and labeled to one of the automated 3-digit or SCF facilities listed in Exhibits 122.63m and 122.63n. Commenters should note that new preparation (e.g., presort) requirements have not been proposed, so mailers who now use ZIP+4 Presort rates could continue to do so without major operational changes.

ZIP+4 Barcoded Rate. Sections 325 and 364 would be revised to describe several changes relating to ZIP+4 Barcoded rate mail. Two tiers of ZIP+4 Barcoded presort rates (3-digit and 5-digit) have been proposed and mail for each rate would be included within the same mailing, subject to a single 500-

piece minimum. The 5-digit ZIP+4 Barcoded rate would apply to pieces in packages of 10 or more pieces, while the 3-digit ZIP+4 Barcoded rate would apply to pieces in packages of 50 or more. In each case, the packages would be placed in trays as described in 364. ZIP+4 barcoded pieces in the residual portion would be eligible for the nonpresorted ZIP+4 Barcoded rate. Presort requirements would remain unchanged, so mailers need not make operational changes to continue to use ZIP+4 Barcoded rates. However, an option would be added for 3-digit ZIP+4 Barcoded rate mailings destinating at automated sites, under which packages of 50 or more pieces would be prepared and trayed to the 3-digit and SCF destinations listed in Exhibits 122.63m–o. Remaining pieces would qualify for the nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, or single-piece First-Class rates. Options would also be added to allow physical separation in lieu of documentation for residual pieces in ZIP+4 Barcoded rate mailings. Mailings prepared solely for nonautomated sites, or for both automated and nonautomated sites, would be referred to as "national" mailings.

Preparation Requirements. As noted above, the required preparation for ZIP+4 Presort and ZIP+4 barcoded mail would not be altered. However, the Postal Service would begin to define new preparation requirements specifically for automated mail. These would be initially offered as options, some as described in new chapter 5 (see below), and some as described in the regulations for the particular class of mail. The ZIP+4 Barcoded rate sections of chapters 3, 4, 5, and 6 include a notice that the Postal Service intends to propose that all ZIP+4 Barcoded rate mailings contain 100% prebarcoded pieces by September 15, 1991. The Postal Service is not formally proposing this change for notice and comment at this time, but is giving all interested persons advance notice that it plans to publish such a proposed rule in early 1991 following the issuance of the final rule on rate implementation changes noted above.

Second-Class

Several sections of Chapter 4, especially 411, 424, 429, 441, 443, and 444, would be revised for organizational reasons, aside from the changes described below. Section 442 would be replaced with new section 424.8.

Rates. Section 411 would be revised extensively to present the new rates for second-class mail. The biggest single change would be the removal of the flat (unzoned) rate for the nonadvertising portion of a publication (which would be offset by the per-piece and per-pound nonadvertising adjustments, discussed below). Instead, in accordance with its R90–1 request, the Postal Service proposed to apply the zoned rates to the entire weight of the publication. Other major changes would be the new SCF and delivery office "zones," the automated (ZIP+4 and ZIP+4 Barcoded) rates, and the saturation rate. Although the Postal Service proposed these as discounts from base rates in its rate filing, the Domestic Mail Manual and mailing statements would simply show the net pound or piece rate that applies to a mailpiece having certain characteristics. Often, these characteristics would be used to designate the "rate" which is generated by combining a base rate with the earned discounts. For example, revised section 411.23 would show in table form the applicable piece rates for copies of a publication at various presort levels, and with various automation discounts included. The base rate would be $0.201, whereas the deduction of a discount for automation (ZIP+4 Barcoded) would yield a net rate of $0.177. This particular net rate might be called a "level A barcoded rate" although it would be actually made up of one base rate and one discount. Increasingly, the consequent reference to the charge applicable to a mailpiece would be derived from one or more of the rate components that would be applied to yield the net rate.

SCF Zone. Sections 411.123 and 424.9 would be added to describe the SCF zone which would be, in effect, the successor to the existing SCF discount. In R90–1, the Postal Service has proposed elimination of the "Intra-SCF" rate which functioned as a flat per-piece discount deducted from the piece rate portion of the postage computed for the mailing of a second-class publication. In its place, the SCF zone would be introduced to apply a separate rate per pound to all copies addressed for delivery in the SCF zone, and area equivalent to that to which the intra-SCF rate currently is applied. Customers would not see a change in the number of copies eligible for this discount, but would be able to report them and the applicable postage more easily on mailing statements.

Delivery Office Zone. Sections 411.124 and 424.4 would be added to describe the destination office zone. This rate would function similarly to the destination delivery unit rate in third-class, described later in this notice, and would be available only for pieces that also were prepared as carrier route or saturation rate mailings. The copies of the publication claimed at the destination office zone rate would be required to be physically deposited at the postal facility from which delivery to customers would be made (e.g., the station where the carrier cases the mail). Designation of this rate as a "zone" in second-class would both simplify reporting of copies and postage and maintain the zone structure that would be applied to other copies entered elsewhere.

Automation Based Rates. Sections 411.125, 411.126, 424.5, and 424.6 would be added to describe the automation based rates proposed in second-class mail for the first time. The Postal Service proposed in R90–1 that letter-size pieces of second-class mail be eligible for a ZIP+4 or ZIP+4 Barcoded discount off the otherwise applicable per-piece rates if they are prepared to comply with the corresponding requirements. Those requirements would be the same as apply to First-Class Mail, and would mandate standards for the size, OCR readability, barcode format, and other characteristics of the mail. Presort would be similar to the level A and B requirements, except that automation based rates would apply to pieces in packages of at least 6 pieces that are placed in sacks containing at least 4 packages. Without this minimum (which would not be in place for the level A rates) all pieces could theoretically qualify for rates which would not cover the required postal handling.

Saturation Rates. Sections 411.127 and 424.7 would be added to describe the new saturation rate being offered for second-class publications. It would be analogous to the saturation rate also proposed in third-class, and would apply only to mail that is prepared as walk-sequenced carrier route mail. For each carrier route to which saturation rate mail is sent, publishers would be required to distribute copies to at least 75% of the total number of addresses or 90% of the residential addresses, whichever is less. Saturation rate pieces would not have to be sent to every route in a 5-digit ZIP Code area. The Postal Service would require that mailers must report on the method used in determining the walk-sequence information used in preparation of saturation mailings, and would impose a 5% error limit on those mailings. Since the rate would not include coverage for additional sortation or rehandling of saturation rate pieces, excessive errors would result in additional postage being charged for the mailing. The mailer

would be given the choice of paying the additional postage due or picking up the mailing for correction. To ensure that saturation rate mailers maintain their lists in correct walk sequence, the Postal Service would require that mailers update their lists on a quarterly basis using either the Postal Service's Computerized Delivery Sequencing (CDS) file products or the address card sequencing serviced in DMM section 946.

Nonadvertising Adjustments. Section 411.133 would be added, and sections 411.24, 411.334, 411.344, 411.354 would be amended to explain the nonadvertising adjustments that are available to reduce the postage for a second-class publication in proportion to its nonadvertising content. The nonadvertising adjustments proposed by the Postal Service are similar in purpose to the nonadvertising adjustment currently in place for second-class mail. However, while the current adjustment applied only to the piece rate portion of the postage, the Postal Service proposed two separate adjustments in R90–1, one applied to the piece rate, and another to the pound rate.

Chapter 5

Chapter 5, as presented below, would be the beginning of a new chapter designed to present requirements that apply to automated mail in general, without regard to the applicable class of mail or rate category, in an effort both to streamline the regulations contained in chapters 3, 4, and 6, as well as to ensure greater consistency in the characteristics of and the preparation requirements for automation based mail. The Postal Service plans to move most common automation requirements from the other chapters into chapter 5 in the near future, leaving in the respective chapters only those requirements which are class-specific.

The procedures proposed in chapter 5 would permit automation based rate mailers to present ZIP+4 and ZIP+4 Barcoded mailings entirely in trays without any packaging being required. Full trays (at least ¾ full when reasonably compressed) would be required to qualify for the 3- and 5-digit automation based rates. Mail presented in full trays for an SCF would qualify for 3-digit ZIP+4 Barcoded rates if it is batched for the 3-digit areas served by the SCF.

When revised automation eligibility rules are adopted as part of the final rule on the October 3, 1990, rulemaking discussed above, those rules would be incorporated in chapter 5 as well. Moreover, the Postal Service intends to propose expanded provisions for chapter 5 in a separate notice and comment rulemaking to be published in 1991. In that rulemaking, the Postal Service intends to propose that ZIP+4 Barcoded mailings must contain 100% prebarcoded pieces by September 15, 1991, and that all automation based rate mailings be presented under the procedures in chapter 5 by March 15, 1992.

Third-Class

Rates. The Postal Service proposed a major restructuring of third-class rates in R90–1. The rate structure for third-class has long made a fundamental distinction between pieces that weigh less than the "break point" (subject to a minimum flat rate per piece) and those that weigh more (subject to a two-part rate composed of per-piece and per-pound elements). In R90–1, the Postal Service proposed a further subdividing of the former group into "letter" and "non-letter" subgroups. As the names imply, the first subgroup would consist of letter-size pieces, as defined by existing regulations (section 128, Domestic Mail Manual), while the second sub-group would include all the remaining categories of mailpieces that can physically meet the maximum weight criteria represented by the "break point." The "letter" rates would include a base rate that is lower than the base rate for "non-letters," thus reflecting the generally more economical processing that may be used with letter-size mail. In addition, since being a letter-size piece would be one of the essential conditions of eligibility for automation based rates, the corresponding discounts ("rates") would be available only for "letters." The proposed third-class rates can be seen as the result of choosing from a "menu" of rate or discount options. Once a mailpiece has been assigned—by virtue of its essential qualities—as either a "letter" or "non-letter" and its weight has been determined, selections would be made—and discounts taken as applicable—from three "menus"—presort, automation, and destination entry.

Presort. Sections 624.1, 624.2, 641.1, and 641.2 would be revised, and 641.3 would be deleted based on the redesign of some levels of presorted mail. While the current presort hierarchy for third-class mail would remain unchanged (e.g., required 5-digit, 3-digit, state, mixed states packages and sacks), as would the existing 10-piece package and 125-piece/15 pound sack criteria, the available rates would be revised. Mailers would be able to continue to claim the base rate ("basic" presort) for the entire mailing or, rather than the "5-digit" rate, could claim the "3/5" presort rate. Under this rate, not only would 5-digit packages qualify, but so would city and 3-digit packages, provided all of these packages were sorted to 5-digit, city, or 3-digit sacks. The Postal Service estimates that over 40% of existing "basic" rate mail would be eligible for the new "3/5" presort rate without any change in presort or preparation.

Automation Based Rates. Sections 624.4, 624.5, and 624.6 would be deleted, and section 628 would be added to describe the automation based rates (discounts) that are proposed by the Postal Service. Although the existing requirements would be relocated, the provisions of sections 624.4–624.6 would remain unchanged. The OCR readability requirement for ZIP+4 coded pieces, the barcode format for ZIP+4 barcoded pieces, and similar existing rules would not be modified. The relocation would be necessary simply because the proposals in R90–1 would generate two types of ZIP+4 presorted rates and three types of ZIP+4 Barcoded rates, each sharing some common requirements while retaining some individual features. Most important from the standpoint of rate calculation, compliance with the appropriate requirements in 628 would not truly earn a "rate" as such, but rather a discount which, like presort, would be cumulatively subtracted from a base rate to yield a net postage. Automation based rates could be combined with the 3/5 presort rate, and with the BMC and SCF destination entry rates, but would not be available for other than "letter" mail. Commenters who are interested in automated rate mail should note the proposed sections on First-Class preparation requirements and chapter 5, above.

Destination Rates. Section 624.7 would be added to describe the requirements for rates (discounts) based on deposit of the mail at the facility serving the delivery address on the piece. The smallest discount would be for mail deposited at the BMC serving the destination, the next larger discount would be for mail brought to the destination SCF, and the largest would be for mail deposited at the delivery unit housing the carrier (or post office box) for the delivery address on the mailpiece. The Postal Service would amend its Plant-Verified Drop Shipment program (as described above) to provide centralized verification and postage payment at a mailer's plant for mailings subsequently transported by the mailer (under controlled circumstances) for acceptance into the mail at the facility appropriate to earn the discount.

Existing requirements for plant load authorization, permits and licenses, or mailing statements and documentation would not be affected. The mailer would be required, however, to ensure that the delivery of the mail (commonly referred to as a "drop shipment") was in line with the operational needs of the destination facility. Therefore, the Postal Service would establish specific requirements (largely related to quantity of mail, scheduling of arrival, and vehicle compatibility) for each form of destination entry. Further, to confine use of the destination entry rates to deposit of destinating mail and prevent "jackpotting" of mail, the Postal Service would require that destination rate mail represent the majority of the mail deposited at a facility by one mailer in any 24-hour period. (The "mailer" would be defined as the party presenting the mail to the Postal Service. "Jackpotting" is the practice by which a mailer will consolidate a partial load of destinating mail with miscellaneous nondestinating mail for deposit at the same postal facility. This practice may require postal transportation of the non-destinating mail "upstream" from the facility at which it was deposited with a resultant additional handling cost. The proposal to restrict jackpotting with destination rates mailing is intended to reduce the occasions on which the Postal Service would encounter this situation.)

Destination BMC and destination SCF discounts would be available for all third-class mail that meets the applicable requirements; destination delivery unit mail would be restricted to carrier route and saturation mail. Like presort and automation, destination entry would be a "menu" whose offerings may be selected subject to the regulations' limitations—and combined with other discounts to yield the net postage for the mailpiece.

Saturation Rate. Section 624.8 would be added to describe the eligibility requirements for the saturation rate (discount). The requirements for this rate in third-class would be identical to those described above for the second-class saturation rate. The saturation rate would be considered a presort category for assignment to a "menu" and could be combined only with a destination entry rate; since saturation rate mail would be carrier route presorted or walk-sequenced, the placement of a ZIP+4 code or ZIP+4 barcode on the piece would not justify an automation based discount. The eligibility requirements described with regard to second-class saturation rate mailings would also apply to third-class saturation rate mailings.

Traying. Sections 628.19 and 647 would be added to describe the optional use of trays for mail preparation. The substitution of this type of mail transport equipment for the familiar canvas sack is intended for two situations: when the mail is originating and destinating in the same division service area, or when the mail placed in those trays is letter-size and eligible for an automation based rate. The regulations proposed by these two sections would not relieve the mailer's obligations to presort according to 641.1, to prepare packages, or to meet the requirements that may apply to any rates (discounts) claimed.

Fourth-Class

Rates. Exhibits 711.11 through 711.42 would be revised to illustrate the fourth-class rates requested by the Postal Service. The Postal Service did not propose changing the basic structure of these rates in R90–1, except for the addition of the destination BMC rate, explained below. The difference between the inter- and intra-BMC parcel post rates (the "intra-BMC discount") would be increased to $0.27, and the surcharge for nonmachinable items at parcel post rates (the "NMO surcharge") would be increased to $1.75. While the first-pound special fourth-class rate would increase approximately 14%, the comparable rate for a level A (5-digit presorted) piece would drop about 12%, illustrating the value to both the mailer and the Postal Service that is represented by this level of presortation. The increase in the first-pound level B (BMC presorted) rate would be less than 4%. The library rate would increase only one cent per pound for each of the first seven pounds.

Destination BMC Rate. The Postal Service proposed destination BMC rates to represent a worksharing discount for reduced postal transportation costs (see proposed Exhibit 711.14 and section 722.4). There would be three simple requirements associated with the proposed rate: (1) The mailing must include no less than 50 addressed pieces for the delivery area of the destination facility; (2) the parcels must be deposited at that facility; and (3) the parcel must not require air transportation to reach its destination. In most cases, the appropriate "facility" would be one of the 21 BMCs but, for purposes of this rate, the ASFs (auxiliary service facilities) would be considered equivalent, as would San Juan, PR (for Puerto Rico and the Virgin Islands), and several cities in Alaska and Hawaii for their respective vicinities. Mailers whose densities and transportation resources are sufficient could also benefit from the proposed destination BMC rate when mailings of 50 or more pieces of parcel post for a 5-digit ZIP Code delivery area were deposited at the corresponding facility. The existing requirements for BMC acceptance would remain in place, as would scheduling, payment procedures, and vehicle compatibility requirements like those proposed for the third-class DBMC rates explained above.

With the proposed introduction of rates specifically designed for mail entered at the BMC serving the mail's destination, the Postal Service would stop allowing parcel shippers to arrange with local post offices to drop mail at the BMC but receive rates based upon the local area and zone chart applicable to the local office. Parcels deposited at BMCs would now pay rates based on the rate chart applicable to the post office of the BMC city; these post offices would be listed in new Exhibit 722.44.

Pickup Service. As a service to its parcel customers, the Postal Service has proposed pickup service for parcel post (see new section 722.5). For a single fee, the customer could schedule pickup of an unlimited quantity of parcel post, Priority Mail, and Express Mail. Incidental amounts of other postage-affixed full-rate mail could also be collected at the same time. The proposed service would be available during regular business hours at all post offices having city delivery service and along the route of travel of rural or highway contract routes. Mailers would be required to enter into a service agreement that would specify when pickup service would be provided and the approximate volume that would be submitted. With at least 24 hours notice, scheduled pickups that are not needed could be canceled without penalty. On-call (unscheduled) pickup service would not be extended to parcel post at this time, but may be once mailer demand could be measured and the necessary logistic resources identified.

Bound Printed Matter. Section 723.1 would be revised to reflect the proposal of the Postal Service to eliminate Domestic Mail Classification Schedule ' language that makes eligibility for the bound printed matter and special fourth-class rates an either/or proposition. Items that are eligible for the special fourth-class rate would be allowed to be mailed at the bound printed matter rates if they meet the requirements for those rates.

Special Services

Insured Mail. Section 913 would be revised to reflect two significant changes for insured mail: (1) The second and third steps for "numbered" insured would be combined; and (2) the maximum value for insurance coverage would be increased to $600.

Collect-on-Delivery (COD) Service. Section 914 would be revised in a manner similar to that for insured mail: the first two steps in the amount to be collected would be combined, and the maximum amount of insurance coverage for a COD article would be increased to $600.

Other Services. Certified, special delivery, special handling, parcel air-lift, merchandise return, certificate of mailing, restricted delivery, return receipt, and mailing list services would not be revised except to reflect increased fees. There would be no change in registered mail fees.

Business Reply Mail (BRM). Section 917 would be revised to restore the fee structure that was in place prior to 1988, i.e., the annual BRM permit/renewal fee would be separate from the annual BRM accounting fee, and customers could once again add use of an advance deposit account to an existing BRM permit without payment of another fee. Further, the per-piece fee for BRMAS pieces would be reduced from $0.05 to $0.03 each, while the per-piece fee for non-BRMAS pieces would increase from $0.08 to $0.09 each.

Money Orders. Section 941 would be revised to implement two proposed changes in money order service: (1) An increase in the inquiry fee; and (2) most significantly, a reduced fee for money orders for amounts from $35.01 to $700, which would, in effect, establish a flat $0.75 fee for all money orders, regardless of their amount. Postal military money orders would be charged a flat fee of $0.25.

Post Office Box and Caller Service Fees. Sections 951 and 952 would be revised to describe not only increased fees for post office box and caller services, respectively, but, most significantly, to add two new and identical fee categories in each service to reflect the increased costs for the Postal Service in geographic areas where property rental costs are exceptionally high. Places assigned to existing groups 2 and 3 and to most of existing group 1, now called group 1C, would not be affected. The highest fees would apply to newly-established group 1A to which ZIP Codes 10001 through 10299 would be assigned, reflecting the high real estimate costs in Manhattan. Newly-established group 1B would include other high-rent areas, such as the balance of New York City, parts of downtown Boston, Chicago, Philadelphia, Washington, Los Angeles, San Francisco, and Honolulu, and some suburban centers. ZIP Codes not listed among those in groups 1A or 1B would be in group 1C.

Pursuant to the requirements of 39 U.S.C. 3624, the Postal Rate Commission is expected to issue its recommended decision in R90–1 no later than Friday, January 4, 1991. Accordingly, the Postal Service believes there is good cause in this instance for shortening the usual thirty-day comment period to require the submission of all comments by close of business on Tuesday, January 8, 1991. This abbreviated comment period is necessary to ensure that the Postal Service has the opportunity to consider the comments at the time it undertakes any revisions to these proposed regulations that may be necessitated by the Commissions' recommended decision.

Although exempt from the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. In chapter 1 of the Domestic Mail Manual, make the following revisions:

CHAPTER 1—DOMESTIC MAIL SERVICES

110 General Information

111 SCOPE

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111.3 Mailer Responsibilities

111.31 Compliance with Regulations. [Text of existing 111.3.]

111.32 Payment of Postage. All mailings are accepted based on an examination of the mailing and, where applicable, the accompanying mailing statement prepared by the mailer. The signature of a postal employee on the mailing statement, and the subsequent acceptance of the mailing, do not constitute a verification of the accuracy of that statement, and do not limit the Postal Service's ability to demand proper payment after acceptance when it becomes apparent such payment was not made.

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120 Preparation for Mailing

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122 DELIVERY ADDRESS

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122.4 Alternative Addressing Formats

122.41 Simplified Address Format.

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122.412 City Routes and Post Office Boxholders.

a. The addressee's name and street address or post office box number may be omitted from the address on pieces mailed as official matter by agencies of the federal government, any state, county, or municipal government, and the governments of the District of Columbia, the Commonwealth of Puerto Rico, and any United States territory or possession listed in 111.2a, when distribution is to be made to each stop or possible delivery on city carrier routes or to each post office boxholder at a post office which has city carrier service.

b. The following forms of address may be used:

(1) Postal Customer.

(2) Residential customer (delivery desired at residences only).

(3) Business Customer (delivery desired at business addresses only).

c. Mailpieces must be prepared as prescribed by 122.413, 624.8 (if applicable), and 640.

d. At least 10 days before the date of mailing, the mailer must furnish a sample mailpiece and the following information to the postmaster of the entry post office:

(1) Proposed date of mailing.

(2) Total number of pieces being mailed.

(3) Method of postage payment.

(4) Names of all city delivery post offices which will receive part of the mailing and the number of pieces for each.

e. The postmaster gives the mailer a mailing schedule which the mailer must follow.

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122.42 Occupant Address format.

122.421 Style of Address. [Text of existing 122.42.]

122.422 Prohibited Use. Copies of a second-class publication bearing an occupant form of address cannot be counted as subscriber or requester

copies to meet the circulation requirements in 423.121 or 423.421.

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130 Mail Classification

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136 MIXED CLASSES OF MAIL

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136.2 Attachments of Two Different Classes

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136.23 Postage.

163.231 Computation and Payment. Postage for the host second-, third-, or fourth-class mailpiece must be paid as provided by 460, 660, or 780, respectively. Except for incidental First-Class attachments as described in 136.4, First- or third-class attachments must have postage affixed at the appropriate rate.

136.232 Discounts and Reduced Rates.

a. Presort. If a host piece qualifies for a presort discount, a First- or third-class attachment is eligible for the comparable First- or third-class presort rate. For example, if a host second-class mail-piece qualifies for the level CR (carrier route) rate, a third-class attachment would qualify for the third-class carrier route presort rate. The attachment need to meet the volume requirements that would apply if it were mailed separately.

b. Automation. If a host piece qualifies for an automated rate a First- or third-class attachment is eligible for the comparable First- or third-class rate. For example, if a host second-class mailpiece is eligible for a rate that includes a ZIP+4 discount, a third-class attachment would qualify for the corresponding third-class rate that includes a similar discount. The attachment need not meet the volume requirements that would apply if it were mailed separately. An automated rate may not be claimed for an attachment unless a similar automated rate is claimed for the host piece.

c. Saturation. If a host piece qualifies for a saturation rate, a third-class attachment is eligible for the comparable third-class rate provided every host piece for which the saturation rate is claimed as a third-class attachment. The attachment need not meet the volume requirements that would apply if it were mailed separately. A saturation rate cannot be claimed for an attachment unless a similar rate is claimed for the host piece.

d. Destination Entry. If a host piece qualifies for a rate that includes a destination entry reduction, a third-class attachment is eligible for the comparable third-class rate. For example, if a host second-class mailpiece is eligible for the SCF zone rate, a third-class attachment would qualify for the corresponding third-class rate that includes a similar destination entry reduction. The attachment need not meet the volume requirements that would apply if it were mailed separately. A rate including a destination entry discount cannot be claimed for an attachment unless a similarly reduced rate is claimed for the host piece.

136.233 Mailing Statements. Separate mailing statements using the appropriate Postal Service forms must be prepared for the host piece and the attachment. The statement for the attachment must be annotated to indicate it is for postage for a First- or third-class attachment. The statement for the attachment must be submitted with the statement for the host piece at the time of mailing.

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136.3 Mailing Enclosures of Different Classes

136.31 With Second-Class Publications.

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136.313 Computation of Postage

a. General Rule. The appropriate First- or third-class rate, based on the comparable second-class rate applicable to the addressed piece containing the enclosure, must be paid for the enclosed material.

b. Presort. If a host piece qualifies for a presort discount, a First- or third-class enclosure is eligible for the comparable First- or third-class presort rate. For example, if a host second-class mailpiece qualifies for the level CR (carrier route) rate, a third-class enclosure would qualify for the third-class carrier route presort rate. The enclosure need not meet the volume requirements that would otherwise apply if it were mailed separately.

c. Automation. If a host piece qualifies for an automated rate, a First- or third-class enclosure is eligible for the comparable First- or third-class rate. For example, if a host second-class mailpiece is eligible for a rate that includes a ZIP+4 discount, a third-class enclosure would qualify for the corresponding third-class rate that includes a similar discount. The enclosure need not meet the volume requirements that would apply if it were mailed separately. An automated rate may not be claimed for an enclosure unless a similar automated rate is claimed for the host piece. If the enclosure renders the host piece incompatible with automation requirements, neither the host piece nor the enclosure is eligible for an automation rate.

d. Saturation. If a host piece qualifies for a saturation rate, a third-class enclosure is eligible for the comparable third-class rate provided every host piece for which the saturation rate is claimed has a third-class enclosure. The enclosure need not meet the volume requirements that would apply if it were mailed separately. A saturation rate cannot be claimed for an enclosure unless a similar rate is claimed for the host piece.

e. Destination Entry. If a host piece qualifies for a rate that includes a destination entry reduction, a third-class enclosures is eligible for the comparable third-class rate. For example, if a host second-class mailpiece is eligible for the SCF zone rate, a third-class enclosure would qualify for the corresponding third-class rate that includes a similar destination entry reduction. The enclosure need not meet the volume requirements that would apply if it were mailed separately. A rate including a destination entry discount cannot be claimed for an enclosure unless a similarly reduced rate is claimed for the host piece.

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136.318 Documentation.

a. [Replace "Form 3541 or 3541–A, as appropriate" with "the appropriate mailing statement."]

b. [Replace "claimed on Form 3602–PC" with "reported on the appropriate mailing statement."]

c. [Replaced "declared on Form 3602" with "claimed on the appropriate mailing statement."]

[After the NOTE to 136.318c, add the following as new 136.318d:]

d. Mailing Statements. Separate mailing statements using the appropriate Postal Service forms must be prepared for the host piece and the enclosure. The statement for the enclosure must be annotated to indicate it is for postage for a First- or third-class enclosure. The statement for the enclosure must be submitted with the statement for the host piece at the time of mailing.

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136.32 With Third- and Fourth-Class Parcels.

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136.324 Postage.

a. Payment. [Text of existing 136.324.]

b. Mailing Statements. When required, separate mailing statements using the appropriate Postal Service forms must be prepared for the host piece and the enclosure. The statement for the

enclosure must be annotated to indicate it is for postage for a First- or third-class enclosure. The statement for the enclosure must be submitted with the statement for the host piece at the time of mailing.

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136.7 Express Mail Drop Shipment

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136.73 Rates.

136.731 Class of Mail Enclosed.

a. General Rule. [Text of existing 136.731.]

b. Discounted Rates. A reduced rate (based on presort, automation compatibility, saturation, or destination entry) may be claimed if the applicable requirements (including volume, preparation, and documentation) are met. See 136.751a, 136.753, and the specific sections of Chapters 3, 4, 6, and 7 that apply to the discounted rate claimed.

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136.75 Preparation Requirements.

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136.753 Additional Preparation Requirements for Enclosed Classes of Mail.

* * * * *

c. [Add to the end of the section, after the EXAMPLE:]

Note: For purpose of this section, pieces paid at different level A rates need not be separated from each other within the group of sacks containing pieces eligible for level A. Similarly, pieces paid at different level B3 or B5 rates need not be separated from each other within the group of sacks containing pieces eligible for level B, and pieces paid at level CR and CS rates need not be separated within the group of sacks containing pieces eligible for level C. Any additional documentation required by 424 must be submitted with the corresponding mail.

d. Identical-Weight, Third-Class 3/5 Presort Rate Mailings That Include Basic Presort Rate Pieces. [Replace "5-digit presort level rate" and "5-digit rate" with "3/5 presort rate." Replace "basic third-class bulk rate" with "basic presort rate."]

e. Fourth-Class Parcel Post and Bound Printed Matter. [Add to the end of the section:] The DBMC entry rate may be claimed subject to the provisions of 722.4.

* * * * *

136.8 Combined Mailings of Special Fourth-Class and Bound Printed Matter

* * * * *

136.83 Postage.

a. Payment. [Test of existing 136.83.]

b. Mailing Statements. When required, separate mailing statements using the appropriate Postal Service forms must be prepared for the special fourth-class portion and the bound printed matter portion of the combined mailing. Both statements must be annotated to indicate they are for postage on part of a combined mailing, and must be submitted together at the time of mailing.

* * * * *

136.9 Priority Mail Drop Shipment

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136.93 Rates.

* * * * *

136.932 Enclosed Mail.

a. General Rule. [Text of existing 136.932.]

b. Discounted Rates. A reduced rate (based on presort, automation compatibility, saturation, or destination entry) may be claimed if the applicable requirements (including volume, preparation, and documentation) are met. See 136.951b, 136.953, and the specific sections of chapters 3, 4, 6, and 7 that apply to the discounted rate claimed.

* * * * *

136.95 Preparation Requirements

* * * * *

136.953 Additional Preparation Requirements for Enclosed Classes of Mail

* * * * *

b. [Add to the end of the section, after the EXAMPLE:]

Note: For purposes of this section, pieces paid at different level A rates need not be separated from each other within the group of sacks containing pieces eligible for level A. Similarly, pieces paid at different level B3 or B5 rates need not be separated from each other within the group of sacks containing pieces eligible for level B, and pieces paid at level CR and CS rates need not be separated within the group of sacks containing pieces eligible for level C. Any additional documentation required by 424 must be submitted with the corresponding mail.

c. Identical-Weight, Third-Class 3/5 Presort Rate Mailings That Include Basic Presort Rate Pieces. [Replace "5-digit presort level rate" and "5-digit rate" with "3/5 presort rate." Replace "basic third-class bulk rate" with "basic presort rate."]

d. Fourth-Class Parcel Post and Bound Printed Matter. [Add to the end of the section:] The DBMC entry rate may be claimed subject to the provisions of 722.4.

* * * * *

137 OFFICIAL MAIL

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137.2 Penalty Mail—Executive and Judicial Officers

* * * * *

137.26 Services, Classes, Rates, and Preparation Requirements.

* * * * *

137.263 Mail Preparation

a. General.

* * * * *

(5) Endorsements. [In the second and sixth sentences, replace the number "11" with "10."]

* * * * *

b. Bulk Rate Mailings.

* * * * *

(3) Rate Eligibility and Presort. [Replace the first sentence with the following:] Mailings at any presort, bulk, or discounted First-, second-, third-, or fourth-class rate must meet the same eligibility and preparation requirements as mailings of other mailers. See 320, 360, 420, 440, 620, 640, 720, and 760.

(4) Mailing Statements. The appropriate Postal Service mailing statement must be submitted in duplicate with every mailing. A triplicate is required if a receipt is desired for a permit imprint mailing. Form 3606 is required if a receipt is desired for an identical-weight postage-affixed mailing. Mailings will be refused if they are not submitted with the necessary completed Postal Service mailing statements.

Note: GPO Form 712 (available from the Government Printing Office) is not a Postal Service mailing statement.

(5) Rate Documentation. Agencies or their contractors, just as other mailers, must provide any documentation required by regulation for the rate claimed for a mailing. See 320, 360, 420, 440, 620, 640, 720, and 760.

(6) Acceptance. [In the second sentence, replace the number "10" with "5."]

* * * * *

c. Special Procedures for Nonpresorted ZIP+4 Mail.

* * * * *

(3) [Replace "Form 3602 . . ." with "Form 3602R . . ."]

* * * * *

137.27 Penalty Indicia Format.

* * * * *

137.274 Penalty Permit Imprint Mail.

* * * * *

c. Mailings.

(1) General. [Replace the second and third sentences, as follows:] The appropriate Postal Service mailing statement must be submitted in duplicate with every mailing. (A triplicate is required if a receipt is desired.) Mailings will be refused if they are not submitted with the necessary

completed Postal Service mailing statements.

[At the end of the fourth sentence, replace "in the upper right corner of the accompanying Forms 3602 or 3605" with "on the accompanying mailing statement."]

[Add to the end of the section:]

Note: GPO Form 712 (available from the Government Printing Office) is not a Postal Service mailing statement.

(2) Exception for GPO Contractor Mailings.

* * * * *

[Replace the NOTE at the end of the section, as follows:]

In addition to Form 3602G or GPO Form 712, GPO contractors must also submit the applicable Postal Service mailing statement.

* * * * *

137.275 Penalty Mail Stamps.

* * * * *

h. Mailings. [In the second sentence, replace the number "11" with "10."]

* * * * *

137.276 Penalty Reply Mail.

* * * * *

h. Penalty Merchandise Return.

* * * * *

(8) Payment of Postage and Fees.

(a) [Replace "$60" with "$75."]

(b) [Replace "$0.20" with "$0.25."]

* * * * *

137.28 Contractors.

* * * * *

137.283 Mailing Statements. The appropriate Postal Service mailing statement must be submitted in duplicate with every mailing. A triplicate is required if a receipt is desired for a permit imprint mailing. Form 3606 is required if a receipt is desired for an identical-weight postage-affixed mailing. Mailings will be refused if they are not submitted with the necessary completed Postal Service mailing statements. (A mailing statement must accompany all permit imprint mailings, all First-Class mailings other than at the single-piece rates, all second-class mailings, all third-class mailings at other than the single-piece rates, and all bulk or presorted fourth-class mailings.)

Note: GPO Form 712 (available from the Government Printing Office) is not a Postal Service mailing statement.

* * * * *

140 Postage

141 STAMPED ENVELOPES, POSTAL CARDS, AEROGRAMMES

141.1 Plain Stamped Envelopes

141.11 Envelopes Available at Post Offices.

Kind	Size	Denomination (dollars)	Quantity and price (dollars)		
			Each (less than 50)	500	1000
Regular	6¾	0.30	0.35	157.40	314.80
	10 *	0.30	0.35	161.00	322.00
Single Window	6¾	0.30	.....	158.00	316.00
	10 *	0.30	.....	162.00	324.00
Double Window	10 *	0.30	.....	163.50	327.00
Nonprofit	6¾	0.11	.....	62.40	124.80
Regular	10 *	0.11	.....	66.00	132.00
Nonprofit	6¾	0.11	.....	63.00	126.00
Sngl. Wndw	10 *	0.11	.....	67.00	134.00

* Applies to all intermediate sizes through 10.

* * * * *

141.2 Printed Stamped Envelopes (Special Request)

141.21 Printed Stamped Envelopes Available by Mail Order.

141.211 Basic (Black Ink) Printing.

Kind	Size	Denomination (dollars)	Quantity and price (dollars)		
			50	500	1000
Regular	6¾	0.30	17.70	161.40	322.80
	10 *	0.30	17.90	165.00	330.00
Single Window	6¾	0.30	17.90	162.00	324.00
	10 *	0.30	18.00	166.00	332.00
Nonprofit Regular	6¾	0.11	.....	66.40	132.80
	10 *	0.11	.....	70.00	140.00
Nonprofit Sngl. Wndw	6¾	0.11	.....	67.00	134.00
	10 *	0.11	.....	71.00	142.00

* Applies to all intermediate sizes through 10.

* * * * *

141.212 Multicolor Printing

Kind	Size	Denomination	Quantity and price (dollars)	
			500	1000
Regular	6¾	0.30	170.40	340.80
	10 *	0.30	177.00	354.00
Single	6¾	0.30	171.00	342.00
Window	10 *	0.30	178.00	356.00
Nonprofit	6¾	0.11	75.40	150.80
Regular	10 *	0.11	82.00	164.00
Nonprofit	6¾	0.11	76.00	152.00
Sngl. Wndw.	10 *	0.11	83.00	166.00

* Applies to all intermediate sizes through 10.

* * * * *

141.3 Postal Cards Available

Denomination	Description
$0.20	Domestic regular or commemorative, cut single card.
0.20	Domestic regular, sheet of 40 (see note below).
0.40	Domestic regular, double reply-paid card.
0.36	International airmail, cut single card.

Note: [Change "$6" to "$8."]

* * * * *

142 ADHESIVE STAMPS

142.1 Availability and Use

142.11 Types. See Exhibit 142.11.

Exhibit 142.11

Purpose	Form	Denominations
Regular Postage.	Single or Sheet (panes of 100).	$0.01, .02, .03, .04, .05, .06, .07, .08, .09, .10, .15, .20, .22, .23, .25, .26, .28, .30, .35, .40, .50, .53, 65, .76.
	Panes of 20	$1, $2, $2.75, $5, $9.75, $12.
	10- or 20-Stamp Booklets.	$0.30 ($3. or $6. booklets) $0.20 ($4 booklets).
	Coils of 100	$0.20, .25, .30 (Dispensers and stamp affixers for use with these coils are also available.)
	Coils of 500	$0.01, .02, .03, .04, .05, .10, .15, .20, .23, .25, .30, $1.
	Coils of 3000.	$0.01, .02, .03, .04, .05, .10, .15, .20, .23, .25, .30.
	Coils of 10000.	$0.30.
Precanceled Postage.	Coils of 500, 3000, and 10000.	Various denominations available only to permit holders (see 143).
Commemorative.	Panes of up to 50.	$.30 or other denominations, including airmail, announced.
	20-Stamp Booklets.	$0.30 ($6 booklets).
Airmail	Panes of 50	For international airmail use; rates to be announced.

144 POSTAGE METERS AND METER STAMPS

144.1 Postage Meters

144.11 Use of Meter Stamps.

* * * * *

144.112 [In the first sentence, replace the number "11" with "10."]

* * * * *

c. [Replace the number "11" with "10."]

* * * * *

144.3 Setting Meters

* * * * *

144.35 On-Site Meter Setting or Examination Program.

144.351 General.

a. This program allows Postal Service employees to set and examine postage meters at a customer's place of business within the area covered by the licensing post office.

b. [In the second sentence, insert "or examined" after "will be set."]

c. Fees for on-site meter setting or examination are:

	First meter	Each additional meter	Each meter checked in or out of service
Scheduled basis	$25.00	$2.75	$6.50
Unscheduled basis	28.00	2.75	6.50

d. The fees in 144.351c apply to meters set or examined at a customer's place of business or at a meter company's offices.

e. [Replace "$5" with "$6.50."]

* * * * *

144.354 Setting or Examining Meters at Customer's Place of Business.

a. [In the fourth sentence, replace "meter fees" with "meter-setting or examination fees."]

b. [In the first sentence, replace "meter-setting fees" with "meter-setting or examination fees."]

c. [In each sentence, replace "meter-setting fees" with "meter-setting or examination fees."]

144.355 Setting or Examining Meters at Company Branch Offices.

* * * * *

d. Payment

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(2) Payment for meter-setting or examination fees must be by check or through an advance deposit account.

* * * * *

(3) The Postal Service will collect meter-setting or examination fees through an advance deposit account as follows:

(a) The Postal Service employee will record each meter set, examined, or checked out of service on the meter-setting log-sheet, compute the applicable fees, and sign the log. The meter manufacturer's representative will also sign the log.

* * * * *

144.356 Reporting Revenue and Fees.

* * * * *

b. * * *

(1) [Replace "meter-setting fees" with "meter-setting or examination fees."]

* * * * *

(6) [Replace "Meter Setting Fees" with "Meter-Setting or Examination Fees."]

* * * * *

c. The accounting unit will do the following:

(1) [Replace "meter-setting charges" with "meter-setting or examination fees."]

* * * * *

145 PERMIT IMPRINTS

145.1 General

* * * * *

145.12 Application. [Replace "$60" with "$75."]

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145.5 Mailings With Permit Imprints

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145.53 Preparation of Mailing. [Replace the third sentence, as follows:] Within each class of mail, each group of pieces prepared as a separate mailing must be presented with a completed mailing statement (see 145.55).

* * * * *

145.55 Mailing Statement. The mailing statement applicable to the class of mail (see 380, 460, 660, or 780) must be completed in ink, typewriter, or computer printer to provide all the information required on the form. The statement must be signed by the mailer and presented with the corresponding mailing. If a receipt is desired for a mailing paid by permit imprint, the mailer must submit the required mailing statement in duplicate. If approved by the entry office postmaster, a computerized facsimile of the applicable Postal Service mailing statement may be submitted provided it is in the same format and includes all information required by the Postal Service mailing statement, although portions may be omitted if they solely concern rates not being claimed for the mailing.

145.56 Prepayment of Postage Required. [Replace the last sentence with the following: Compute postage as required by 380, 460, 660, or 780, as appropriate to the class of mail.]

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145.7 Manifest Mailing System (MMS)

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145.72 General Qualification Reqirements.

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145.723 Computerized Manifest.

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a. [In the second sentence, delete "(Form 3602)."]

b. [In the third sentence, delete "(Form 3602 or 3605)."]

* * * * *

145.728 Mailing Statement. The mailer must submit a complete and accurate mailing statement with each mailing (see 145.55). If approved by the entry office postmaster, a computerized facsimile of the applicable Postal Service mailing statement may be submitted provided it is in the same format and includes all information required by the Postal Service mailing statement, although portions may be omitted if they solely concern rates not being claimed for the mailing.

* * * * *

145.74 Markings.

* * * * *

145.742 Letter-Size Mail.

* * * * *

c. Rate Category Abbreviations. The only acceptable rate category abbreviations for letter-size mail keyline data are the following:

(1) First-Class Mail:

(a) ZB—5-Digit ZIP+4 Barcoded
(b) TB—3-Digit ZIP+4 Barcoded
(c) NB—Nonpresorted ZIP+4 Barcoded
(d) ZP—ZIP+4 Presort
(e) ZN—Nonpresorted ZIP+4
(f) FP—Presorted First-class
(g) CP—Carrier Route Presort
(h) FN—Nonpresorted First-class

(2) Bulk Third-Class Mail (Regular and Special Rates):

(a) ZB—5-Digit ZIP+4 Barcoded
(b) TB—3-Digit ZIP+4 Barcoded
(c) BB—Basic ZIP+4 Barcoded
(d) ZP—3/5 ZIP+4
(e) ZN—Basic ZIP+4
(f) CP—Carrier route
(g) FD—3/5 Presort
(h) BA—Basic Presort
(i) DB—Destination BMC
(j) DS—Destination SCF
(k) DD—Destination Delivery unit
(l) ST—Saturation

Note: All mailpieces that qualify for more than one rate of postage must indicate each rate category abbreviation, separated by a "/" (slash) in the keyline. For example, a mailpiece that qualifies for the 3/5 ZIP+4 rate of postage and is entered at the destination SCF will have a keyline that includes both the "ZIP" and "DS" rate abbreviations separated by a slash (e.g., ZP/DS).

* * * * *

145.75 Authorization Procedures.

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145.752 Service Agreement and Support Documentation.

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c. Sample mailing statement;

* * * * *

149 INDEMNITY CLAIMS

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149.2 General Instructions for Filing Claims on Insured, COD, and Registered Mail

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149.23 Copies of Delivery Records. [Change "$5" to "$6."]

149.24 Required Information.

149.241 Evidence of Insurance, COD, or Registration. [In the note, replace "$50" with "$100."]

* * * * *

149.3 Insured and COD Claims

149.31 How to File.

* * * * *

149.312 Evidence of Loss or Damage.

a. Complete Loss Claims Filed by the Mailer.

* * * * *

(2) [Change "$5" to "$6."]

* * * * *

149.4 Registered Mail Claims

149.41 Claim Filing Instructions.

* * * * *

149.412 Evidence of Loss or Damage.

a. Claims for Complete Loss Filed by the Mailer.

* * * * *

(2) [Change "$5" to "$6."]

* * * * *

150 Collection and Delivery

* * * * *

154 PLANT LOAD OPERATIONS

154.1 Definitions

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154.12 Mailer's Plant and Mailings.

* * * * *

154.122 Plant Load Mailings. [Replace "a single Form 3541, 3541–A, 3602, 3602–G, 3602–PC, or 3605, mailing statement, is" with "a single mailing statement is."]

* * * * *

154.17 Expedited Plant Load Shipment. Under an expedited plant load shipment authorization, the Postal Service verified the mail for presort and postage at the mailer's plant, and postage is paid at the post office where the mailing is authorized plant load. The mailer then transports the expedited plant load shipment at the mailer's expense to destination postal facilities where the shipment is deposited and accepted into the mailstream. Only plant load mailers who have been authorized to do so may transport expedited plant load shipments at their own expense under the conditions specified in 154.732–154.737.

* * * * *

154.4 Verification and Collection of Postage

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154.42 Verification of Intraservice Area Plant Loads.

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154.423 Verification at Postal Facility.

* * * * *

e. [Replace the first sentence, as follows:] If a mailing statement must be completed, the original must accompany the corresponding mailing in the vehicle.

f. [Replace the first sentence, as follows:] If an alternative method of paying postage using permit imprint (e.g., manifesting) is used, an original of

the appropriate mailing statement and a manifest must accompany each vehicle if there is only one mailing in the vehicle or one manifest for each mailing segment in the vehicle.

* * * * *

154.7 Transportation

* * * * *

154.72 Mailer Transportation. [In the second sentence, replace "a Plant-Verified Drop Shipment" with "an Expedited Plant Load Shipment" and, in the note, replace "a plant-verified drop shipment" with "an expedited plant load shipment."]

154.73 Expedited Plant Load Shipment.

154.731 Definition. Under an expedited plant load shipment authorization, the Postal Service verifies the mail for presort and proper preparation at the mailer's plant, and postage is paid at the post office where the mailer is authorized plant load. The mailer then transports the expedited plant load shipment at the mailer's expense to destination postal facilities where the shipment is deposited and accepted into the mail-stream. Only plant load mailers who have been authorized to do so may transport expedited plant load shipments at their own expense under the conditions specified in 154.732–154.737.

154.732 Authorization.

a. Request. An authorized plant load mailer may seek authorization to submit expedited plant load shipments by submitting a written request to the field division general manager/postmaster who authorized the plant load. The mailer's request must describe, for each destination to which mail will be transported, the material to be deposited as an expedited plant load shipment (e.g., the class, characteristics, and quantity), the frequency of mailing, and whether the request is for one or for a series of specific mailings. No form is provided for this purpose.

b. Action on Mailer's Request. The field division general manager/postmaster or designee reviews the mailer's request, obtains appropriate advice from the serving TMSC, ensures the availability of sufficient postal resources (e.g., DMU staff) to support the mailer's request, and provides the mailer with a written decision. If the request is approved, the authorization will be for a specific mailing or group of mailings, and for a time period not to exceed 2 years, after which a new request must be submitted. If the request is denied, the denial notice must explain the reasons for that decision. A denial is considered a classification decision and may be appealed as provided by 133.

c. General Conditions. The mailer's request for expedited plant load shipment authorization may be approved when such approval is in the best interest of the Postal Service and the following conditions exist:

(1) The mailer is in compliance with the requirements for a plant load operation;

(2) The mailer has complied with the additional requirements for expedited plant load drop shipment;

(3) The mailer has obtained the necessary permits, and has established the appropriate postage accounts at the post office administering the plant load (office of mailing); and

(4) The mailer has demonstrated the need for authorization because the nature of the mailings to be prepared as expedited plant load shipments requires a level of service or a timeframe for delivery (delivery window) that the normal mode of Postal Service transportation for that class of mail cannot provide or meet.

d. Plant Load Agreement. If the expedited plant load shipment request is approved for more than one-time use, the plant load agreement must be amended by attachment of a completed and signed Form 8026, *Expedited Plant Load Shipment Agreement*, and additional attachments to detail the material to be prepared as expedited plant load shipments.

154.733 Verification and Collection of Postage. [In the first sentence, replace "plant-verified drop shipment" with "expedited plant load shipment."]

154.734 Liability. [In the second sentence, replace "a plant-verified drop shipment" with "an expedited plant load shipment."]

154.735 Mailer Responsibilities. [In the first sentence, replace "plant-verified mailings" with "expedited plant load shipments."]

* * * * *

b. All of the mail pieces in each expedited plant load shipment must destinate within the service area of the postal facility where the shipment is deposited and accepted. For example, if an expedited plant load shipment is deposited at a BMC, all the pieces in the shipment must be for addresses within the service area of that BMC.

c. [Replace "plant-verified mail" with "the expedited plant load shipment."]

d. [Replace "plant-verified mailing or mailing segment" with "expedited plant load shipment;" replace "mailing or mailing segment" with "shipment."]

e. When the vehicle used for expedited plant load shipment will also contain other material carried as freight, the mailer must load all freight in the nose (front) of the vehicle, clearly marked and separated from the expedited plant load shipment, and must ensure that the method of separation prevents the freight and expedited plant load shipment from becoming mixed in transit.

f. When the vehicle is loaded to make multiple stops, the mailer must ensure that only the appropriate shipment removed at each stop, that no other material (mail or freight) is added, and that any remaining shipments are kept separate from any other freight remaining on the vehicle.

g. Before mailing, the mailer must present the required mailing statements and documentation for each mailing. At destination, the mailer must provide the necessary documentation (provided by the Postal Service) to prove the required postage was paid for the expedited plant load shipment.

h. The mailer must meet the additional requirements that may apply to any reduced rates claimed on the mailing being prepared as an expedited plant load shipment.

154.736 Detached Mail Unit (DMU) Responsibilities. [In the first sentence, replace "plant-verified mailings" with "expedited plant load shipments."]

a. Prior to Dispatch. [In the first sentence, replace "plant-verified mail" with "an expedited plant load shipment."]

(1) [Replace "plant-verified mail" with "an expedited plant load shipment."]

* * * * *

(4) Ensure that any material carried as freight on the same vehicle as an expedited plant load shipment is confined to the nose (front) of the vehicle, is separated by a clearly marked separation, and is loaded to avoid becoming mixed with the expedited plant load shipment in transit.

(5) [Text of existing 154.736a(4).]

b. After Dispatch. [Replace "plant-verified mail" with "an expedited plant load shipment."]

* * * * *

(2) Follow-up with any post office where an expedited plant load shipment was deposited but from which no Form 3607–C or Form 8017 was returned.

154.737 Destination Postal Facility Responsibilities.

a. [Text of existing 154.737; in the first sentence, replace "plant-verified drop shipment" with "expedited plant load shipment."]

b. Each destination postal facility receiving expedited plant load shipments must determine whether the

mailer's vehicle has other expedited plant load shipments on-board for deposit at other postal facilities. If more shipments are found, the vehicle must be sealed by postal personnel prior to departure. If the vehicle is empty or found to contain only freight, no postal seal is required.

c. [Text of the existing "note" to 154.737; replace "plant-verified mail" with "an expedited plant load shipment."]

* * * * *

159 UNDELIVERABLE MAIL

159.1 Mail Undeliverable as Addressed

* * * * *

159.15 Treatment of Undeliverable-as-Addressed Mail.

159.151 [In Exhibits 159.151c-e, replace the first sentence of footnote 1 as follows:]

The weighted fee is the appropriate single-piece third-class rate, multiplied by a factor of 2.472, and rounded to the next (higher) whole cent (if the computation yields a fraction of a cent in the result). The weighted fee is computed (and rounded if necessary) for each mailpiece individually. Neither the applicable postage, the factor, nor any necessary rounding is applied cumulatively to multiple pieces.

* * * * *

3. In chapter 2 of the Domestic Mail Manual, make the following revisions:

CHAPTER 2—EXPRESS MAIL

210 Rates and Fees

Exhibit 210—Express Mail Rates

Note. Additional fees or discounts may apply:

Weight not exceeding (pounds)	Same day airport service	Custom designed	Next day & second day PO to PO	Next day & second day PO to addressee
1/2	$9.35	$8.35	$9.50	$9.75
1	10.85	12.75	11.05	13.75
2	10.85	12.75	11.05	13.75
3	12.40	14.60	12.80	15.60
4	13.50	15.70	13.90	16.70
5	14.60	16.85	15.05	17.85
6	15.65	18.00	16.20	19.00
7	16.75	19.15	17.35	20.15
8	17.80	20.30	18.50	21.30
9	18.90	21.45	19.65	22.45
10	20.00	22.60	20.80	23.60
11	21.05	23.75	23.10	25.90
12	22.15	24.90	21.95	24.75
13	23.25	26.05	24.25	27.05
14	24.30	27.20	25.40	28.20
15	25.40	28.35	26.55	29.35
16	26.35	29.50	27.70	30.50
17	27.25	30.65	28.85	31.65
18	28.10	31.80	30.00	32.80
19	28.95	32.95	31.15	33.95
20	29.85	34.10	32.30	35.10
21	30.70	35.25	33.45	36.25
22	31.55	36.40	34.60	37.40
23	32.45	37.55	35.75	38.55
24	33.30	38.70	36.90	39.70
25	34.15	39.85	38.05	40.85
26	35.05	41.00	39.20	42.00
27	35.90	42.15	40.35	43.15
28	36.75	43.30	41.50	44.30
29	37.65	44.45	42.65	45.45
30	38.50	45.60	43.80	46.60
31	39.35	46.75	44.95	47.75
32	40.25	48.00	46.20	49.00
33	41.10	49.40	47.60	50.40
34	41.95	50.90	49.10	51.90
35	42.85	52.30	50.50	53.30
36	43.70	63.70	51.90	54.70
37	44.55	55.20	53.40	56.20
38	45.45	56.60	54.80	57.60
39	46.30	58.00	56.20	59.00
40	47.15	59.40	57.60	60.40
41	48.05	60.90	59.10	61.90
42	48.90	62.30	60.50	63.30
43	49.75	63.70	61.90	64.70
44	50.65	65.20	63.40	66.20
45	51.50	66.60	64.80	67.60
46	52.35	68.00	66.20	69.00
47	53.25	69.50	67.70	70.50
48	54.10	70.90	69.10	71.90
49	54.95	72.30	70.50	73.30
50	55.85	73.70	71.90	74.70
51	56.70	75.20	73.40	76.20
52	57.55	76.60	74.80	77.60
53	58.45	78.00	76.20	79.00
54	59.30	79.50	77.70	80.50
55	60.20	80.90	79.10	81.90
56	61.05	82.30	80.50	83.30
57	61.90	83.80	82.00	84.80
58	62.80	85.20	83.40	86.20
59	63.65	86.60	84.80	87.60
60	64.50	88.00	86.20	89.00
61	65.40	89.50	87.70	90.50
62	66.25	90.90	89.10	91.90
63	67.10	92.30	90.50	93.30
64	68.00	93.80	92.00	94.80
65	68.85	95.20	93.40	96.20
66	69.70	96.60	94.80	97.60
67	70.60	98.10	96.30	99.10
68	71.45	99.50	97.70	100.50
69	72.30	100.90	99.10	101.90
70	73.20	102.30	100.50	103.30

211 GENERAL RATE INFORMATION

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211.4 [In the first sentence, replace "$4" with "$4.50."]

212 EXPRESS MAIL SAME DAY AIRPORT SERVICE RATES

See Exhibit 210.

213 EXPRESS MAIL CUSTOM DESIGNED SERVICE RATES

The rates for Express Mail Custom Designed Service (see Exhibit 210) are subject to the following additional fees:

a. $4.50 for each delivery stop for items tendered for delivery to addressee.

b. $4.50 per occurrence for each pickup stop, regardless of the number of Express Mail pieces picked up.

214 EXPRESS MAIL NEXT DAY AND SECOND DAY SERVICES RATES

The rates for Express Mail Next Day and Second Day Services (see Exhibit 210) are subject to an additional fee of $4.50 per occurrence for each pickup stop, regardless of the number of Express Mail pieces picked up.

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216 EXPRESS MAIL VOLUME DISCOUNT RATES

Express Mail volume discount rates are available for each customer paying postage through an Express Mail Corporate Account (EMCA) (see 282) when revenue from that customer for Express Mail pieces totals $5,000 or more in a 4-week Postal Service accounting period. After that amount has been exceeded, pieces sent at other than the 8-ounce rate during that period will be eligible for a 12% discount. The discount will be credited in the EMCA accounting period activity statement.

217 FLAT RATE ENVELOPE

Any amount of material that can be mailed in the special flat rate envelope available from the Postal Service is subject to the rate of postage that applies to a 2-pound piece at the level of service requested by the customer (see Exhibit 210), regardless of the weight of the material placed in the flat envelope.

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220 Classification

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227 EXPRESS MAIL RESHIPMENT

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b. [Replace "$4" with "$4.50."]

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280 Payment of Postage

281 EXPRESS MAIL

281.1 General

Mailers of Express Mail items may pay postage by adhesive stamps, meter stamps, or through the use of an Express Mail corporate account (see 282). The mailer is responsible for proper payment of postage. See 111.32.

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282 CORPORATE ACCOUNT

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e. Corporate accounts may be eligible for volume discounts as described in 216.

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4. In chapter 3 of the Domestic Mail Manual, make the following revisions:

CHAPTER 3—FIRST-CLASS MAIL

310 Rates and Fees

311 SINGLE-PIECE RATES

311.1 Card Rates (for Postal Cards and Postcards)

311.11 Eligibility.

311.111 Definitions.

a. Postal Cards. Postal cards, sold by the USPS, are blank mailing cards with a printed or impressed postage stamp.

b. Postcards. Postcards are sold commercially and require the addition of postage.

311.112 Size Limits. To be eligible for the card rates, each postcard and each half of a double postcard must measure no more than 4¼ inches high, 6 inches long, or .0095 inch thick. Cards that exceed these dimensions must be paid at the rates for matter other than cards (see 311.2).

311.12 Rate Application. The single-piece card rates in 311.13 apply to each postcard or double postcard that meets the requirements in 311.11 and 322. The reply part of a double postcard does not have to bear postage when originally mailed; when returned, it must bear the correct postage at the applicable rate.

311.13 Rates.

Single.....$0.20 each
Double.....0.40 ($0.20 each part; see 311.12)

311.2 Rates for Matter Other Than Cards

311.21 Rate Application. The single-piece rates in 311.22 for matter other than cards apply to each piece weighing 10 ounces or less according to its weight. See 314 for the rates that apply to heavier pieces.

311.22 Rates.

First ounce or fraction of an ounce.....$0.30
Each additional ounce or fraction of an ounce.....$0.23

Weight not exceeding ounces	Rate
1	$0.30
2	0.53
3	0.76
4	0.99
5	1.22
6	1.45
7	1.68
8	1.91
9	2.14
10	2.37

312 NONPRESORTED BULK RATES

312.1 Nonpresorted ZIP+4 Rate

312.11 Card Rate.

312.111 Rate Application. The nonpresorted ZIP+4 rate in 312.112 apply to cards meeting the requirements of 311.11, 322, and 327.

312.112 Rate. The nonpresorted ZIP+4 rate for cards is $0.19 each.

312.12 Rate for Matter Other Than Cards

312.121 Rate Application. The nonpresorted ZIP+4 rates in 312.122 for matter other than cards apply to mailings prepared as required by 327.

312.122 Rates.

First ounce or fraction of an ounce.....$0.28
Each additional ounce or fraction of an ounce.....0.23

Weight not exceeding ounces	Rate
1	$0.28
2	0.51
2.5	0.74

312.2 Nonpresorted ZIP+4 Barcoded Rate

312.21 Card Rate.

312.211 Rate Application. The nonpresorted ZIP+4 Barcoded rate in 312.212 applies to cards meeting the requirements of 311.11, 322, and 328.

312.212 Rate. The nonpresorted ZIP+4 Barcoded rate for cards is $0.18 each.

312.22 Rate for Matter Other than Cards.

312.221 Rate Application. The nonpresorted ZIP+4 Barcoded rates in 312.222 for matter other than cards apply to mailings prepared as required by 328.

312.222 Rates.

First ounce or fraction of an ounce.....$0.27
Each additional ounce or fraction of an ounce.....0.23

Weight not exceeding ounces	Rate
1	$0.27
2	0.50
2.5	0.73

313 PRESORTED BULK FIRST-CLASS RATES

313.1 General

313.11 Cards. To be mailed at the presorted First-Class rates in Exhibit 313, each postal card or postcard must meet the requirements of 311.11 and 322 in addition to the requirements that apply to the particular rate.

313.12 Fee. The annual presort fee prescribed by 315.4 and 341 must be paid in order to mail at any of the presorted First-Class rates in Exhibit 313.

313.2 Presorted First-Class Rates

313.21 Rate Application. The Presorted First-Class rates in 313.22 apply to mailings prepared as required by 323.1, 361.4, 362.2, 367.1, 367.5, and 382.

313.22 Rates.

313.221 Cards. The Presorted First-Class rate for cards is $0.18 each.

313.222 Matter Other Than Cards.

First ounce or fraction of an ounce:
(For pieces weighing not more than 2 ounces).....$0.26
(For pieces weighing more than 2 ounces).....0.22
Each additional ounce or fraction of an ounce.....0.23

Weight not exceeding ounces	Rate
1	$0.26
2	0.49
3	0.68
4	0.91
5	1.14
6	1.37
7	1.60
8	1.83
9	2.06
10	2.29

313.3 Carrier Route Rates

313.31 Rate Application. The carrier route rates in 313.32 apply to mailings prepared as required by 323.2, 361.4, 362.3, 367.3, 367.4 and 382.

313.32 Rates.

313.321 Cards. The carrier route First-Class rate for cards is $0.165 each.

313.322 Matter Other than Cards.

First ounce or fraction of an ounce:
(For pieces weighing not more than 2 ounces).....$0.245
(For pieces weighing more than 2 ounces).....0.205
Each additional ounce or fraction of an ounce.....0.23

Weight not exceeding ounces	Rate
1	$0.245
2	0.475
3	0.665
4	0.895
5	1.125
6	1.355
7	1.585
8	1.815
9	2.045
10	2.275

313.4 ZIP+4 Presort Rates

313.41 Rate Application. The ZIP+4 Presort rates in 313.42 apply to pieces weighing not more than 2.5 ounces each that are prepared in mailings as required by 324, 361.5, 362.5, 365 or 366, 368.2, and 382.

313.42 Rates.

313.421 Cards. The ZIP+4 Presort rate for cards is $0.173 each.

313.422 Matter Other than Cards.

First ounce or fraction of an ounce:
(For pieces weighing not more than 2 ounces) $0.253
(For pieces weighing more than 2 ounces) 0.213
Each additional ounce or fraction of an ounce 0.23

Weight not exceeding ounces	Rate
1	$0.253
2	0.483
2.5	0.673

313.5 3-Digit ZIP+4 Barcoded Rates

313.51 Rate Application. The 3-digit ZIP+4 Barcoded rates in 313.52 apply to pieces weighing not more than 2.5 ounces each that are prepared in mailings as required by 325, 361.6, 362.6, 364, and 382.

313.52 Rates.

313.521 Cards. The 3-digit ZIP+4 Barcoded rate for cards is $0.168 each.

313.522 Matter Other than Cards.

First ounce or fraction of an ounce:
(For pieces weighing not more than 2 ounces) $0.248
(For pieces weighing more than 2 ounces) 0.208
Each additional ounce or fraction of an ounce 0.23

Weight not exceeding ounces	Rate
1	$0.248
2	0.478
2.5	0.668

313.6 5-Digit ZIP+4 Barcoded Rates

313.61 Rate Application. The 5-digit ZIP+4 Barcoded rates in 313.62 apply to pieces weighing not more than 2.5 ounces each that are prepared in mailings as required by 325, 361.6, 362.6, 364, and 382.

313.62 Rate.

313.621 Cards. The 5-digit ZIP+4 Barcoded rate for cards is $0.163 each.

313.622 Matter Other than Cards.

First ounce or fraction of an ounce
(For pieces weighing not more than 2 ounces) $0.243
(For pieces weighing more than 2 ounces) ..... .203
Each additional ounce or fraction of an ounce ..... .23

Weight not exceeding ounces	Rate
1	$0.243
2	.473
2.5	.663

313.7 Presorted Priority Mail

See 314.

314 PRIORITY MAIL

314.1 General

314.11 Eligibility. Pieces of First-Class Mail weighing more than 10 ounces are subject to the Priority Mail rates. Pieces weighing 10 ounces or less may be mailed at the minimum Priority Mail rates. Priority Mail must meet the eligibility requirements in 326.

314.12 Oversize Items. Parcels weighing less than 15 pounds and that measure over 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

314.13 Flat Rate Envelope. Any amount of material that can be mailed in the special flat rate envelope available from the Postal Service is subject to the rate of postage that applies to a 2-pound piece at the single-piece Priority Mail rates (see Exhibit 314.1), regardless of the weight of the material placed in the flat rate envelope.

314.2 Single-Piece Priority Mail Rates

The single-piece Priority Mail rates in Exhibit 314.1 apply to pieces meeting the conditions of 326.1.

314.3 Presorted Priority Mail Rates

The presorted Priority Mail rates in Exhibit 314.2 apply to mailings prepared as required by 326.1, 326.4, 383.2, and 383.3. The annual presort fee prescribed by 315.4 and 341 must be paid in order to mail at the Presorted Priority Mail rates in Exhibit 314.2.

315 FEES AND SURCHARGES

315.1 Nonstandard Surcharge

315.11 Application. Each piece of First-Class Mail weighing 1 ounce or less that exceeds the size limits in 353.1 must pay the nonstandard surcharge.

315.12 Pieces Mailed at the Single-Piece Rates. The surcharge for each piece of nonstandard First-Class Mail that is mailed at the single-piece rates in 311 is $0.10.

315.13 Presorted Bulk First-Class Rates. The surcharge for each piece of non-standard First-Class Mail that is mailed at the Presorted First-Class or carrier route rates is $0.05. Pieces that would be subject to a surcharge under 315.11 are not eligible for the presorted bulk First-Class rates in 313.4–313.6.

315.2 Address Correction Service Fee

The fee for address correction service is $0.30 per notice issued.

315.3 Priority Mail Pickup Service Fee

A fee of $4.50 must be paid by the mailer every time pickup service is provided, regardless of the quantity picked up.

315.4 Presort Fee

As required by 341, the $75 presort fee must be paid before mailing at any of the rates described in 313 or 314.

EXHIBIT 314.1, SINGLE-PIECE PRIORITY MAIL RATES

Weight not exceeding pound(s)	Zone/rate					
	1, 2, and 3	4	5	6	7	8
2	2.75	2.75	2.75	2.75	2.75	2.75
3	3.60	3.60	3.60	3.60	3.60	3.60
4	4.15	4.15	4.15	4.15	4.15	4.15
5	5.15	5.15	5.15	5.15	5.15	5.15
6	5.15	5.60	5.90	6.70	7.60	8.60
7	5.15	6.25	6.65	7.60	8.60	9.80
8	5.15	6.95	7.35	8.45	9.60	11.00
9	5.50	7.60	8.05	9.30	10.65	12.20
10	5.90	8.25	8.75	10.15	11.65	13.45
11	6.30	8.90	9.50	11.00	12.65	14.65
12	6.75	9.55	10.20	11.90	13.70	15.85
13	7.15	10.25	10.90	12.75	14.70	17.05
14	7.55	10.90	11.65	13.60	15.70	18.25
15	7.95	11.55	12.35	14.45	16.75	19.45
16	8.40	12.20	13.05	15.35	17.75	20.65
17	8.80	12.85	13.80	16.20	18.80	21.85
18	9.20	13.55	14.50	17.05	19.90	23.05

EXHIBIT 314.1, SINGLE-PIECE PRIORITY MAIL RATES—Continued

Weight not exceeding pound(s)	Zone/rate					
	1, 2, and 3	4	5	6	7	8
19	9.60	14.20	15.20	17.90	20.80	24.25
20	10.05	14.85	15.90	18.75	21.85	25.50
21	10.45	15.50	16.65	19.65	22.85	26.70
22	10.85	16.15	17.35	20.50	23.85	27.90
23	11.25	16.85	18.05	21.35	24.90	29.10
24	11.70	17.50	18.80	22.20	25.90	30.30
25	12.10	18.15	19.50	23.05	26.90	31.50
26	12.50	18.80	20.20	23.95	27.95	32.70
27	12.90	19.45	20.95	24.80	28.95	33.90
28	13.35	20.15	21.65	25.65	30.00	35.10
29	13.75	20.80	22.35	26.50	31.00	36.30
30	14.15	21.45	23.05	27.40	32.00	37.55
31	14.60	22.10	23.80	28.25	33.05	38.75
32	15.00	22.75	24.50	29.10	34.05	39.95
33	15.40	23.45	25.20	29.95	35.05	41.15
34	15.80	24.10	25.95	30.80	36.10	42.35
35	16.25	24.75	26.65	31.70	37.10	43.55
36	16.65	25.40	27.35	32.55	38.10	44.75
37	17.05	26.05	28.10	33.40	39.15	45.95
38	17.45	26.75	28.80	34.25	40.15	47.15
39	17.90	27.40	29.50	35.15	41.15	48.35
40	18.30	28.05	30.20	36.00	42.20	49.60
41	18.70	28.70	30.85	36.85	43.20	50.80
42	19.10	29.35	31.65	37.70	44.25	52.00
43	19.55	30.05	32.35	38.55	45.25	53.20
44	19.95	30.70	33.10	39.45	46.25	54.40
45	20.35	31.35	33.80	40.30	47.30	55.60
46	20.75	32.00	34.50	41.15	48.30	56.80
47	21.20	32.65	35.25	42.00	49.30	58.00
48	21.60	33.35	35.95	42.90	50.35	59.20
49	22.00	34.00	36.65	43.75	51.35	60.40
50	22.40	34.65	37.35	44.60	52.35	61.65
51	22.85	35.30	38.10	45.45	53.40	62.85
52	23.25	35.95	38.80	46.30	54.40	64.05
53	23.65	36.65	39.55	47.20	55.45	65.25
54	24.10	37.30	40.25	48.05	56.45	66.45
55	24.50	37.95	40.95	48.90	57.45	67.65
56	24.90	38.60	41.65	49.75	58.50	68.85
57	25.30	39.25	42.40	50.65	59.50	70.05
58	25.75	39.95	43.10	51.50	60.50	71.25
59	26.15	40.60	43.80	52.35	61.55	72.45
60	26.55	41.25	44.50	53.20	62.55	73.70
61	26.95	41.90	45.25	54.05	63.55	74.90
62	27.40	42.55	45.95	54.95	64.60	76.10
63	27.80	43.25	46.65	55.80	65.60	77.30
64	28.20	43.90	47.40	56.65	66.60	78.50
65	28.60	44.55	48.10	57.50	67.65	79.70
66	29.05	45.20	48.80	58.40	68.65	80.90
67	29.45	45.85	49.55	59.25	69.65	82.10
68	29.85	46.55	50.25	60.10	70.70	83.30
69	30.25	47.20	50.95	60.95	71.70	84.50
70	30.70	47.85	51.65	61.80	72.75	85.75

Exception: Parcels weighing less than 15 pounds and that measure over 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

EXHIBIT 314.2, PRESORTED PRIORITY MAIL RATES

Weight not exceeding pound(s)	Zone/rate					
	1, 2, and 3	4	5	6	7	8
2	2.65	2.65	2.65	2.65	2.65	2.65
3	3.50	3.50	3.50	3.50	3.50	3.50
4	4.05	4.05	4.05	4.05	4.05	4.05
5	5.05	5.05	5.05	5.05	5.05	5.05
6	5.05	5.50	5.80	6.60	7.50	8.50
7	5.05	6.15	6.55	7.50	8.50	9.70
8	5.05	6.85	7.25	8.35	9.50	10.90
9	5.40	7.50	7.95	9.20	10.55	12.10
10	5.80	8.15	8.65	10.05	11.55	13.35
11	6.20	8.80	9.40	10.90	12.55	14.55
12	6.65	9.45	10.10	11.80	13.60	15.75

EXHIBIT 314.2, PRESORTED PRIORITY MAIL RATES—Continued

Weight not exceeding pound(s)	Zone/rate					
	1, 2, and 3	4	5	6	7	8
13	7.05	10.15	10.80	12.65	14.60	16.95
14	7.45	10.80	11.55	13.50	15.60	18.15
15	7.85	11.45	12.25	14.35	16.65	19.35
16	8.30	12.10	12.95	15.25	17.65	20.55
17	8.70	12.75	13.70	16.10	18.70	21.75
18	9.10	13.45	14.40	16.95	19.80	22.95
19	9.50	14.10	15.10	17.80	20.70	24.15
20	9.95	14.75	15.80	18.65	21.75	25.40
21	10.35	15.40	16.55	19.55	22.75	26.60
22	10.75	16.05	17.25	20.40	23.75	27.80
23	11.15	16.75	17.95	21.25	24.80	29.00
24	11.60	17.40	18.70	22.10	25.80	30.20
25	12.00	18.05	19.40	22.95	26.80	31.40
26	12.40	18.70	20.10	23.85	27.85	32.60
27	12.80	19.35	20.85	24.70	28.85	33.80
28	13.25	20.05	21.55	25.55	29.90	35.00
29	13.65	20.70	22.25	26.40	30.90	36.20
30	14.05	21.35	22.95	27.30	31.90	37.45
31	14.50	22.00	23.70	28.15	32.95	38.65
32	14.90	22.65	24.40	29.00	33.95	39.85
33	15.30	23.35	25.10	29.85	34.95	41.05
34	15.70	24.00	25.85	30.70	36.00	42.25
35	16.15	24.65	26.55	31.60	37.00	43.45
36	16.55	25.30	27.25	32.45	38.00	44.65
37	16.95	25.95	28.00	33.30	39.05	45.85
38	17.35	26.65	28.70	34.15	40.05	47.05
39	17.80	27.30	29.40	35.05	41.0	48.25
40	18.20	27.95	30.10	35.90	42.10	49.50
41	18.60	28.60	30.75	36.75	43.10	50.70
42	19.00	29.25	31.55	37.60	44.15	51.90
43	19.45	29.95	32.25	38.45	45.15	53.10
44	19.85	30.60	33.00	39.35	46.15	54.30
45	20.25	31.25	33.70	40.20	47.20	55.50
46	20.65	31.90	34.40	41.05	48.20	56.70
47	21.10	32.55	35.15	41.90	49.20	57.90
48	21.50	33.25	35.85	42.80	50.25	59.10
49	21.90	33.90	36.55	43.65	51.25	60.30
50	22.30	34.55	37.25	44.50	52.25	61.55
51	22.75	35.20	38.00	45.35	53.30	62.75
52	23.15	35.85	38.70	46.20	54.30	63.95
53	23.55	36.55	39.45	47.10	55.35	65.15
54	24.00	37.20	40.15	47.95	56.35	66.35
55	24.40	37.85	40.85	48.80	57.35	67.55
56	24.80	38.50	41.55	49.65	58.40	68.75
57	25.20	39.15	42.30	50.55	59.40	69.95
58	25.65	39.85	43.00	51.40	60.40	71.15
59	26.05	40.50	43.70	52.25	61.45	72.35
60	26.45	41.15	44.40	53.10	62.45	73.60
61	26.85	41.80	45.15	53.95	63.45	74.80
62	27.30	42.45	45.85	54.85	64.50	76.00
63	27.70	43.15	46.55	55.70	65.50	77.20
64	28.10	43.80	47.30	56.55	66.50	78.40
65	28.50	44.45	48.00	57.40	67.55	79.60
66	28.95	45.10	48.70	58.30	68.55	80.80
67	29.35	45.75	49.45	59.15	69.55	82.00
68	29.75	46.45	50.15	60.00	70.60	83.20
69	30.15	47.10	50.85	60.85	71.60	84.40
70	30.60	47.75	51.55	61.70	72.65	85.65

Exception: Parcels weighing less than 15 pounds and that measure over 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

320 Classification

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323 PRESORTED FIRST-CLASS MAIL AND CARRIER ROUTE FIRST-CLASS MAIL

323.1 Presorted First-Class Mail

323.11 Eligibility. [In the second sentence, replace "11 ounces" with "10 ounces."]

* * * * *

323.2 Carrier Route First-Class Mail

[In the second sentence, replace "11 ounces" with "10 ounces."

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324 ZIP+4 PRESORT FIRST-CLASS MAIL

324.1 General

324.11 Definitions.

324.111 National Mailing. A national mailing may contain pieces for addresses served by both automated and non-automated postal facilities.

324.112 Automated Site Mailing. An automated site mailing includes a qualifying portion in which all pieces are destined for addresses in the 3-digit ZIP Code areas served by the automated postal facilities listed in Exhibit 122.63m. Pieces in the residual portion can include those destined for addresses in other 3-digit ZIP Code areas.

324.12 Eligibility.

324.121 National Mailings Under 365.

a. Qualifying Portion. Pieces that are packaged and trayed as required by 367.1 and 367.2 are eligible for the ZIP+4 Presort rate (if they also meet the requirements of 324.2–324.8) or the Presorted First-Class rate.

b. Residual Portion. Pieces in the residual portion are eligible for the nonpresorted ZIP+4 rate (if they meet the requirements of 324.5-324.7) or the single-piece First-Class rates.

324.122 Automated Site Mailings Under 366.

a. Qualifying Portion. Pieces that are trayed to 3-digit destinations as required by 366.2 are eligible for the ZIP+4 Presort rate (if they meet the requirements of 324.2-324.8) or the Presorted First-Class rate.

b. Residual Portion. Pieces in the residual portion (see 366.221) may qualify for the nonpresorted ZIP+4 rate (if they meet the requirements of 324.5-324.7) or the single-piece First-Class rates.

324.2 Volume Requirements

324.21 Minimum Number of Pieces. Each ZIP+4 Presort mailing must contain at least 500 pieces.

324.22 85% Requirement. In each ZIP+4 Presort mailing, at least 85% of the total number of pieces (at all rates and presort levels) must bear the correct ZIP+4 code. Remaining pieces must bear the correct 5-digit ZIP Code. A correct ZIP+4 barcode prepared as described in 324.7 will satisfy the requirement for a correct ZIP+4 code, but pieces bearing a ZIP+4 barcode must also bear either the correct numeric 5-digit ZIP Code or the correct numeric ZIP+4 code in the address.

324.3 Size and Weight Requirements

324.31 Cards. To be eligible for the ZIP+4 Presort rates in 313.421, cards must meet the requirements in 311.11 and 322.

324.32 Matter Other than Cards. Each piece in a ZIP+4 Presort mailing must meet the following criteria:

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e. Its weight must be 2.5 ounces or less.

324.4 Presort

All pieces in a ZIP+4 Presort mailing must be presorted either as required by 365 or, if all pieces in the mailing are destined for the 3-digit areas listed as automated sites in Exhibit 122.63m, by 366. An alternative method of preparation without packages is contained in Chapter 5.

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324.7 Prebarcoded Mail at ZIP+4 Rates

324.71 General Requirements.

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b. Pieces Prepared with 5-Digit Barcodes.

(1) General. [Revise the first sentence to read: ZIP+4 Presort mailings presorted under 365 or 366 may include pieces prepared with 5-digit barcodes subject to the 85% requirement in 324.2.]

(2) 5-Digit Barcodes Printed Directly on Mailpieces. [Replace "the 85-percent ZIP+4 requirement in 365.22 or 366.11b" with "the 85% requirement in 324.2."]

(3) 5-Digit Barcodes Printed on Inserts. [Replace "the 85-percent ZIP+4 requirement in 365.22 or 366.11b" with "the 85% requirement in 324.2."]

324.8 Documentation

ZIP+4 Presort mailings must be accompanied by documentation as described in 365, 366, or Chapter 5, as applicable.

325 ZIP+4 BARCODED MAIL

325.1 General

325.11 Description.

325.111 Definitions.

a. National Mailing. A national mailing may contain pieces for addresses served by both automated and non-automated postal facilities.

b. Automated Site Mailing. An automated site mailing includes a qualifying portion in which all pieces are destined for addresses in the 3-digit ZIP Code areas served by the automated postal facilities listed in Exhibit 122.63m. Pieces in the residual portion can include those destined for addresses in other 3-digit ZIP Code areas.

325.112 Eligibility.

a. National Mailings. Pieces in a ZIP+4 Barcoded national mailing that bear the correct and properly prepared ZIP+4 barcode and meet the requirements of 325 qualify for the 5-digit ZIP+4 Barcoded rate, the 3-digit ZIP+4 Barcoded rate, or the nonpresorted ZIP+4 Barcoded rate depending upon their sortation (see 325.12). Pieces that are not ZIP+4 barcoded may be included in the mailing subject to the 85% requirement in 325.3.

b. Automated Site Mailings. Pieces in a ZIP+4 Barcoded automated site mailing that bear the correct and properly prepared ZIP+4 barcode and meet the requirements of 325 qualify for the 3-digit ZIP+4 Barcoded rate or the nonpresorted ZIP+4 Barcoded rate depending upon their sortation (see 325.13). Pieces that are not ZIP+4 barcoded may be included in the mailing subject to the 85% requirement in 325.3.

325.12 Applicable Rates by Sortation Category for National Mailings.

325.121 5-Digit Sortation. A piece in a ZIP+4 Barcoded rate national mailing that is contained in a 5-digit package in accordance with 364.12 can qualify for any of the following rates based upon its preparation.

a. 5-Digit Barcoded rate. A piece in a 5-digit package will qualify for the ZIP+4 Barcoded rate if it bears a ZIP+4 barcode prepared in accordance with 324.72 through 324.77, and 325.51.

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325.122 3-Digit Sortation. A piece in a ZIP+4 Barcoded rate national mailing sorted in accordance with 364.13 (3-digit packages) can qualify for any of the following rates based upon its preparation:

a. 3-Digit ZIP+4 Barcoded Rate. A piece in a 3-digit package will qualify for the 3-digit ZIP+4 barcoded rate if it bears a ZIP+4 barcode prepared in accordance with 324.72 through 324.77, and 325.51.

b. ZIP+4 Presort Rate. A piece in a 3-digit package will qualify for the ZIP+4 Presort rate if it is prepared in either of the following two ways:

[Text of existing 325.122a (2) and (3).]

c. Presorted First-Class Rate. [Text of existing 325.122b.]

325.123 Residual Sortation. A piece in the residual portion of a ZIP+4 Barcoded rate national mailing (see 364.14) may qualify for one of the following rates based on its preparation:

a. Nonpresorted ZIP+4 Barcoded Rate. A piece in the residual portion of a ZIP+4 Barcoded rate mailing will qualify for the nonpresorted ZIP+4 Barcoded rate if it bears the correct ZIP+4 barcode prepared in accordance with 324.72 through 324.77, and 325.51.

b. Nonpresorted ZIP+4 Rate. A piece in the residual portion of a ZIP+4 Barcoded rate mailing will qualify for the nonpresorted ZIP+4 rate if it is prepared in either of the following two ways:

[Text of existing 325.123a (2) and (3).]

c. Single-Piece First-Class Rate. [Text of existing 325.123b.]

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325.13 Applicable Rates by Sortation Category for Automated Site Mailings (364.3)

325.131 3-Digit Sortation. A piece in a ZIP+4 Barcoded rate automated site mailing sorted in accordance with 364.32 and 364.33 (3-digit packages in 3-digit or SCF trays) qualifies for the 3-digit ZIP+4 Barcoded rate, the ZIP+4 Presort rate or the Presorted First-Class rate based upon its preparation (see 325.122a–c).

325.132 Residual Sortation. A piece in a ZIP+4 Barcoded rate automated site mailing prepared in accordance with 364.34 qualifies for the nonpresorted ZIP+4 Barcoded rate, the nonpresorted ZIP+4 rate, or the full single-piece First-Class rate based upon its preparation (see 325.123a–c).

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325.3 85% Requirement

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[In the EXCEPTION, change the reference from 364.44 to 364.24. Add the following note after 325.3.]

[The Postal Service intends to propose a revision to section 325.3, which currently requires that at least 85% of the pieces in a ZIP+4 Barcoded rate mailing bear a correctly prepared ZIP+4 barcode. By that revision, the 85% figure would be increased to 100%, effective September 15, 1990.]

325.4 Requirements for All Pieces in the Mailing

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325.44 Presort. [Change the references from 364.1, 364.2, and 364.3 to 364.12, 364.13, and 364.14, respectively.]

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326 PRIORITY MAIL

326.1 Description

[Replace "11 ounces" with "10 ounces."]

326.2 Preparation

326.21 Additions and Enclosures. [Text of existing 326.2.]

326.22 Sealing. [Text of existing 363.]

326.23 Marking. Priority Mail must be marked as required by 362.1.

326.3 Reshipment of Mail

[Replace the phrase "may be reshipped via Priority Mail," with "may be reshipped via Priority Mail at single-piece Priority Mail rates."]

326.4 Presorted Priority Mail

326.41 Minimum Quantity Requirements. Each mailing must contain at least 300 qualifying pieces.

326.42 Marking. Each piece in the mailing must bear the appropriate rate marking as described in 362.1.

326.43 Presort. Presorted Priority mail must be presorted as required by 363.

326.5 Pickup Service

326.51 General. Pickup service for single-piece rate Priority Mail is available at designated postal facilities, subject to the conditions in this section. Pickup service is not available for Presorted Priority Mail.

326.52 Fee.

326.521 General Terms. The fee prescribed in 715.3 must be paid by the mailer every time pickup service is provided, regardless of the number of pieces picked up. Only one fee will be charged if Express Mail or parcel post is also picked up at the same time.

326.522 Exception. The fee will not be charged when Express Mail, Priority Mail, or parcel post is collected during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee.

326.523 Method of Payment. The fee must be paid by meter, precanceled, or adhesive stamps affixed to Form 5541, *Express Mail Service Pickup Statement.* (At the top of side A, check "Other" and write "Priority Mail pickup fee," complete the blocks identifying the mailer and the date of mailing, and affix the postage to the bottom of the form under "Comments.")

326.53 Postage. The mailer must affix the full required postage to each mailpiece being picked up. Use of precanceled and meter stamps must be as provided by 143 and 144, respectively. Pieces paid by permit imprint cannot be mailed using pickup service.

326.54 Other Mail. As a service to the mailer, the Postal Service will concurrently collect incidental amounts of other fully prepaid, postage affixed, full-rate mail when picking up mail for which pickup service is provided (Express Mail, Priority Mail, and parcel post). Presort, bulk or reduced rate mail, and any mail paid by permit imprint must be deposited at the serving postal facility.

326.55 On-Call Pickup Service

326.551 When Available. On-call pickup service may be requested during the regular business hours of the serving postal facility. The pickup will be made within 2 hours after the request unless requested less than 2 hours before the end of any business day. Such pickups may be deferred until the next day when service is available.

326.552 Where Available. On-call pickup service is available only at post offices with city delivery (see Publication 65, *National Five Digit ZIP Code and Post Office Directory*).

326.553 Cancellation. The pickup fee is waived for a pickup canceled by the customer if the requested pickup is not performed. The Postal Service may refuse to provide on-call pickup service when weather or road conditions, facility emergencies at mailer or postal premises, unforeseen personnel or vehicle shortages, or other exceptional situations make it impossible or unsafe to provide pickup service.

326.554 Volume. When calling for a pickup, the mailer must advise the serving postal facility of the volume of mail to be picked up. The Postal Service reserves the right to defer pickup, or to make multiple pickups at no additional charge to the mailer, when the volume to be picked up exceeds available vehicle capacity.

326.56 Scheduled Pickup Service.

326.561 When Available. Scheduled pickup service may be requested during the regular business hours of the serving postal facility. Scheduled pickup service will begin the next day when service is available and continue until canceled by the mailer.

326.562 Where Available. Scheduled pickup service is available at post offices with city delivery (see Publication 65, *National Five Digit ZIP Code and Post Office Directory*), and at other post offices where the mailer's address is along the line of travel of a rural or highway contract route.

326.563 Service Agreement. Mailers who desire scheduled pickup service must enter into a service agreement with the Postal Service, specifying the time, place, day or date, and frequency of service, and the approximate volume per pickup. (For 5631, *Express Mail Service Agreement,* may be adapted for this use.) Mailers will be charged the pickup fee for a scheduled pickup regardless of volume collected.

326.564 Cancellation and Changes in Volume. The mailer must notify the serving post office at least 24 hours in advance of the scheduled pickup if the pickup is not needed (canceled) or if the volume of mail to be picked up exceeds the amount specified in the service agreement by more than 20%. Mailers are not charged the pickup fee for a scheduled pickup that is canceled as required. Mailers who do not notify the serving post office of exceptional

volume will be charged the pickup fee for each additional trip required.

326.565 Volume. There are no minimum or maximum limitations on the number of pieces that can be mailed using pickup service. However, the Postal Service reserves the right to defer pickup or to make multiple pickups at no additional charge to the mailer when the volume to be picked up exceeds available vehicle capacity, and to establish plant load service where warranted based on mailer volume.

326.566 Changes in Service.

a. By the Mailer. Scheduled pickup service (the service agreement) may be changed by the mailer effective 5 business days from the receipt of the mailer's written notice to the serving postal facility.

b. By the Postal Service. Scheduled pickup service (the service agreement) may be changed by the Postal Service effective 5 days from the mailer's receipt of written notice from the serving post office. The mailer may appeal this notice as provided by 133, but must pay all pickup fees chargeable during the appeal period.

c. Disruptions in Service. The Postal Service may suspend scheduled pickup service when weather or road conditions, facility emergencies at mailer or postal premises, unforeseen personnel or vehicle shortages, or other exceptional situations make it impossible or unsafe to provide pickup service.

326.567 Termination of Service.

a. By the Mailer. Scheduled pickup service will be terminated within 24 hours of receipt of the mailer's written notice to the serving postal facility. The mailer will be liable for fees for pickup service provided prior to termination of service.

b. By the Postal Service. The Postal Service may terminate pickup service effective 24 hours from the mailer's receipt of written notice from the serving post office. Termination must be based on the mailer's failure to pay postage and fees or to meet the requirements that apply to pickup service or mailing at Priority Mail rates. The mailer may appeal this notice as provided by 133, but must pay all pickup fees chargeable during the appeal period.

326.57 Preparation Requirements.

326.571 Priority Mail Pieces. Each piece of Priority Mail must meet the applicable eligibility and preparation requirements in 326.1, 361.3, and 362.1.

326.572 Drop Shipment. Material prepared for Priority Mail Drop Shipment must meet the requirements in 136.9.

326.573 Refusal. The Postal Service may refuse to pick up Priority Mail not prepared as required by this section.

327 NONPRESORTED ZIP+4 MAIL

327.1 Minimum Quantity

Each mailing must contain at least 250 pieces.

327.2 85% Requirement

In each nonpresorted ZIP+4 mailing, at least 85% of the total number of pieces (at all rates) must bear the correct ZIP+4 code. Remaining pieces must bear the correct 5-digit ZIP code. A correct ZIP+4 barcode prepared as described in 324.7 will satisfy the requirement for a correct ZIP+4 code, but pieces bearing a ZIP+4 barcode must also bear either the correct numeric 5-digit ZIP Code or the correct numeric ZIP+4 code in the address.

327.3 Physical Characteristics

327.31 Size and Weight Requirements. Each piece in the mailing must meet the size and weight criteria in 324.3.

327.32 Barcode Clear Zone. Each piece in the mailing must meet the barcode clear zone requirements in 324.5.

327.33 OCR Readability. Each piece in the mailing must meet the OCR readability requirements in 324.6.

327.4 Preparation

327.41 Addressing. Each piece in the mailing must be addressed as required by 361.5.

327.42 Marking. Each piece in the mailing must be marked as required by 362.4.

327.43 Traying. Each piece in the mailing must be trayed in accordance with 368.1.

327.5 Documentation

Mailing containing 5-digit ZIP Coded pieces must be accompanied by documentation as required in 368.12.

328 NONPRESORTED ZIP+4 BARCODED MAIL

328.1 Minimum Quantity

Each mailing must contain at least 250 pieces.

328.2 85% Requirement

In each nonpresorted ZIP+4 Barcoded mailing, at least 85% of the total number of pieces (at all rates) must bear the correct ZIP+4 barcode. Each piece must also bear either the correct numeric ZIP+4 code or the correct numeric 5-digit ZIP Code.

328.3 Physical Characteristics

328.31 Size and Weight Requirements. Each piece in the mailing must meet the size and weight criteria in 324.3.

328.32 Barcode Requirements. ZIP+4 barcodes must meet the requirements of 325.51. 5-digit barcodes are permitted subject to the 85% requirement in 328.2. 5-digit barcodes must be prepared in accordance with 325.52.

328.33 OCR Readability Requirements. None.

328.4 Preparation

328.41 Addressing. Each piece in the mailing must be addressed as required by 361.6.

328.42 Marking. Each piece in the mailing must be marked as required by 362.7.

328.43 Traying Requirements. Each piece in the mailing must be trayed in accordance with 368.2.

328.5 Documentation Requirements

Mailings containing pieces prepared without ZIP+4 barcodes must be physically separated or accompanied by documentation as described in 368.22.

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341 ANNUAL PRESORT FEE

[In the first sentence, replace "and/or ZIP+4 Barcoded rates" with "3-digit ZIP+4 Barcoded, 5-digit ZIP+4 Barcoded and/or Presorted Priority Mail rates."]

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361 ADDRESSING

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361.5 ZIP+4 First-Class Mail

The address of at least 85 percent of the pieces in nonpresorted ZIP+4 mailings and in ZIP+4 Presort mailings must contain a correct ZIP+4 code. Pieces that do not bear the correct ZIP+4 code must bear the correct 5-digit ZIP Code.

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362 MARKING REQUIREMENTS

362.1 Priority Mail

362.11 Single-Piece Rate Priority Mail. The words "Priority" or "Priority Mail" must be placed prominently on the address side of each piece of single-piece rate Priority Mail.

362.12 Presorted Priority Mail.

362.121 Content. Each piece in a Presorted Priority Mail mailing must be marked "Priority," "Priority Mail," or "Presorted Priority Mail."

362.122 Method and Location. The markings must be printed or rubber-stamped either as part of or immediately adjacent to the permit imprint, meter stamp, or precanceled stamp. One of the markings may be located in the address area either on the line immediately above the address or, preferably, 2 lines above the address. If the marking is located in the address area, no other information may appear on the line containing the rate marking information except for the carrier route information.

362.13 Use of Priority Mail Stationery. In order to permit easy recognition of Priority Mail pieces in the mailstream, customers are urged to use Priority Mail envelopes and identification stickers, available at all post offices.

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362.7 Nonpresorted ZIP+4 Barcoded Mail

362.71 Content. Each piece in a nonpresorted ZIP+4 Barcoded mailing must be marked "First-Class." In addition, mailers are encouraged, but not required, to mark each piece in the mailing "ZIP+4 Barcoded."

362.72 Method and Location. The markings must be printed or rubber-stamped either as part of or immediately adjacent to the permit imprint, meter stamp, or precanceled stamp. One of the markings may be located in the address area either on the line immediately above the address or, preferably, 2 lines above the address. If the marking is located in the address area, no other information may appear on the line containing the rate marking information except for the carrier route information. Exception: A mailer authorized to mail letter-size pieces under the Manifest Mailing System (MMS) in 145.7 must place the rate category identification marking in a keyline as described in 145.742.

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363 PREPARATION REQUIREMENTS FOR PRESORTED PRIORITY MAIL

363.1 Presort Requirements for Letters and Flats

363.11 Packaging Requirements.

363.111 General. Each letter- or flat-size piece in the qualifying portion of a Presorted Priority Mail mailing must be presorted and packaged as required by 363.112–363.115.

363.112 5-Digit Packages. When there are 6 or more addressed pieces for the same 5-digit ZIP Code destination, they must be faced and secured together as a 5-digit package. Packages containing fewer than 6 pieces must not be prepared. A red label D must be affixed to the lower left corner of the address side of the top piece in each package, or the optional endorsement (package label) line described in 369 for 5-digit packages must be placed on each piece.

363.113 3-Digit Packages. After all possible 5-digit packages have been prepared, if there are 6 or more addressed pieces remaining for the same 3-digit ZIP Code area, they must be secured together as a 3-digit package. Packages containing fewer than 6 pieces must not be prepared. A green label 3 must be affixed to the lower left corner of the address side of the top piece in each package, or the optional endorsement (package label) line described in 369 for 3-digit packages must be placed on each piece.

363.114 SCF Packages. After all possible 5-digit and 3-digit packages have been prepared, if there are 6 or more addressed pieces remaining for one of the SCFs listed in Exhibit 122.63d, they must be secured together as an SCF package. Packages containing fewer than 6 pieces must not be prepared. Pieces within each package must be for the same zone. A green label 3 must be affixed to the lower left corner of the address side of the top piece in each package, or the optional endorsement (package label) line described in 369 for SCF packages must be placed on each piece.

363.115 Residual Pieces. Pieces that cannot be packaged as required by 363.112–363.114 are residual pieces. Residual pieces must be packaged in groups of 25 pieces, identified with a facing slip carrying the number of pieces in the package and the words "Residual Pieces," and sacked separately from qualifying mail as provided by 363.125.

363.12 Sacking Requirements

363.121 General. The packages prepared as required by 363.11 must be sacked as required by 363.122–363.125. The pieces in each sack must all be for the same zone.

363.122 5-Digit Sacks. When there are at least 15 pounds of mail packaged for the same 5-digit ZIP Code destination, the packages must be placed in a 5-digit sack. Sacks containing fewer than 15 pounds of mail may be prepared if there is at least one package of 6 pieces in each sack. 5-digit sacks must be labeled in the following manner:

Line 1: City, two-letter state abbreviation, and 5-digit ZIP Code.

Line 2: The words "PRIORITY MAIL", followed by the processing category (LETTERS or FLATS).

Line 3: City and two-letter state abbreviation of the post office of mailing.

363.123 3-Digit Sacks. After all possible 5-digit sacks have been prepared, if there are at least 15 pounds of mail for the same 3-digit ZIP Code area, the packages must be placed in a 3-digit sack. Sacks containing fewer than 15 pounds of mail may be if provided there is at least one package of 6 pieces in each sack. 3-digit sacks must be labeled in the following manner:

a. Unique 3-Digit ZIP Code Prefixes.

Line 1: City, two-letter state abbreviation and unique 3-digit prefix as shown in Exhibit 122.63b.

Line 2: The words "PRIORITY MAIL," followed by the processing category (LETTERS or FLATS).

Line 3: City and two-letter abbreviation of the post office of mailing.

b. Other 3-Digit ZIP Code Prefixes.

Line 1: Name of SCF and two-letter state abbreviation of the SCF, followed by the 3-digit ZIP Code prefix of the pieces in the sack (see Exhibit 122.63 c or d for the name of the SCF serving the 3-digit ZIP Code area.

Line 2: The words "PRIORITY MAIL," followed by the processing category (LETTERS or FLATS).

Line 3: City and two-letter state abbreviation of the post office of mailing.

363.124 SCF Sacks. After preparing all possible 5-digit and 3-digit sacks, if there are at least 15 pounds of mail for the same zone and for the same SCF service area, the packages must be placed in an SCF sack. Sacks containing fewer than 15 pounds of mail may be prepared if there is at least one package of 6 pieces in each sack. SCF sacks must be labeled in the following manner:

Line 1: Letters "SCF" followed by the name of the SCF, the two-letter state abbreviation of the SCF, and the 3-digit ZIP Code prefix for the SCF as shown in Exhibit 122.63d.

Line 2: The words "PRIORITY MAIL," followed by the processing category (LETTERS or FLATS).

Line 3: City and two-letter state abbreviation of the post office of mailing.

363.125 Residual. The packages of residual pieces prepared as required by 363.115 must be sacked according to zone if part of a mailing of identical-weight pieces prepared with permit imprints, or part of a mailing of identical-weight metered mail in which the entire mailing is metered at the Presorted Priority Mail rates. Sacks of residual mail must be sacked separately from the qualifying mail sacked as required by 363.122–363.124. Sacks of residual mail must be labeled as follows:

Line 1: Word "RESIDUAL," (followed by the zone if the zone is required).
Line 2: The words "PRIORITY MAIL," followed by the processing category (LETTERS or FLATS).
Line 3: City and two-letter state abbreviation of the post office of mailing.

363.2 Presort Requirements for Parcels

363.21 Packaging Requirements. None.

363.22 Sacking Requirements. Parcels must be sacked in accordance with the following requirements. Both machinable and nonmachinable parcels may be placed in the same sack. The pieces in each sack must all be for the same zone.

363.221 5-Digit Sacks. When there are at least 6 addressed pieces for the same 5-digit ZIP Code destination, the pieces must be placed in a 5-digit sack. Sacks containing fewer than 6 pieces of mail must not be prepared. 5-digit sacks must be labeled in the following manner:
Line 1: City, two-letter state abbreviation, and 5-digit ZIP Code.
Line 2: PRIORITY MAIL—PARCELS.
Line 3: City and two-letter state abbreviation of the post office of mailing.

363.222 3-Digit Sacks. After all possible 5-digit sacks have been prepared, if there are at least 6 pieces remaining for the same 3-digit ZIP Code area, they must be placed in a 3-digit sack. Sacks containing fewer than 6 pieces must not be prepared. 3-digit sacks must be labeled in the following manner:
a. Unique 3-digit ZIP Code Prefixes
Line 1: City, two-letter state abbreviation and unique 3-digit prefix as shown in Exhibit 122.63b.
Line 2: PRIORITY MAIL—PARCELS
Line 3: City and two-letter abbreviation of the post office of mailing.
b. Other 3-Digit ZIP Code Prefixes
Line 1: Name of SCF and two-letter state abbreviation of the SCF, followed by the 3-digit ZIP Code prefix of the pieces in the sack (see Exhibit 122.63c or d for the name of the SCF serving the 3-digit ZIP Code area.
Line 2: PRIORITY MAIL—PARCELS
Line 3: City and two-letter state abbreviation of the post office of mailing.

363.223 SCF Sacks. After all possible 5-digit and 3-digit sacks have been prepared, if there are at least 6 pieces remaining for the same zone and for the same SCF service area, they must be placed in the SCF sack. Sacks containing fewer than 6 pieces must not be prepared. SCF sacks must be labeled in the following manner:
Line 1: Letters "SCF" followed by the name of the SCF, the two-letter state abbreviation of the SCF, and the 3-digit ZIP Code prefix for the SCF as shown in Exhibit 122.63d.
Line 2: PRIORITY MAIL—PARCELS
Line 3: City and two-letter state abbreviation of the post office of mailing.

363.224 Residual Pieces.
a. Definition. Residual mail is those pieces that cannot be placed in a sack of 6 or more pieces as required by 363.221–363.223.
b. Preparation. Residual mail must be sacked according to zone if part of a mailing of identical-weight pieces prepared with permit imprints, or part of a mailing of identical-weight metered mail in which the entire mailing is metered at the Presorted Priority Mail rates. Sacks of residual mail must be labeled as follows:
Line 1: Word "RESIDUAL," (followed by the zone if the zone is required).
Line 2: PRIORITY MAIL—PARCELS
Line 3: City and two-letter state abbreviation of the post office of mailing.

363.3 Physical Requirements for Sacks

363.31 Maximum Weight. The total weight of any sack (including the weight of the sack) must not exceed 70 pounds.

363.32 Color and Size. Orange sacks must be used for Presorted Priority Mail. It is recommended that No. 2 sacks provided by the Postal Service be used.

363.33 Sack Labels.

363.331 Color. Sack labels must be white or manila.

363.332 Size.
a. Length (Parallel to the Printing). Minimum, 3 5/16 inches, maximum, 3 3/8 inches.
b. Height (Perpendicular to the Printing). Minimum 1 5/16 of an inch, maximum 3 1/32 of an inch.

363.333 Method of Preparation. The Postal Service prefers machine-printed labels to ensure legibility, although legible hand-printed labels are acceptable. Illegible labels are unacceptable. Machine-printed labels may be ordered from the Postal Service.

363.334 Trailing Zeros. Two zeros may follow 3-digit prefixes on sack labels.

363.335 Abbreviations. The destination and office of mailing lines may contain abbreviated information if such abbreviations are those shown in Publication 65, *National Five-Digit ZIP Code and Post Office Directory*. The following authorized abbreviations may be used on the contents line of sack labels.

Letters	LTRS
Flats	FLTS
Priority Mail	PRIORITY

363.336 Line 1. Line 1, the destination line, must be the first visible line on the label. It must be completely visible and legible when placed in the label holder or otherwise affixed for use. To ensure this, the Postal Service recommends that the top line is no less than 1/8 (.125) inch below the top of the label when the label is cut and prepared for use. The destination line must contain only the information described in 363.12 and 363.22.

363.337 Line 2. Line 2, the contents line, must be the second visible line on the label and must contain the information described in 363.12 or 363.22.

363.338 Line 3. Line 3, the office of mailing line, must be prepared as described in 363.12 and 363.22.

363.339 Extraneous Information. Extraneous information is prohibited from the destination and contents lines. The mailer may place it elsewhere as provided by 441.323a and 441.323d–f.

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364 ZIP+4 BARCODED FIRST-CLASS MAIL

364.1 National Mailings—Presort Requirements

364.11 General. ZIP+4 Barcoded rate national mailings (as defined in 325.111(a), claimed at the rates described in 325.12, must be packaged and trayed in accordance with 364.11–364.16. An optional method of preparation (unpackage mail in trays that are at least 3/4 full) is described in Chapter 5.

364.12 5-Digit ZIP+4 Barcoded Rate Packaging Requirements.

364.121 General. When there are 10 or more pieces in a ZIP+4 Barcoded rate national mailing that are addressed to the same 5-digit ZIP Code, those pieces must be prepared in a 5-digit package to that destination. Those packages must then be trayed in accordance with 364.13.

364.122 Package Preparation. Pieces must be faced in the same direction and either secured with one or two rubber bands as prescribed in 367.112 or separated by visible index tabs or separator cards to delineate each package. A package must not be more than 4 inches thick.

364.123 Package Label. A red label D must be affixed to the lower left corner of the address side of the top piece in the package.

364.124 Packages in Trays. Pieces in 5-digit trays need not be prepared in packages.

364.13 5-Digit ZIP + 4 Barcoded Rate Traying Requirements.

364.131 General. Packages prepared as required by 364.12 must be trayed as specified in 364.132–364.136. Pieces that are packaged under 364.12 and packaged as prescribed by 364.132–364.134 may qualify for the 5-digit ZIP+4 Barcoded rate if they also bear the correct ZIP+4 barcode and meet all other requirements of 325, or for the ZIP+4 Presort or Presorted First-Class rates. Pieces in packages trayed as prescribed in 364.135–364.136 may qualify for the Presorted First-Class rate.

364.132 5-Digit trays. [Text of existing 364.121.]

364.133 Unique 3-Digit Trays. [Text of existing 364.122.]

364.134 SCF Trays. [Text of existing 364.123; change the reference "364.121 and 364.122" to "364.132 and 364.133."]

364.135 ADC Trays. [Text of existing 364.124; change the reference "364.121 through 364.123" to "364.132–364.134."]

364.136 Mixed ADC Trays. [Text of existing 364.125; change the reference "364.121, 364.122, 363.123, and 364.124" to "364.132–364.135."]

364.14 3-Digit ZIP+4 Barcoded Rate Packaging Requirements.

364.141 General. After all possible 5-digit packages have been prepared, if there are 50 or more pieces remaining that are addressed to the same 3-digit ZIP Code area, those pieces must be prepared in 3-digit packages for that destination. Those packages must then be trayed in accordance with 364.15.

364.142 Package Preparation. Pieces must be faced in the same direction and either secured with one or two rubber bands as prescribed in 367.112 or separated by visible index tabs or separator cards to delineate each package. A package must not be more than 4 inches thick.

364.143 Package Label. A green label 3 must be affixed to the lower left corner of the address side of the top piece in each package.

364.144 Packages in Trays. Pieces in 3-digit trays need not be prepared in packages if all the pieces would have been prepared in 3-digit packages to the same destination.

364.145 Residual. Pieces that remain after all possible 5-digit and 3-digit packages have been prepared are residual pieces and must be prepared as prescribed by 364.16.

364.15 3-Digit ZIP+4 Barcoded Rate Traying Requirements

364.151 General. Packages prepared as required by 364.14 must be trayed as specified in 364.152–364.155. Pieces that are packaged under 364.14 and packaged as prescribed by 364.152 and 364.153 may qualify for the 3-digit ZIP+4 Barcoded rate if they also bear the correct ZIP+4 barcode and meet all other requirements of 325, or for the ZIP+4 Presort or Presorted First-Class rates. Pieces in packages trayed as prescribed in 364.154 and 364.155 may qualify for the Presorted First-Class rate. Trays of 3-digit packages must be separated from trays of 5-digit packages when the mailing is presented to the Postal Service.

364.152 Unique 3-Digit Trays. Prepare as prescribed in 364.133, except do not show "MXD 5–DG" on the second line of the tray label.

364.153 SCF Trays. Prepare as prescribed in 364.134, except do not show "MXD 5–DG" on the second line of the tray label.

364.154 ADC Trays. Prepare as prescribed in 364.135, except do not show "MXD 5–DG" on the second line of the tray label.

364.155 Mixed ADC Trays. Prepare as prescribed in 364.136, except do not show "MXD 5–DG" on the second line of the tray label.

364.16 Preparation Requirements for the Residual Portion. [Text of existing 364.3. Revise the first sentence to read: "Pieces remaining after all 5-digit packages have been prepared and trayed in accordance with 364.12 and 364.13, and all 3-digit packages have been prepared and trayed in accordance with 364.14 and 364.15, are residual pieces subject to either the nonpresorted ZIP+4 Barcoded rate, the nonpresorted ZIP+4 rate, or the full single-piece First-Class rate as described in 325.123."]

364.2 National Mailings—Documentation and Postage Payment Requirements

[Text of existing 364.4; renumber existing 364.41, 364.411, 364.412, 364.42, 364.43, 364.44, and 364.45 as 364.21, 364.211, 364.212, 364.22, 364.43, 364.5, and 364.6, respectively. Renumber existing Exhibits 364.412 and 364.42 as Exhibits 364.212 and 364.22, respectively.]

364.21 Required Documentation for Metered and Precanceled Stamp Mailings

364.211 Correct Postage Affixed to Each Piece. [Change the reference "364.3" to "364.16."]

364.212 Postage at ZIP+4 Barcoded Rate Affixed to All Pieces

a. General. [Change the references "364.412b through e" and "364.412" to "364.212b–e" and "364.212" respectively.]

b. 5-Digit Sortation. [Change the reference "364.1" to "364.12 and 364.13".]

(1) Number of ZIP+4 Barcoded Pieces Qualifying for the 5-Digit ZIP+4 Barcoded Rate.* * *

* * * * *

(4) Cumulative Total. [Revise the second sentence to read: "Total each of categories (1) through (3) to provide: (1) The total number of ZIP+4 barcoded pieces qualifying for the 5-digit ZIP+4 Barcoded rate; (2) the total number of non-ZIP+4 barcoded pieces qualifying for the ZIP+4 Presort rate; and (3) the total number of non-ZIP+4 barcoded pieces qualifying for the Pre-sorted First-Class rate."]

c. 3-Digit Sortation. [Change the reference "364.2" to "364.14 and 364.15."]

(1) Number of Pieces Qualifying for the 3-Digit ZIP+4 Barcoded Rate. [Delete the note under this section.]

* * * * *

(4) Cumulative Total. [Revise the second sentence to read: "Total each of categories (1) through (3) to provide: (1) the total number of ZIP+4 barcoded pieces qualifying for the 3-digit ZIP+4 Barcoded rate; (2) the total number of non-ZIP+4 barcoded pieces qualifying for the ZIP+4 Presort rate; (3) the total number of non-ZIP+4 barcoded pieces qualifying for Presorted First-Class rates."]

d. Documentation for Residual Pieces. [In the first sentence, change the reference "364.3" to "364.16."]

(1) Number of Pieces Qualifying for the Nonpresorted ZIP+4 Barcoded Rate. [Delete the note under this section.]

* * * * *

(4) Cumulative Total. [Revise the second sentence to read: "Total each of categories (1) through (3) to provide: (1) The total number of ZIP+4 barcoded pieces qualifying for the nonpresorted ZIP+4 Barcoded rate; (2) the total number of non-ZIP+4 barcoded pieces qualifying for the nonpresorted ZIP+4 rate; (3) the total number of non-ZIP+4 barcoded pieces subject to the single-piece First-Class rate."]

e. Totals. Summarize the total number of pieces in each rate category in the mailing. For each category other than pieces qualifying for the 5-digit ZIP+4 Barcoded rate, multiply the total number of pieces in the rate category by the additional postage due per piece for that rate category. For example, multiply the total number of pieces eligible for the ZIP+4 Presort rate by $0.01 (the difference between the 5-digit ZIP+4 Barcoded rate and the ZIP+4 Presort rate). This will show the total postage due for each rate category in the mailing. Add the total amounts of postage due for each rate category to show the total amount of postage due. Also summarize, for the entire mailing, the total number of pieces that bear a properly prepared ZIP+4 barcode and the total number of pieces that do not.

[Exhibit 364.212. In the 5-digit portion, replace the heading "ZIP+4 Barcoded Rate" with "5-digit ZIP+4 Barcoded Rate." In the 3-digit portion, replace the heading "ZIP+4 Presort Rate" for the second column from the left "3-Digit ZIP+4 Barcoded Rate." In the residual portion, replace the heading "Nonpresorted ZIP+4 Rate" for the second column from the left with "Nonpresorted ZIP+4 Barcoded Rate." In the summary, replace the words and numbers of the first line with "Total 5-digit ZIP+4 Barcoded Rate Pieces—1001–$0.00–$0.000" and add another line immediately below to read "Total 3-Digit ZIP+4 Barcoded Rate Pieces—330–0.005–1.65." Replace the "Additional Postage" and "Total Postage" figures for the existing second, third, and fifth lines with "0.01–12.35," "0.017–1.02," and "0.057–.513," respectively. Replace the figures for the existing fourth line with "40–0.037–1.48" and add another line immediately above the existing fourth line to read "Nonpresorted ZIP+4 Barcoded Rate Pieces—19–0.027–.513." Replace the figure shown for total additional postage due with "$17.53.]

364.22 Required Documentation for Permit Imprint Mailings.

[Text of existing 364.42.]

a. Documentation. [Change the references "364.412b–e," "364.44," and "364.42" to "364.212b–e," "364.24," and "364.22" respectively.]

* * * * *

(2) [Change the reference "364.42a(1)" to "364.22a(1)".]

* * * * *

(4) [Change the reference 364.412 b(1), c(1), and d(1)" to "364.212 b(1), c(1), and d(1)."]

* * * * *

b. Exception to Documentation. [Replace "each of the sortation levels (364.1, 364.2, and 364.3)" with "the 5-digit, 3-digit, and residual presort levels."]

Exhibit 364.22. In the 5-digit portion, replace the heading "ZIP+4 Barcoded Rate" with "5-Digit ZIP+4 Barcoded Rate." In the 3-digit portion, replace the heading "ZIP+4 Presort Rate" for the second column from the left "3-Digit ZIP+4 Barcoded Rate." In the residual portion, replace the heading "Nonpresorted ZIP+4 Rate" for the second column from the left with "Nonpresorted ZIP+4 Barcoded Rate." In the summary, replace the words and numbers of the first line with "Total 5-Digit ZIP+4 Barcoded Rate Pieces—1001–$0.243–$243.243" and add another line immediately below to read "Total 3-Digit ZIP + Barcoded Rate Pieces—330–0.248–81.84." Replace the "Additional Postage" and "Total Postage" figures for the existing second, third, and fifth lines with "0.253–312.455," "0.26–15.60," and "0.30–2.70," respectively. Replace the figures for the existing fourth line with "40–0.28–11.20" and add another line immediately above the existing fourth line to read "Nonpresorted ZIP+4 Barcoded Rate Pieces—19–0.27–5.13." [Replace the existing sixth line to read "TOTAL POSTAGE DUE FOR MAILING $672.17."]

364.23 Summary Listing Documentation Option

[Text of existing 364.43; renumber existing 364.431–364.437 as 364.231–364.237.]

364.231 General. [Change the reference "364.41 and 364.42" to "364.21 and 364.22".]

364.232 Required Information.

a. For each sortation level (5-digit, 3-digit, and residual), the summary listing must show:

* * * * *

364.233 Authorization. [Change the reference "364.434" to "364.234".]

364.234 Applications. [Change the reference "364.41 or 364.42" to "364.21 or 364.22".]

364.235 Approval Process. [Change the reference "364.431" to "364.231".]

364.24 Documentation Based on a Mailing List or Cycle. As an alternative to the requirements of 364.21–364.23, mailers may submit documentation based on a mailing list or cycle as prescribed by 364.5.

364.3 Automated Site Mailings—Preparation Requirements

364.31 General.

364.311 Optional Use. As an alternative to the preparation requirements described in 364.1 and 2 for national mailings, mailers may follow the requirements in 364.3 and 364.4 for mailings destinating at automated sites. ("Automated sites" refers to the 3-digit ZIP Code areas and postal facilities listed in Exhibits 122.63m–o.) Pieces for other destinations may be included in the residual portion of the mailing.

364.312 Rate Eligibility.

a. Qualifying Portion. Pieces placed in a group of 50 or more pieces destined for one of the 3-digit areas listed in Exhibit 122.63m qualify for the 3-digit ZIP+4 Barcoded rate if they bear a correct ZIP+4 barcode and meet the requirements of 325, or the ZIP+4 Presort or Presorted First-Class rate (see 325.123).

b. Residual Portion. Pieces that are not placed in a group of 50 or more pieces (as required to be in the qualifying portion) are residual pieces and qualify for the nonpresorted ZIP+4 Barcoded rate if they meet the requirements of 325, or the nonpresorted ZIP+4 or single-piece First-Class rates (see 325.123).

364.32 Grouping Requirements. Whenever there are 50 or more addressed pieces for one of the 3-digit ZIP Code areas listed in Exhibit 122.63m, they must be placed together in a tray labeled to that destination, as required by 364.33. Groups of pieces for the same 3-digit area may be placed in more than one tray only if the groups in each tray contain a minimum of 50 pieces for the same 3-digit destination. (This will facilitate verification by postal employees.) Mail for each 3-digit destination within a tray must be separated by visible index tabs or separator cards.

364.33 Traying Requirements.

364.331 3-Digit Trays. When there are enough pieces to the same 3-digit ZIP Code prefix to fill at least ¾ of a tray, a 3-digit tray must be prepared for that destination. 3-digit trays that are less than ¾ full may be prepared only if there is no corresponding SCF tray listed in Exhibits 122.63n into which lesser quantities may be placed. 3-digit trays must be labeled in the following manner:

Line 1: City, two letter state abbreviation, and 3-digit ZIP Code as shown in Exhibit 122.63m.

Line 2: FCM Z+4 BARCODED.

Line 3: Mailer Name, Mailer Location.

364.332 SCF Trays. After all possible 3-digit trays have been prepared, any remaining groups of 50 or more pieces each for the 3-digit areas served one of the SCFs listed in Exhibit 122.63n must be placed in a tray labeled to that SCF. SCF trays must be labeled in the following manner:

Line 1: "SCF" followed by the name of the SCF, the two-letter state abbreviation of the SCF, and the 3-digit ZIP Code prefix for the SCF shown in Exhibit 122.63n.

Line 2: FCM Z+4 BARCODED.

Line 3: Mailer Name, Mailer Location.

364.34 Residual Trays.

364.341 General Preparation. Residual mail must be presented with, but clearly separated from, the qualifying portion of the mailing to facilitate verification. Unless documentation is not required as described in 364.412, the pieces must either be

a. separated into trays by rate category or, if postage is affixed to each piece at the correct rate, separated by pieces with and without a ZIP + 4 barcode. If the pieces are not of identical weight, they must be further separated in each into groups of 100 pieces by separator tabs or rubber bands as described in 364.432a; or

b. placed in trays in 5-digit or 3-digit ZIP Code sequence and accompanied by the documentation described in 364.432b.

364.343 Tray Labeling. Trays of residual pieces must be labeled as required by 364.343a-b.

a. Trays Containing Pieces with a ZIP+4 barcode.

Line 1: ZIP+4 BARCODED.

b. Trays Containing Only Pieces without a ZIP+4 barcode.

Line 1: Residual.

364.4 Automated Site Mailings—Documentation Requirements

364.41 General.

364.411 When Documentation is Required. Documentation described in 364.42 or 364.43, as appropriate for the postage payment method used, must be submitted with each mailing except when documentation is not required as described in 364.412, or when mailers are authorized to submit documentation based on a list or cycle as described in 364.5. The documentation is designed to show that the mailing meets the 85 percent requirement in 325.3, and, if the entire mailing is metered at the 3-digit ZIP+4 Barcoded rate, or paid by permit imprint, to show the amount of postage owed to the Postal Service.

364.412 When Documentation is Not Required. Documentation is not required if all pieces in the mailing bear a correct ZIP+4 barcode and

a. each piece bears meter or precanceled stamps in the exact amount of postage at the rate for which it qualifies; or

b. all pieces are of identical size and weight, are paid by permit imprint, and, when presented to the post office,the trays in the mailing are physically separated by the mailer into two groups—qualifying and residual—to allow postage verification by weighing.

364.42 When Exact Postage is Affixed to Each Piece in the Mailing

364.421 Qualifying Trays

a. Required Tray Listing. Documentation must be provided that lists by tray, and by 3-digit ZIP Code area within each tray:

(1) The number of pieces that bear a ZIP+4 barcode,

(2) The number of pieces that do not bear a ZIP+4 barcode,

(3) The number of pieces the tray, and

(4) A cumulative (running) total for each line (3-digit ZIP Code) entry in the qualifying portion of the listing; (this total must accumulate for each tray in the entire qualifying portion of the mailing).

b. Required Order of the Tray Listing. The documentation must list the trays in numeric order using one of the following methods.

(1) The exact top line of each tray label must be shown, and the tray listing sequenced in ascending order by the ZIP Code on the top line of the tray label.

(2) The trays labels must bear a number below Line 3 of the tray label, and the tray listing sequenced in ascending order by tray number. Under this option, it is preferred that the exact top line of the tray label also be shown.

c. Subtotals. Subtotals for the total number of pieces that bear a ZIP+4 barcode and that do not bear a ZIP+4 barcode must be shown at the end of the qualifying portion of the mailing.

364.422 Residual Trays. Residual pieces must be presented as specified in 364.422a or documented as prescribed in 364.422b.

a. Physical Separation. Residual pieces that bear a ZIP+4 barcode must be trayed separately from those that do not. If the pieces are not of identical weight, they must be further separated within each tray by tabs or rubber bands into groups of 100 pieces for postage verification. Trays must be labeled in accordance with 364.343a or b.

b. Listing. The pieces in the trays must be sequenced by 3-digit ZIP Code area and a listing prepared that shows, by 3-digit ZIP Code area, the number of pieces with a ZIP+4 barcode and the number of pieces without. A cumulative total must also be shown for each line (3-digit ZIP Code) entry in the residual portion. A summary of the total number of pieces in the residual portion with and without a ZIP+4 barcode must be shown.

364.43 When Postage is Paid by Permit Imprint, or when the 3-Digit Barcoded Rate is Affixed to Each Piece.

364.431 Qualifying Trays.

a. Required Tray Listing. Documentation must be provided that lists by tray, and by 3-digit ZIP Code area within each tray:

(1) The number of pieces that bear a ZIP+4 barcode and qualify for the 3-digit ZIP+4 Barcoded rate,

(2) The number of pieces that do not bear a ZIP+4 barcode and qualify for the ZIP+4 Presort rate (see 325.122b),

(3) The number of pieces that do not bear a ZIP+4 barcode and qualify for the Presorted First-Class rate (see 325.122c),

(4) The number of pieces in each tray, and

(5) A cumulative (running) total for each line (3-digit ZIP Code) entry in the qualifying portion of the listing (this total must accumulate for each tray in the entire qualifying portion of the mailing).

b. Required Order of the Tray Listing. The documentation must list the trays in numeric order using one of the following methods.

(1) The exact top line of each tray label must be shown, and the tray listing sequenced in ascending order by the ZIP Code on the top line of the tray label.

(2) The trays labels must bear a number below Line 3 of the tray label, and the tray listing sequenced in ascending order by tray number. Under this option, it is preferred that the exact top line of the tray label also be shown.

c. Subtotals. Totals for the number of pieces qualifying for the 3-digit ZIP+4 Barcoded rate, the ZIP+4 presort rate, and the Presorted First-Class rate must be shown at the end of the qualifying portion of the mailing.

364.432 Residual Trays. Residual pieces must be presented as specified in 364.432a or documented as prescribed in 364.432b.

a. Physical Separation. Pieces qualifying for each of the three rate categories (nonpresorted ZIP+4 barcoded, nonpresorted ZIP+4, and full single piece rates as described in 325.122a–c) must be placed in separate trays. If the pieces are not of identical weight, they must be further separated in each tray by tabs into groups of 100 pieces for postage verification. Trays must be labeled as required by 364.343.

b. Listing. The pieces in the trays must be sequenced by 3-digit ZIP Code area and a listing prepared that shows, by 3-digit ZIP Code area, the number of pieces with a ZIP+4 barcode that qualify for the nonpresorted ZIP+4 Barcoded rate, the number of pieces without a ZIP+4 barcode that qualify for the nonpresorted ZIP+4 rate, and the number of pieces without a ZIP+4 barcode that qualify for the single-piece First-Class rate (see 325.123a–c). A cumulative total must also be shown for each line (3-digit ZIP Code) entry in the residual portion. A total must also be shown for the number of pieces qualifying for each rate category. Trays must be labeled as required by 364.343.

364.433 General Summary.

a. Metered Mailings. A listing is required to show, for each rate category, the total number of pieces, the additional postage owed per piece, and the total additional postage due. For the entire mailing, the listing must also show the total additional postage due and the total number of pieces with and without a ZIP+4 barcode.

b. Permit Imprint Mailings. A listing is required to show, for each rate category, the total number of pieces, the postage rate per piece, and the total postage owed. For the entire mailing, the listing

must also show the total postage owed and the total number of pieces with and without a ZIP+4 barcode.

364.5 Submission of Documentation Based on a Mailing List or Cycle

As an alternative to submitting documentation with each mailing as required by 364.2 and 364.4, mailers may submit documentation based on a mailing list or mailing cycle under the following conditions:

a. The mailing period for the list, or the duration of the mailing cycle, each as defined by the mailer, must be longer than 24 hours but not more than 1 week (7 consecutive days). The mailer must notify the post office where mailings are accepted of the first and last mailings, and the beginning and ending points of the time period, of the list or cycle.

b. More than one list or cycle may be active at one time, but mailings from each must be prepared and presented separately, clearly identified, and accompanied by mailing statements that clearly relate to specific mailings.

c. Compliance with the 85% requirement (see 325.3) may be based on the entire list or cycle.

d. The documentation must contain the information described in 364.21, 364.22, 364.42, and 364.43, as applicable.

e. Complete documentation for the entire mailing list or mailing cycle must be submitted with the first mailing from that list or cycle.

f. The appropriate mailing statements must be submitted with each mailing when presented for acceptance.

g. At the time the last mailing from a list or cycle is presented to the Postal Service, any discrepancies between the mail presented to and verified by the Postal Service, the mail described in the documentation, and the mail claimed on the corresponding mailing statements (in regard to quantity, rate eligibility, or postage) must be reconciled to the satisfaction of the Postal Service, and any additional postage that may be due must be paid by the mailer.

364.6 Mailing Statements

[Text of existing 364.45.]

365 ZIP+4 PRESORT FIRST-CLASS MAIL—NATIONAL MAILINGS

365.1 General

365.11 Preparation. All pieces, whether or not they bear a ZIP + 4 code, must be presorted together within the same packages and trays (or only to trays for residual pieces) as required by 367.1 and 367.2. The mailing must be documented as required in 365.3.

365.12 Rate Eligibility. See 324.12.

365.2 Packaging and Traying Requirements

365.21 Qualifying Portion.

365.211 Definition. The qualifying portion of the mailing includes pieces prepared in packages and trays as required by 367.1 and 367.2.

365.212 Preparation. Pieces in the qualifying portion must be packaged and trayed as required in 367.1 and 367.2, except that Line 2 of tray labels must identify the contents as ZIP + 4 Presort in the following manner:

a. For other than Mixed ADC trays; FCM ZIP+4 PRESORT.

b. For Mixed ADC trays only; MIXED ADC ZIP+4 PRESORT.

365.22 Residual Portion.

365.221 Definition. The residual portion includes those pieces that cannot be sorted into a package as required by 367.1 and 367.21–367.23. Residual pieces must be presented together with but clearly separated from the qualifying portion of the mailing to facilitate verification.

365.222 Preparation. Unless documentation is not required (see 365.32), mailers must either:

a. separately tray ZIP+4 coded residual pieces qualifying for the nonpresorted ZIP+4 rate and 5-digit ZIP Coded residual pieces qualifying for single-piece First-Class rates, and, if the pieces are not of identical weight, further separated in each tray by rubber bands into groups of 100 each to facilitate verification of postage and the 85 percent requirement; or

b. sort the residual pieces in trays by 3-digit ZIP Code sequence, and provide a listing that shows, for each 3-digit ZIP Code area, the number of pieces with and without a ZIP+4 code.

365.223 Tray Labels. Trays of residual pieces must be labeled as required by 365.223a–b.

a. Trays Containing ZIP+4 Coded Pieces; Line 1: ZIP+4 PRESORT.

b. Trays Containing Only 5-digit Coded pieces; Line 1: Residual.

* * * * *

366 ZIP+4 PRESORT FIRST-CLASS MAIL—AUTOMATED SITE MAILINGS

[Delete existing 366.1 and 366.11; renumber existing 366.12 as 366.22.]

366.1 General

366.11 Optional Use. As an alternative to the preparation requirements described in 365 for national mailings, mailers may follow the requirements in 366 for mailings destinating at automated sites. ("Automated sites" refers to the 3-digit ZIP Code areas and postal facilities listed in Exhibits 122.63m–o.) Pieces for other destinations may be included in the residual portion of the mailing.

366.12 Rate Eligibility. See 324.12.

366.2 Grouping and Traying

366.21 Qualifying Portion.

366.211 Definition. The qualifying portion of the mailing includes pieces that are grouped and trayed as required by 366.212 and 366.213.

366.212 Grouping Requirements. Whenever there are 50 or more addressed pieces for one of the 3-digit ZIP Code areas listed in Exhibit 122.63m, they must be placed together in a tray labeled to that destination. Groups of pieces for the same 3-digit area may be placed in more than one tray only if the groups in each tray contain a minimum of 50 pieces for the same 3-digit destination. (This will facilitate verification by postal employees.) Mail for each 3-digit destination within a tray must be separated by visible index tabs or separator cards.

366.22 Traying Requirements.

366.221 3-Digit Tray Preparation and Labeling. [Text of existing 366.2.]

366.222 SCF Tray Preparation and Labeling. [Text of existing 366.3.]

366.223 AADC Tray Preparation and Labeling. [Text of existing 366.4.]

366.23 Residual Portion.

366.231 Definition. The residual portion includes those pieces that cannot be grouped and trayed as required by 366.21 and 366.22. Residual pieces must be presented together with but clearly separated from the qualifying portion of the mailing to facilitate verification.

366.232 Preparation. Unless documentation is not required (see 365.32), mailers must either:

a. separately tray ZIP+4 coded residual pieces qualifying for the nonpresorted ZIP+4 rate and 5-digit ZIP Coded residual pieces qualifying for single-piece First-Class rates, and, if the pieces are not of identical weight, further separated in each tray by rubber bands into groups of 100 each to facilitate verification of postage and the 85 percent requirement; or

b. sort the residual pieces in trays by 3-digit ZIP Code sequence, and provide a listing that shows, for each 3-digit ZIP Code area, the number of pieces with and without a ZIP+4 code.

366.233 Tray Labels. Trays of residual pieces must be labeled as required by 366.223a-b.

a. Trays Containing ZIP+4 Coded Pieces; Line 1: ZIP+4 PRESORT.

Trays Containing Only 5-digit Coded pieces; Line 1: Residual.

366.3 Documentation and Postage Payment

[Text of existing 366.5.]

366.4 Mailing Statements

[Text of existing 366.6.]

* * * * *

368 PREPARATION OF NONPRESORTED BULK RATE FIRST-CLASS MAIL

368.1 Nonpresorted ZIP+4 Mail

368.11 Mailings Containing Only ZIP+4 Coded Pieces.

368.111 Traying Requirements. Pieces must be faced and placed in trays. The trays must be labeled in the following manner: Line 1: ZIP+4.

368.112 Documentation Requirements. None.

368.12 Mailings Containing Both ZIP+4 and 5-Digit ZIP Coded Pieces.

368.121 General. Mailers must prepare the mailing in accordance with either 368.122 or 368.123.

368.122 Traying Requirements—Physical Separation Option. Separately tray ZIP+4 coded pieces and 5-digit ZIP Coded pieces and, if the pieces are not of identical weight, separate the pieces within each tray into groups of 100 pieces by tabs or rubber bands to facilitate verification of postage and the 85 percent requirement (see 327.2).

368.123 Traying Requirements—Documentation Option. Pieces must be placed in trays in 3-digit ZIP Code sequence and each tray must be assigned a unique number. Documentation must be submitted which shows, for each tray, the tray number and, within each tray by 3-digit ZIP Code prefix, the number of pieces with a ZIP+4 code and the number of pieces with a 5-digit ZIP Code. For the entire mailing, the documentation must also show the total number of pieces with a ZIP+4 code and the total number of pieces with a 5-digit ZIP Code.

368.2 Nonpresorted ZIP+4 Barcoded Mail

368.21 Mailings Containing Only ZIP+4 Barcoded Pieces.

368.211 Traying Requirements. Pieces must be faced and placed in trays. The trays must be labeled in the following manner: Line 1: ZIP+4 BARCODED.

368.212 Documentation. Requirements. None.

368.22 Mailings Containing Pieces With and Without ZIP+4 Barcodes

368.221 General. Mailers must prepare the mailing in accordance with either 368.222 or 368.223.

368.222 Traying Requirements—Physical Separation Option. Separately tray ZIP+4 barcoded pieces and pieces that do not bear a ZIP+4 barcode and, if the pieces are not of identical weight, separate the pieces within each tray into groups of 100 pieces by tabs or rubber bands to facilitate verification of postage and the 85 percent requirement (see 328.2).

368.223 Traying Requirements—Documentation Option. Pieces must be placed in trays in 3-digit ZIP Code sequence and each tray must be assigned a unique number. Documentation must be submitted which shows, for each tray, the tray number and, within each tray by 3-digit ZIP Code prefix, the number of pieces with a ZIP+4 barcode and the number of pieces without. For the entire mailing, the documentation must also show the total number of pieces with a ZIP+4 barcode and the total number of pieces without.

369 OPTIONAL ENDORSEMENT LINE IN ADDRESS BLOCK OR LABEL

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369.3 Examples

[Add the following to the end of this section.]

SCF Packages.

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SCF 220

Note: This package label optional endorsement line is for use only with Presorted Priority Mail. The 3-digit ZIP Code used with this optional endorsement line must be the 3-digit code shown for the SCF in Exhibit 122.63d.

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380 Payment of Postage

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382 CARRIER ROUTE FIRST-CLASS, PRESORTED FIRST-CLASS, NONPRESORTED ZIP+4, NONPRESORTED ZIP+4 BARCODED, ZIP+4 PRESORT, 5-DIGIT ZIP+4 BARCODED, AND 3-DIGIT ZIP+4 BARCODED RATES

382.1 Method of Payment

[Delete the reference to 137.274c(2).]

382.2 Exact Postage of Each Piece

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382.23 ZIP+4 Barcoded Presort Rates.

382.231 National Mailings Prepared Under 364.1. When precanceled postage or meter stamps are used, pieces in national mailings prepared in accordance with 364.1 must have postage affixed at the 5-digit ZIP+4 Barcoded rate, the ZIP+4 Presort rate, or the Presorted First-Class rate, as appropriate, on pieces in the 5-digit presort portion; and postage affixed at the 3-digit ZIP+4 Barcoded rate, the ZIP+4 Presort rate, or the Presorted First-Class rate, as appropriate, on pieces in the 3-digit presort portion; and postage affixed at the nonpresorted ZIP+4 Barcoded rate, the nonpresorted ZIP+4 rate, or the single-piece rate, as appropriate, on pieces in the residual sortation portion.

382.232 National Mailings Prepared Under Chapter 5. When precanceled postage or meter stamps are used, pieces in national mailings prepared in accordance with Chapter 5 must have postage affixed at the 5-digit ZIP+4 Barcoded, ZIP+4 Presort, or Presorted First-Class rate if in a 5-digit tray, the 3-digit ZIP+4 Barcoded, ZIP+4 Presort, or Presorted First-Class rate if in a 3-digit or SCF tray, or at the nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, or single-piece First-Class rate if in a residual tray.

382.233 Automated Site Mailings. When precanceled postage or meter stamps are used, pieces in automated site mailings prepared in packages and trays in accordance with 364.3 must have postage affixed at the 3-digit ZIP+4 Barcoded rate, the ZIP+4 Presort rate, or the Presorted First-Class rate, as appropriate, if in the qualifying portion of the mailing; and postage affixed at the nonpresorted ZIP+4 Barcoded rate, the nonpresorted ZIP+4 rate, or the single-piece rate on pieces in the residual portion of the mailing.

382.24 Nonpresorted ZIP+4 Rates. When precanceled postage or meter stamps are used, pieces in nonpresorted ZIP+4 rate mailings must have postage affixed at the nonpresorted ZIP+4 rates for qualifying pieces or at the single-piece First-Class rate for nonqualifying pieces.

382.25 Nonpresorted ZIP+4 Barcoded Rates. When precanceled postage or meter stamps are used, pieces in nonpresorted ZIP+4 barcoded rate mailings must have postage affixed at the nonpresorted ZIP+4 Barcoded rates for qualifying pieces or the single-piece First-Class rate for nonqualifying pieces.

382.3 Postage at Lowest Rate in Mailing Affixed to All Pieces in the Mailing

382.31 Identical Pieces.

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d. ZIP+4 Barcoded Presort Rate Mailings.

(1) National Mailings Prepared Under 364.1. When all pieces in a ZIP+4 Barcoded national mailing prepared in accordance with 364.1 are paid by meter stamps or precanceled postage are of

identical size and weight, the entire mailing may have postage affixed at the 5-digit ZIP+4 Barcoded rate if the documentation requirements in 364.212 are met. Additional postage in the amount documented in accordance with 364.212e for pieces subject to the 3-digit ZIP+4 Barcoded, ZIP+4 Presort, Presorted First-Class, nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, and single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

(2) National Mailings Prepared Under Chapter 5. When all pieces in a ZIP+4 Barcoded national mailing prepared in accordance with Chapter 5 are paid by meter stamps or precanceled postage are of identical size and weight, the entire mailing may have postage affixed at the 5-digit ZIP+4 Barcoded rate, provided the applicable documentation requirements in Chapter 5 are met. Additional postage in the amount documented in accordance with Chapter 5 for pieces subject other rates must be paid by means of meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

(3) Automated Site Mailings. When all pieces in an automated site ZIP+4 Barcoded mailing prepared in accordance with 364.3 are paid by meter stamps or precanceled postage and are of identical size and weight, the entire mailing may have postage affixed at the 3-digit ZIP+4 Barcoded rate if the documentation requirements in 364.43 are met. Additional postage in the amount documented in accordance with 364.433a for pieces subject to the ZIP+4 Presort, Presorted First-Class, nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, and single-piece First-Class rates, must be paid by means of a meter strip affixed to the back of the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

e. Nonpresorted ZIP+4 Mailings. When all pieces in a nonpresorted ZIP+4 mailing prepared in accordance with 327 are paid by meter stamps or precanceled postage and are of identical size and weight, the entire mailing may have postage affixed at the nonpresorted ZIP+4 rates, provided the documentation requirements in 368.12 for mailings containing 5-digit ZIP Coded pieces are met. Additional postage in the amount documented in accordance with 368.12 for pieces subject to the single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

f. Nonpresorted ZIP+4 Barcoded Mailings. When all pieces in a nonpresorted ZIP+4 Barcoded mailing prepared in accordance with 328 are paid by meter stamps or precanceled postage and are of identical size and weight, the entire mailing may have postage affixed at the nonpresorted ZIP+4 Barcoded rates, provided the documentation requirements in 368.22 for mailings containing pieces prepared without ZIP+4 Barcodes are met. Additional postage in the amount documented in accordance with 368.22 for pieces subject to the nonpresorted ZIP+4 or single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

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382.33 Nonidentical Pieces at All ZIP+4 Presort and ZIP+4 Barcoded Rates

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b. ZIP+4 Barcoded Presort Mailings

(1) National Mailings Prepared Under 364.1. ZIP+4 Barcoded mailings of nonidentical-weight pieces, prepared in accordance with 364.1, may have postage affixed to each piece at the 5-digit ZIP+4 Barcoded rate if the documentation requirements in 364.212 are met. Additional postage in the amount documented in accordance with 364.212e for pieces subject to the 3-digit ZIP+4 Barcoded, ZIP+4 Presort, Presorted First-Class, nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, and single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

(2) National Mailings Prepared Under Chapter 5. ZIP+4 Barcoded mailings of nonidentical-weight pieces, prepared in accordance with Chapter 5, may have postage affixed to each piece at the 5-digit ZIP+4 Barcoded rate if the applicable documentation requirements in Chapter 5 are met. Additional postage in the amount documented in accordance with Chapter 5 for pieces subject to other rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

(3) Automated Site Mailings. ZIP+4 barcoded mailings of nonidentical-weight pieces, prepared in accordance with the automated site requirements in 364.3, may have postage affixed to each piece at the 3-digit ZIP+4 Barcoded rate if the documentation requirements in 364.43 are met. Additional postage in the amount documented in accordance with 364.433a for pieces subject to the ZIP+4 Presort, Presorted First-Class, nonpresorted ZIP+4 Barcoded, nonpresorted ZIP+4, and single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

c. Nonpresorted ZIP+4 Mailings. Nonpresorted ZIP+4 mailings of nonidentical-weight pieces, prepared in accordance with 327, may have postage affixed to each piece at the nonpresorted ZIP+4 if the documentation requirements in 368.12 for mailings containing pieces prepared with 5-digit Zip Codes are met. Additional postage in the amount documented in accordance with 368.12 for pieces subject to the single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

d. Nonpresorted ZIP+4 Barcoded Mailings. Nonpresorted ZIP+4 barcoded mailings of nonidentical-weight pieces, prepared in accordance with 328, may have postage affixed to each piece at the nonpresorted ZIP+4 Barcoded rate if the documentation requirements in 368.22 for mailings containing pieces prepared without ZIP+4 Barcoded are met. Additional postage in the amount documented in accordance with 368.22 for pieces subject to the single-piece First-Class rates must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

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383 PRIORITY MAIL RATES

383.1 Single-Piece Rates

383.11 Method of Payment. Single-piece rate Priority Mail postage may be paid by adhesive stamps (see 142 or 143), meter stamps (see 144), or permit imprint (see 145). If permit imprint is used, the pieces must be of identical weight and, unless all the pieces are in a weight category for which the rates do not vary by zone, the pieces must be separated by zone when presented to the post office. Exceptions to the identical-weight requirement are in 145.7 through 145.9, and 137.274c(2).

383.12 Mailing Statement. A mailing statement is required only if postage is paid by permit imprint.

383.2 Presorted Priority Mail

383.21 Methods of Payment. Presorted Priority Mail must be paid by means of meter postage (see 144) or permit imprint (see 145).

383.22 Identical-Weight Mailings. Mailings consisting of identical-weight pieces may be paid by any of the methods listed in 383.21.

383.221 Metered Mailings. Within metered mailings, postage may be:

a. affixed in the exact amount on each piece, or

b. affixed to all the pieces in the mailing, both qualifying and residual, at the Presorted Priority Mail rates. If this is done, residual pieces must be separated from the qualifying pieces when the mailing is presented to the post office. The additional postage for the residual pieces must be paid by means of a meter strip affixed to the mailing statement that is required to accompany the mailing, or through an advance deposit account as provided for in Handbook F–1, *Post Office Accounting Procedures*, 524.

383.222 Permit Imprint Mailings. Within permit imprint mailings of identical-weight pieces, the qualifying pieces must be separated from the residual pieces when the mailing is presented to the post office. Unless the pieces are in a weight category for which postage does not vary by zone, the sacks in the qualifying and residual portions must be further separated by zone.

383.23 Nonidentical Weight Mailings.

383.231 Postage Affixed Mailings. Each piece in a nonidentical weight mailing must have the exact postage affixed at the rate for which it qualifies.

383.232 Permit Imprint Mailings. Nonidentical-weight pieces may be paid by permit imprint only if authorized under 145.7, 145.8, or 145.9.

383.24 Mailing Statement. Mailers at the Priority Mail Presort rates must submit the appropriate mailing statement with each mailing, signed by the mailer or an authorized agent.

5. In chapter 4 of the Domestic Mail Manual, make the following revisions:

CHAPTER 4—SECOND-CLASS MAIL

410 Rates and Fees

411 RATES

411.1 Characteristics Common to All Rates

411.11 Rate Elements.

411.111 General. Postage for all second-class mail includes a pound-rate charge, a piece-rate charge and any reductions for which the mail may qualify. Each piece also must meet the specific eligibility and preparation requirements that apply to the presort level, rate, or discount claimed.

411.112 Pound Rates. Pound rates are applied to the weight of the mailpieces as described in 411.131. Outside-the-county pound rates are based on the postal zone for the address on the piece as computed from the office of entry (see 122.7, 411.123, and 411.124). In-county pound rates consist of a delivery office zone rate and a uniform (unzoned) rate for all other eligible mailpieces delivered within the county of publication (see 411.32).

411.113 Piece Rates. Piece rates are applied to each addressed piece based on the sortation performed by the publisher (see 440). An "addressed piece" can be a single individually addressed copy of a publication, a package of more than one unaddressed copy, or a firm package prepared in accordance with 441.21 that contains unaddressed or individually addressed copies for the same address.

411.114 Reductions. Subject to the corresponding conditions and requirements, reductions (discounts) may be taken from the per-pound and/or per-piece charges as provided by 411.2 and 411.3.

411.12 Eligibility.

411.121 Outside-the-County. Outside-the-county rates apply to pieces that do not qualify for any of the preferred rates in 411.3.

411.122 In-County. In-county rates apply to pieces that meet the requirements in 411.321 through 411.324.

411.123 SCF Zone. The SCF zone rate applies only to copies that are not eligible for in-county rates, and that are for delivery at an address in the same sectional center facility (SCF) service area as the post office of entry. See Exhibits 122.63c and 122.63d for a listing of the 3-digit ZIP Code prefixes assigned to each SCF.

411.124 Delivery Office Zone. The delivery office zone rate applies only to copies deposited at the facility (post office, station, branch, etc.) where carrier casing is performed for the carrier route serving the address on the mailpiece. Copies claimed at the delivery office zone rate must be eligible for and claimed at either the level CR/IR/KR (carrier route) or CS/IS/KS (saturation) rate. See 424.4, 424.7, and 444 for additional requirements.

411.125 ZIP+4 Rates. ZIP+4 rates include a discount applied to each addressed piece prepared in accordance with 424.5 and the applicable level A/G, B3/H3/J3, and B5/H5/J5 sortation requirements in 440. A ZIP+4 rate is not available for level CR/IR/KR (carrier route) or CS/IS/KS (saturation) pieces.

411.126 ZIP+4 Barcoded Rates. The ZIP+4 Barcoded rates include a discount applied to each addressed piece prepared in accordance with 424.6 and the applicable level A/G, B3/H3/J3, and B5/H5/J5 sortation requirements in 440. A ZIP+ 4 Barcoded rate (discount) is not available for level CR/IR/KR (carrier route) or CS/IS/KS (saturation) pieces.

411.127 Saturation Rates. The saturation rates include a discount applied to each eligible walk-sequenced addressed piece in a level CS, IS, or KS (carrier route) mailing meeting the volume and preparation requirements in 424.7 and 440.

411.13 Computation of Postage.

411.131 Pound Rates.

a. Outside-the-County. To determine the pound-rate charges for outside-the-county copies, multiply the number of copies to each zone by the per-copy weight, round off the total weight to the nearest whole pound (if necessary), and multiply it by the corresponding rate. EXCEPTION: If the product is more than 0 but less than .5 pound, round to 1 pound.

b. In-County. To determine the pound-rate charge for in-county copies, multiply the number of copies by the per-copy weight, round off the total weight to the nearest whole pound (if necessary), and multiply it by the corresponding rate. EXCEPTION: If the product is more than 0 but less than .5 pound, round to 1 pound.

411.132 Piece Rates.

a. Outside-the-County. To determine the piece-rate postage for outside-the-county copies, multiply the number of addressed pieces (not copies) by the appropriate rate, based on the presort of the piece as mailed (see 440).

b. In-County. To determine the piece-rate postage for in-county copies, multiply the number of addressed pieces

(not copies) by the appropriate rate, based on the presort of the piece as mailed (see 440).

411.133 Nonadvertising Adjustments. To determine the nonadvertising adjustments:

a. Subtract the advertising percentage (see 463.22) from 100.

b. Convert the answer from a percentage to a decimal by dividing the percentage figure by 100 (i.e., move the decimal two places to the left).

c. Apply the result of b (nonadvertising factor) to the pound rate portion as follows:

(1) Multiply the nonadvertising factor by the total weight of the mailed copies claimed at the zone rates; if necessary, round off any fractions of a pound in the product to the nearest whole pound.

(2) Multiply the "nonadvertising pounds" (from above) by the applicable nonadvertising adjustment per pound (see 411.2 and 411.3).

(3) Enter the product on the appropriate line of the mailing statement.

d. Apply the result of b (nonadvertising factor) to the piece rate portion as follows:

(1) Multiply the nonadvertising factor by the number of addressed pieces.

(2) If necessary, round off the number of pieces to a whole number.

(3) Multiply the "nonadvertising pieces" by the applicable nonadvertising adjustment per piece (see 411.2 and 411.3).

411.134 Total Postage per Mailing. The total postage per mailing is determined by adding all pound and piece charges, subtracting any discounts, and rounding off the total to the nearest whole cent (if necessary).

411.14 Presort Levels.

411.141 General. Presort levels in second-class rates are identified by one- or two-letter designations, as explained below. Although different letters are used for regular and special rates, the corresponding presort levels have similar preparation and eligibility requirements. Not all presort levels may be claimed in combination with other automation or destination entry discounts.

411.142 Carrier Route Sortation (Level C Rates).

a. Level CR, IR, or KR rates apply to pieces in carrier route packages of 6 or more addressed pieces each that are correctly sorted to carrier route or carrier routes sacks (see 444).

b. Level CS, IS, or KS rates apply to pieces eligible for the level CR, IR, or KR rates that have been further prepared in carrier delivery walk sequence and in the density necessary to meet the requirements in 424.7.

411.143 3- and 5-Digit Sortation (Level B Rates).

a. Level B or H rates apply to pieces in 5-digit, optional city, and unique 3-digit packages of 6 or more addressed pieces each that are correctly sorted to 5-digit, optional city, or unique 3-digit sacks (see 443).

b. Level B5 or H5 rates apply to those pieces eligible for the level B and H rates that are both in 5-digit packages of 6 or more addressed pieces each and correctly sorted to 5-digit, optional city, or unique 3-digit sacks.

c. Level B3 or H3 rates apply to those pieces eligible for the level B or H rates that are both in optional city or unique 3-digit packages of 6 or more addressed pieces each and correctly sorted to optional city or unique 3-digit sacks.

411.144 Basic Sortation (Level A Rates). The level A and G rates apply to pieces not eligible for or claimed at the rates described in 411.142 and 411.143.

411.145 In-County Level J Rates.

a. The level J rates apply to all pieces eligible for the in-county rates that are not also eligible for the level KR or KS rates.

b. The level J5 rates apply to those pieces eligible for the level J rates that are both in 5-digit packages of 6 or more addressed pieces each and correctly sorted to 5-digit, optional city, or unique 3-digit sacks.

c. The level J3 rates apply to those pieces eligible for the level J rates that are both in optional city or unique 3-digit packages of 6 or more addressed pieces each and correctly sorted to optional city or unique 3-digit sacks.

d. The level J1 rates apply to those pieces eligible for the level J rates but not eligible for or claimed at the level J3 or J5 rates.

411.2 Regular Rates

411.21 Eligibility. All copies of authorized second-class publications mailed by publishers or news agents are subject to the regular rates in 411.22 through 411.24, except for qualified copies of publications that have been authorized for one of the preferred rates in 411.3, and nonrequester and nonsubscriber copies as required by 411.422. Mailings must also meet the specific requirements that apply to the rates or discounts claimed.

411.22 Pound Rates. Rates per pound or fraction:

Zone	Rate
Delivery Office	$0.145
SCF	0.165
1 & 2	0.201
3	0.209
4	0.230
5	0.261
6	0.295
7	0.335
8	0.369

411.23 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, 411.12, and 440. Rates per addressed piece are:

Level	Rate	Rate (ZIP + 4)	Rate (ZIP + 4 Barcoded)
A	$0.201	$0.187	$0.177
B3	0.155	0.148	0.140
B5	0.155	0.148	0.133
CR	0.119	0.119	0.119
CS	0.099	0.099	0.099

411.24 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-the-county pound- and piece-rate charges and is computed as shown in 411.133. For regular rate publications, the nonadvertising adjustments are $0.05 per piece and $0.075 per pound.

411.3 Preferred Rates

411.31 General. Requester publications are not eligible for the preferred rates. Copies of other authorized second-class publications mailed by publishers or news agents at any of the preferred rates (in-county, special nonprofit, classroom, and science of agriculture) must met the corresponding eligibility requirements in 411.12, and 411.32 through 411.35. Nonsubscriber copies of second-class publications mailed at preferred rates are also subject to the limitations in 411.322, 411.413, and 411.414. Mailings must also meet the specific requirements that apply to the presort levels or other rates or discounts claimed.

411.32 In-County Rates.

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411.325 Pound Rates. Rates per pound or fraction:

Zone	Rate
Delivery Office	$0.104
All Others	0.124

411.326 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, 441.12, and 440. Rates per addressed piece are:

Level	Rate	Rate (ZIP + 4)	Rate (ZIP +4 Barcoded)
J1	$0.077	$0.077	$0.077
J3	0.077	0.070	0.062
J5	0.077	0.070	0.055
KR	0.039	0.039	0.039
KS	0.019	0.019	0.019

411.33 Special Nonprofit Rates.

411.331 Eligibility. Only second-class publications specifically authorized under 424.1 may be mailed at the special nonprofit rates, subject to the restrictions in 411.413, 411.414, and 411.42. Mailings must also meet the specific requirements that apply to the presort levels or other rates or discounts claimed.

411.332 Pound Rates. Rates per pound or fraction:

Zone	Rate
Delivery Office	$0.071
SCF	0.091
1 & 2	0.126
3	0.133
4	0.152
5	0.180
6	0.209
7	0.245
8	0.275

411.333 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, 411.12, and 440. Rates per addressed piece are:

Level	Rate	Rate (ZIP + 4)	Rate (ZIP + 4 Barcoded)
G	$0.168	$0.154	$0.144
H3	0.122	0.115	0.107
H5	0.122	0.115	0.100
IR	0.093	0.093	0.093
IS	0.073	0.073	0.073

411.334 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-the-county pound- and piece-rate charges and is computed as shown in 411.133. For special nonprofit rate publications, the nonadvertising adjustments are $0.035 per piece and $0.05 per pound.

411.335 Publications With 10% or Less Advertising. Publications with an advertising percentage that is 10% or less are considered 100% nonadvertising and may use "0" as the "advertising percentage" when computing the nonadvertising adjustment.

411.34 Classroom Rates.

411.341 Eligibility. Only second-class publications specifically authorized under 424.2 may be mailed at the classroom rates, subject to the restrictions in 411.413, 411.414, and 411.42. Mailings must also meet the specific requirements that apply to the presort levels or other rates or discounts claimed.

411.342 Pound Rates. Rates per pound or fraction:

Zone	Rate
Delivery Office	$0.071
SCF	0.091
1 & 2	0.126
3	0.133
4	0.152
5	0.180
6	0.209
7	0.245
8	0.275

411.343 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, 411.12, and 440. Rates per addressed piece are:

Level	Rate	Rate (ZIP + 4)	Rate (ZIP + 4 Barcoded)
G	$0.168	$0.154	$0.144
H3	0.122	0.115	0.107
H5	0.122	0.115	0.100
IR	0.093	0.093	0.093
IS	0.073	0.073	0.073

411.344 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-the-county pound- and piece-rate charges and is computed as shown in 411.133. For special nonprofit rate publications, the nonadvertising adjustments are $0.035 per piece and $0.05 per pound.

411.35 Science of Agriculture Rates.

411.351 Eligibility. Science of agriculture rates apply to outside-the-county copies of authorized second-class publications mailed by publishers or news agents when the total number of copies furnished during any 12-month period to subscribers residing in rural areas is at least 70 percent of the total number of copies distributed by any means for any purpose. Use of the science of agriculture rates is subject to the restrictions in 411.413, 411.414, and 411.422. Mailings must also meet the specific requirements that apply to the presort levels or other rates or discounts claimed.

411.352 Pound Rates. Rates per pound or fraction:

Zone	Rate
Delivery Office	$0.071
SCF	0.091
1 & 2	0.126
3	0.209
4	0.230
5	0.261
6	0.295
7	0.335
8	0.369

411.353 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, 411.12, and 440. Rates per addressed piece are:

Level	Rate	Rate (ZIP + 4)	Rate (ZIP + 4 Barcoded)
A	$0.201	$0.187	$0.177
B3	0.155	0.148	0.140
B5	0.155	0.148	0.133
CR	0.119	0.119	0.119
CS	0.099	0.099	0.099

411.354 Nonadvertising Adjustment. The nonadvertising adjustment applies to outside-the-county pound- and piece-rate charges and is computed as shown in 411.133. For science of agriculture rate publications, the nonadvertising adjustments are $0.05 per piece and $0.075 per pound. [Delete 411.355 and 411.36.]

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412 FEES

412.1 Application Fees

412.11 General.

412.111 No Fee Applications. A fee is not charged for applications for reentry that only request authorization to use the preferred rates. The fee must be paid if the application includes any other request.

412.112 Refund of Fees. After an application has been filed with the Postal Service, no part of an accompanying fee is returned to the applicant, except as provided by 147.221b.

412.12 Original Entry. A fee of $275 must accompany an application for second-class mail privileges (original entry) (Form 3501, 3501A, 3502, or 3511).

412.13 News Agent Registry. A fee of $45 must accompany an application for news agent registry (Form 3501A).

412.14 Additional Entry. A fee of $75 must accompany an application for additional entry (Form 3510). One fee is chargeable for single complete application that requests establishment of more than one additional entry, and/or that modifies or cancels existing additional entries, if the effective dates for the requested actions span not more than 30 calendar days (see 426.142).

412.15 Reentry. A fee of $45 must accompany an application for reentry (Form 3510) to request a:

a. Change in title, frequency of issuance, or office of original entry (known office of publication) (see 427.1).

b. Change in qualification category (see 427.2).

c. Change in authorized rates from preferred to regular (see 427.2). (No fee is charged if reentry is only to change authorized rates from regular to preferred.)

d. Modification or cancellation of an additional entry (see 412.14, 426.46 and 426.47).

412.2 Address Correction Fee

A fee of $0.30 is charged for each address correction notice issued.

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420 Classification

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423 REQUIREMENTS FOR SPECIFIC CATEGORIES

423.1 General Publications

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423.12 Circulation Requirements.

423.121 List of Subscribers. [Replace the third sentence, as follows:] Persons whose subscriptions are obtained at a nominal rate (see 423.124) and persons whose copies bear an alternative form of address (see 122.414, 122.422, and 122.433d) must not be included as a part of the legitimate list of subscribers.

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423.14 How to Apply for Second-Class Privileges.

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423.142 Application Fee. The fee prescribed by 412.12 must accompany an application for second-class mail privileges (original entry).

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423.2 Publications of Eligible Institutions and Societies

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423.22 How to Apply for Second-Class Privileges.

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423.222 Application Fee. The fee prescribed by 412.12 must accompany an application for second-class mail privileges (original entry).

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423.3 Publications of State Departments of Agriculture

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423.32 How to Apply for Second-Class Privileges.

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423.322 Application Fee. The fee prescribed by 412.12 must accompany an application for second-class mail privileges (original entry).

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423.4 Requester Publications

423.41 Eligibility. [Change the reference from 411.21 to 411.2.]

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423.42 Circulation Requirements.

423.421 List of Requesters. [Replace the last sentence, as follows:] Persons will not be deemed to have requested the publication if the copies of the publication sent to those persons bear an alternative form of address (see 122.414, 122.422, and 122.433d).

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423.43 How to Apply for Second-Class Privileges.

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423.432 Application Fee. The fee prescribed by 412.12 must accompany an application for second-class mail privileges (original entry).

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423.5 Foreign Publications

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423.52 How to Apply for Second-Class Privileges.

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423.522 Application Fee. The fee prescribed by 412.12 must accompany an application for second-class mail privileges (original entry).

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423.6 News Agent Registry

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423.62 How to Apply for News Agent Registry.

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423.622 Application Fee. The fee prescribed by 412.13 must accompany an application for news agent registry.

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424 ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SPECIFIC RATES

[Retitle 424 as shown above; existing text in 424.1, 424.2, and 424.3 is unchanged.]

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424.4 Delivery Office Zone Rate

424.41 Eligibility.

424.411 General. The delivery office zone rate applies only to copies that are available for entry at the facility (post office, station, branch, etc.) where the carrier cases mail for the carrier route serving the address on the mailpiece. (For purposes of this section, city carrier routes, rural routes, highway contract routes, and general delivery and post office box sections will be referred to collectively as "carrier routes.")

424.412 Preparation. Copies claimed at the delivery office zone rate must be eligible for and claimed at either the level CR/IR/KR (carrier route) or CS/IS/KS (saturation) rate (see 424-7 and 444 for additional requirements, as applicable). In either case, to be eligible for the delivery office zone rate, the copy must be part of a properly prepared and labeled carrier route package placed in a sack for the corresponding carrier route (see 444 for additional requirements). Copies that are in other than carrier route packages, or in carrier route packages that are not placed in corresponding carrier route sacks, are not be eligible for the delivery office zone rate. These copies must be presented in a separate mailing as provided by 424.45.

424.413 Volume.

a. Minimum Volume. Except for requirements for the carrier route or saturation rate that applies to the mail, there is no additional volume requirement for a mailing claimed at the delivery office zone rate. Regardless of volume, the number of copies in a delivery office zone mailing must represent more than half of the total number of copies of that publication presented to a delivery facility within any 24-hour period. When a single mailer presents delivery office zone rate mailings of more than one publication, the total number of delivery office zone rate copies in those mailings must represent more than half the mail (by number of copies or by weight, whichever is greater) presented by the same mailer within any 24-hour period. The mailer is the party presenting the material to the Postal Service (or for whom a transportation company has presented the material to the Postal Service).

b. Maximum Volume. The same mailer may not present for acceptance more than 4 delivery office zone rate mailings at the same destination postal facility (or another acting as its agent) in any 24-hour period. The destination or agent facility postmaster or BMC manager may waive this maximum if local conditions permit. There is no maximum for acceptance at the origin DMU, or for deposit of plant-verified drop shipments.

424.42 Authorized Entry. Publications must have an authorized additional entry at each post office where mail is deposited at the delivery office zone rate. For post offices with stations or branches, establishment of an entry at the main post office allows deposit of mail at any station or branch of that post office.

424.43 Distribution Plan. Entry of publications at the delivery office zone rate must be in accordance with the distribution plan associated with the authorized post office of entry. Post offices will not accept copies not authorized entry at that post office as described in the approved distribution plan. See 426 for more information about additional entry.

424.44 Mailing. Publishers must deposit copies claimed at the delivery office zone rate at locations and times specified by the entry office postmaster. Copies are ineligible for the delivery office zone rate if not deposited by the mailer at the destination delivery office (see 424.411), regardless of circumstance.

424.45 Copies for Other Destinations or at Other Rates

424.451 General. A mailing which contains copies claimed at the delivery office zone rate may include other copies claimed at other zone rates subject to the limitations in 424.413.

424.452 Authorization. The copies presented at a delivery office by the publisher must be as specified in the authorized distribution plan for that entry post office (see 426.41).

424.453 Separation. When presented to the Postal Service, the sacks containing the delivery office zone rate copies must be separated from others in the same mailing or in other mailings. Any effective method of separation may be used.

424.46 CPP Publications. Publications authorized to use Centralized Postage Payment (CPP) procedures must also meet the requirements of 464 and the terms of their CPP authorization.

424.47 Documentation. Publishers who prepare mailings claimed at the delivery office zone rate must be prepared to substantiate compliance with the requirements in 424.41. If the carrier route (level CR/IR/KR) is claimed, the publisher must indicate the number of copies and the number of addressed pieces for each carrier route. This may be accomplished as provided by 424.84 or by submission of separate documentation. If the saturation rate (level CS/IS/KS) is claimed, the publisher must provide the documentation required by 424.77.

424.5 ZIP + 4 Rates

424.51 General. The ZIP + 4 rates, available only for letter-size second-class publications, include a discount applied to each addressed piece perpared in accordance with 424.52 through 424.54 and the applicable level A or B sortation requirements in 440. A ZIP + 4 rate (discount) is not available for level CR/IR/KR (carrier route) or CS/IS/KS (saturation) pieces.

424.52 Automation Compatibility Requirements. Each piece for which a ZIP + 4 rate is claimed must be prepared as required by 324.2, 324.3, and 324.5 through 324.7.

424.53 Minimum Quantity.

424.531 Per Mailing. Although there is no specific minimum number of pieces required for a ZIP + 4 rate second-class mailing, no less than 85% of the number of addressed pieces in such a mailing must be eligible for and claimed at a ZIP + 4 rate. Each remaining pieces must bear the correct 5-digit ZIP Code for the delivery address on the piece and must meet the applicable requirements in 324.2, 324.3, and 324.5 through 324.7.

424.532 Per Package, Sack, and Tray. Each package must contain a minimum of 6 addressed pieces. Each package must be placed in either a sack containing at least 4 packages or in a tray that is at least ¾ full when the contents are reasonably compressed.

424.54 Preparation.

424.541 Presort. All pieces in a ZIP + 4 rate mailing must be presorted together as required by 441 or 443 for the presort level claimed.

424.542 Packaging, Sacking, and Traying. ZIP + 4 rate rate mailings must be packaged, sacked, and trayed as required by 447.

424.543 Rate Eligibility.

a. General Rule. Subject to the requirements of 424.532, pieces presorted under 441 are eligible for the level A/G/J1 or level A/G/J1 ZIP + 4 rate, as applicable; those presorted under 443 are eligible for the level B/H/J3/J5 or level B/H/J3/J5 ZIP + 4 rate, as applicable.

b. Optional Sortation to Automated Sites. Subject to the requirements of 424.532, publishers may prepare mailings at the level B3/H3/J3 ZIP + 4 rate without making 5-digit packages or sacks when all pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m, and pieces destinating in other ZIP Code areas are prepared as a separate mailing. Pieces prepared under this optional sortation must be presorted in unique 3-digit, SCF, AADC and Mixed AADC packages which are correctly sorted in unique 3-digit, SCF, AADC, and Mixed AADC sacks or trays to the destinations listed in Exhibits 122.63m-o. Mixed AADC packages and trays may have fewer pieces or packages than prescribed in 424.532. Pieces in AADC and Mixed AADC packages, sacks, and trays are not eligible for the level B3/H3/J3 rates and must be claimed at the level A/H/J rates.

424.6 ZIP+4 Barcoded Rates

424.61 General. The ZIP + 4 Barcoded rates, available only for letter-size second-class publications, include a discount applied to each addressed piece prepared in accordance with 424.62 through 424.69 and the applicable level A/G/J or B/H sortation requirements in 440. A ZIP + 4 Barcoded rate (discount) is not available for level CR/IR/KR (carrier route) or CS/IS/KS (saturation) pieces.

424.62 Automation Compatibility Requirements. Each piece for which a ZIP + 4 Barcoded rate is claimed must meet the physical requirements in 324.3 and 324.5 and must bear a ZIP + 4 barcode prepared as required in 324.72–324.77 and 325.51.

424.63 Minimum Quantity.

[The Postal Service intends to propose a revision to section 424.63, which currently requires that at least 85% of the pieces in a ZIP + 4 Bardcoded rate mailing bear a correctly prepared ZIP + 4 barcode. By that revision, the 85% figure would be increased to 100%, effective September 15, 1990.]

424.631 Per Mailing. Although there is no specific minimum number of pieces required for a ZIP + 4 Barcoded rate second-class mailing, no less than 85% of the number of addressed pieces in such a mailing must be eligible for and claimed at a ZIP + 4 Barcoded rate. Each remaining piece must bear the correct ZIP + 4 code or 5-digit ZIP Code for the delivery address on the piece, and must meet the applicable requirements in 324.3–324.7.

424.632 Per Package, Sack, and Tray. Each package must contain a minimum of 6 addressed pieces. Each package must be placed in either a sack containing at least 4 packages or a tray that is at least ¾ full when the contents are reasonably compressed.

424.64 Preparation.

424.641 Presort. All pieces in a ZIP + 4 Barcoded rate mailing must be presorted together as required by 441 or 443 for the presort level claimed.

424.642 Packaging, Sacking, and Traying. ZIP + 4 Barcoded rate mailings must be packaged, sacked, and trayed as required by 447.

424.643 Rate Eligibility.

a. Level A/G/J1/J3. Subject to the requirements of 424.632, pieces presorted under 441 are eligible for either the level A/G/J1/J3 or level A/G/J1/J3 ZIP + 4 Barcoded rate, as applicable.

b. Level B/H/J5. Subject to the requirements of 424.632, pieces presorted under 443 are eligible for either

(1) The level B3/H3/J3 or level B3/H3/J3 ZIP+4 Barcoded rate, as applicable, if in an optional city or unique 3-digit package that is correctly sorted to an optional city or unique 3-digit sack; or

(2) The level B5/H5/J5 or level B5/H5/J5 ZIP+4 Barcoded rate, as applicable, if in a 5-digit package that is correctly sorted to a 5-digit, optional city, or unique 3-digit sack.

c. Optional Sortation to Automated Sites. Subject to the requirements of 424.632 and 447, publishers may prepare mailings at the level B3/H3/J3 ZIP+4 Barcoded rate without making 5-digit packages or sacks when all pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m, and pieces destinating in other ZIP Code areas are prepared as a separate mailing. Pieces prepared under this optional sortation must be presorted in unique 3-digit, SCF, AADC and Mixed AADC packages which are correctly sorted in unique 3-digit, SCF, AADC, and Mixed AADC sacks or trays to the destinations listed in Exhibits 122.63m–o. Mixed AADC packages and trays may have fewer pieces or packages than prescribed in 424.632. Pieces in AADC and Mixed AADC packages, sacks, and trays are not eligible for the level B3/H3/J3 rates and must be claimed at the level A/H/J rates.

424.7 Saturation Rate

424.71 General.

424.711 Eligibility. The saturation rate includes a discount applied to each eligible walk-sequenced addressed mailpiece in a carrier route (level CS/IS/KS) mailing prepared as required by 424.71-424.78 and 440. See 444 for additional requirements. For purposes of this section, city carrier routes, rural routes, highway contract routes, and general delivery and post office box sections will be referred to collectively as "carrier routes" unless specifically stated. Pieces prepared using simplified address must meet the requirements in 122.41.

424.712 Authorized Entry. Publications must have an authorized additional entry at each post office where mail is deposited at the saturation rate. For post offices with stations or branches, establishment of an entry of the main post office allows deposit of mail at any station or branch of that post office.

424.713 Distribution Plan. Entry of publications at the saturation rate must be in accordance with the distribution plan associated with the authorized post office of entry. Post offices must not accept copies not authorized entry at that post office as described in an approved distribution plan. See 426 for more information about additional entry.

424.714 Mailing. Publishers must deposit copies claimed at the saturation rate at locations and times specified by the entry office postmaster.

424.715 Copies for Other Destinations or at Other Rates.

a. General. A mailing which includes copies claimed at the saturation rate may include other copies claimed at other presort rates.

b. Separation. At the time when presented to the Postal Service, the sacks containing the saturation rate copies must be separated from other sacks in the same mailing or other mailings. Any effective method of separation may be used.

c. Other Rates. In addition to those copies prepared in walk sequence as required for the saturation rate (see 424.75), publishers are encouraged to prepare all other copies in the mailing in walk sequence.

424.716 CPP Publications. Publications authorized to use Centralized Postage Payment (CPP) procedures must also meet the requirements of 464 and the terms of their authorization for CPP.

424.72 Preparation. Mailpieces claimed at the saturation rate must be prepared as carrier route mailings, i.e., an addressed piece must be part of a properly prepared and labeled carrier route package placed in a sack for the corresponding carrier route (see 444 for additional requirements). Pieces that are in other than carrier route packages, or in carrier route packages that are not placed in corresponding carrier route sacks, are not be eligible for the saturation rate. These pieces may be included in the mailing only as provided by 424.75. Pieces prepared using simplified address must meet the requirements in 122.41.

424.73 Addressing.

424.731 Saturation Rate. Saturation rate mail must be addressed as follows:

a. Each piece addressed for delivery on a city carrier route must bear a complete delivery address or an alternative form of address as provided by 122.42 or 122.43.

b. Each piece addressed for deliver through a general delivery or post office box unit must bear a complete delivery address or an alternative form of address as provided by 122.4.

c. Each piece addressed for delivery on a rural or highway contract route must bear a simplified address (see 122.41).

424.732 Subscriber/Requester Copies. Copies bearing an alternative form of address (see 122.41) do not count as subscriber or requester copies (see 423.121 and 423.421).

424.74 Density.

424.741 Per 5-Digit ZIP Code. Once the minimum volume per carrier route has been met, there is no further minimum volume for the 5-digit ZIP Code delivery area. Saturation rate mail need not be sent to all carrier routes within a 5-digit delivery area.

424.742 Per Carrier Route.

a. Pieces eligible for and claimed at the saturation rate must be addressed to either 90% or more of the residential addresses or 75% or more of the total number of addresses, whichever is less, on each city carrier route receiving saturation mail, and in each general delivery unit or post office box section receiving saturation rate mail not addressed in the simplified format.

b. Pieces eligible for and claimed at the saturation rate must be addressed to 75% or more of the total number of addresses on each rural or highway contract route receiving saturation mail, and in each general delivery unit or post office box section receiving saturation rate mail addressed in the simplified format.

424.743 Multiple Copies or Pieces per Address. Regardless of the number of copies, only one addressed piece per delivery address may be counted toward the required density prescribed in 424.742.

424.75 Walk-Sequencing.

424.751 General. The pieces in a saturation rate mailing must be organized in the sequence in which they will be delivered as determined by the Postal Service. Pieces prepared with a simplified address must meet the requirements in 122.413.

424.752 Packages. Walk-sequenced letter-size pieces must be prepared in packages that are not more than 4 inches thick and secured by plastic or elastic bands. Walk-sequenced flats must be prepared in packages of not more than 50 pieces, 10 pounds, or 8 inches thick, whichever is less, secured by plastic or elastic bands or by shrink-wrap.

424.753 Labeling. Each package of walk-sequenced pieces must bear a facing slip that covers the front of the top piece in the package. That facing slip must contain the phrases "WALK-SEQUENCED MAIL;" "PACKAGE n OF nn" (where "n" is the sequential number of the package out of "nn," the total number of packages for the carrier route); "CARRIER ROUTE" (or "RURAL ROUTE," "HIGHWAY CONTRACT ROUTE," "POST OFFICE BOX SECTION," or "GENERAL DELIVERY SECTION," as appropriate), followed by

the appropriate number; and the name and ZIP Code of the delivery post office. The ZIP Code may be that of the delivery unit (station or branch) where applicable. The facing slip must present the required information in approximately the following format:

WALK-SEQUENCED MAIL
PACKAGE 5 OF 10
CARRIER ROUTE 17
CENTREVILLE VA 22020

424.76 Accuracy.

424.761 Error Rate. For each carrier route receiving mail at the saturation rate, no more than 5 percent of the total pieces for the route may be found out-of-sequence or sorted to the wrong carrier route. (The total number of pieces for the route is shown on the documentation required by 424.78.)

424.762 Errors not Counted. An error will not be counted when pieces are not in sequence or not sorted to the correct carrier route because of Postal Service scheme changes not yet incorporated in the scheme the mailer is required to use in preparation of the mailing (see 424.77 and 424.78).

424.763 Pieces in Error. When a number of pieces is found that represents 5 percent or more of the total pieces for the route, the remaining pieces in the mailing for that route will be held and no further attempt made to distribute or deliver them. The delivery unit will notify the mailer or representative accordingly if the mailing was accompanied by the name and telephone number of the mailer or a local representative for the mailer. The mailer or representative may inform the delivery unit that it is abandoning the mailing, or, within 24 hours, either call for the mailing to correct the walk sequence errors or pay additional postage (the difference between the saturation and carrier route presort rates) for all the pieces in the mailing for that route.

424.764 Refunds. No refund of postage will be available for postage paid for abandoned mailings.

424.77 Delivery Sequence Information.

424.771 General. Mailings entered at the saturation rate may be based on delivery sequence information provided by the Postal Service using the methods in 424.772 or 424.773.

424.772 CDS File. The Computerized Delivery Sequence (CDS) file is updated quarterly. Saturation rate mailings presented for acceptance 45 days or more after the release of a quarterly CDS file update must incorporate the changes contained in that update. Mailings based on out-of-date information must not be accepted at the saturation rate.

424.773 Address Sequencing Service. Mailings entered at the saturation rate may be based on delivery sequence information provided by the Postal Service's address sequencing services (see 946). These services can be used to provide updated information as requested by the customer. Mailers who use address sequencing service must base saturation rate mailings on address sequence information that was updated not more than 45 days prior to the date of mailing. Mailings based on older information must not be accepted at the saturation rate.

424.78 Documentation.

424.781 General. Mailers who prepare mailings claimed at the saturation rate must be prepared to substantiate compliance with the requirements in 424.7.

424.782 Density.

a. Unless simplified address is used, for each carrier route to which saturation rate mail is addressed, the mailer must provide documentation to indicate the total number of addressed pieces, the total number of possible residential deliveries, the number and percentage to which mailpieces in the mailing are addressed, the total number of possible delivery stops, and the number and percentage to which mailpieces in the mailing are addressed.

b. If simplified address is used, for each carrier route to which saturation rate mail is addressed, the mailer must provide documentation to indicate the total number of addressed pieces, the total number of possible delivery stops, and the number and percentage to which mailpieces in the mailing are addressed.

424.783 Accuracy.

a. For each carrier route receiving saturation rate mail, the mailer who uses CDS must annotate the mailing statement to show the issue date of the Postal Service walk-sequence scheme (CDS) used in preparation of the mail (see 424.77).

b. For each carrier route receiving saturation rate mail, the mailer who used address sequencing service must annotate the mailing statement to show the date of the last update for the address sequence information used in preparation of the mail (see 424.77). The mailer must provide evidence of this date by copy of the *Delivery Unit Summary* that served as the mailer's bill for the address sequencing service charges (see 946.71).

424.784 Documentation Required to Accompany the Mail. In addition to the facing slip required by 424.753, the first package of mail for each carrier route must contain a summary for that route which indicates the total number of addressed pieces, the total number of possible residential deliveries and the number and percentage to which mailpieces are addressed (if applicable), the total number of possible delivery stops and the number and percentage to which mailpieces are addressed, and the issue date of the CDS scheme or the address sequence information used in preparation of the mail (as applicable).

424.8 Additional Requirements for Presort Rates

424.81 General.

424.811 Available Rates. Although all second-class mail must be presorted, reduced rates (levels B, C, H, I, and K) are available if publishers prepare second-class mailings to a finer level of presort than required for the highest rates (levels A, G, and J).

424.812 Separate Requirements. Compliance with the corresponding preparation, documentation, and other eligibility requirements may entitle a publisher to claim an optional presort rate, but does not lessen the obligation to meet any separate eligibility requirements under 411, 421, 422, 423, or 424 that may also apply.

424.813 Preparation Under 445. Pieces that are presented in bundles or packages outside sacks, as provided by 445.1 and 445.2, remain eligible for the presort level or other rate claimed if the corresponding requirements are met. For purposes of compliance with the requirements of 424.82, 424.83, and 424.84, a bundle or package, prepared as required by 445.1 or 445.2, is the equivalent of a sack, and, if placed on a pallet, will allow the pieces it contains to qualify for the appropriate presort level rate regardless of the destination of the pallet. Eligibility for destination entry or other zone-based rates remains dependent on the point of entry.

424.82 Five-Digit Presort (Level B and H) Rates. [Text of existing 442.2a; redesignate (1) through (3) as (a) through (c).]

424.83 Carrier Route Presort (Level C, I, and K) Rates.

424.831 General. [Text of existing 442.2b, except delete "The following provisions also apply:"]

424.832 Proper Makeup. [Text of existing 442.2b(1).]

424.833 Obtaining Schemes. See 624.362. [Delete existing 442.2c and 442.2d (replaced by new 424.9 and 424.813, respectively).]

424.84 Documentation.

424.841 General. The publisher must be prepared to document or otherwise confirm the information entered on the

mailing statements that accompany mailings of a second-class publication. As applicable, the publisher must be able to substantiate the number of pieces or weight of copies addressed or sorted to specific destinations or zones, prepared at specific levels of presort, or prepared to qualify for a particular rate or discount. The publisher must use one of the methods described in 424.842 through 424.844, subject to the limitations stated therein, unless another method is prescribed by regulation or otherwise approved by the Postal Service.

424.842 Separation of Sacks. A publisher may meet the general requirement in 424.841 at the time of mailing by separating the sacks into groups based on the presort level for which their contents qualify. Sacks whose contents qualify for the level A, G, or J rates must be in one group, those at level B or H rates in another, and those at level C, I, or K rates in a third. This method may not be used for mailings containing pieces claimed at an automation rate (ZIP+4 or ZIP+4 Barcoded), a destination entry rate, or a saturation rate.

424.843 Documentation. A publisher may meet the general requirement in 424.841 by attaching documentation to the mailing statement accompanying the corresponding mailing. That documentation must describe, for each sack destination, the number of copies within each presort level qualifying for any applicable discounted rates, as detailed on the accompanying mailing statement. (For example, for a specified 3-digit sack, the applicable number of pieces would be shown that is included in lines 1, 2, and 18 through 23 of Form 3541.)

424.844 Maintaining Records.

a. General. As an alternative to submitting documentation with the mailing, a publisher may meet the general requirement in 424.841 by maintaining records supporting the information on the mailing statement accompanying the corresponding mailing. Those records must provide the same detailed information required by 424.843.

b. Approval. This alternative may be approved by the postmaster of the original entry post office if the publisher has demonstrated (by repeated submission of accurate documentation under 424.843) that the necessary records can be maintained in lieu of their submission with the mailing. The postmaster must notify the serving rates and classification center and all additional entry offices of any publications for which this alternative has been approved. Bulk mail acceptance units must maintain a list of these publications.

c. Retention. Records maintained under this alternative must be retained for at least 2 months or until any pending action regarding the recalculation of postage has been resolved to the satisfaction of the Postal Service (see 424.832).

d. Termination. Authority to use this alternative may be terminated by the postmaster of the original entry post office or the general manager of the serving rates and classification center if it has been determined that records are not properly maintained, that they are incomplete, or that they otherwise do not accurately document the preparation or rate eligibility of the corresponding mailing.

424.85 Combining More than One Second-Class Publication or Edition.

424.851 Definition. [Text of existing 442.41.]

424.852 Rate Qualification. [Text of existing 442.42.]

424.853 Presort Level. Documentation. [Text of existing 442.43; change reference from 442.3 to 424.84.]

424.854 Mailing Statements. [Text of existing 442.44.

424.86 Copalletizing More Than One Flat-Size Second-Class Publication or Edition of a Publication [Text of existing 442.5; renumber existing 442.51 through 442.56 as 424.861 through 424.866 respectively; in new 424.864, change "442.2d" and "442.2 a or b" to "424.813" and 442.82 or 442.83;" in new 424.865c(1), change "442.3 a and b" to "424.842 and 424.843;" in new 424.865c(2), change "442.3b" to "424.843."]

424.9 SCF Zone Rate

424.91 Eligibility.

424.911 General. The SCF zone rate applies only to pieces not eligible for in-county rates that are available for delivery at an address that is in the same sectional center facility (SCF) service area as the post office at which the pieces were entered. See Exhibits 122.63c–d for a listing of the 3-digit ZIP Code prefixes assigned to each SCF.

424.912 Preparation. Pieces claimed at the SCF zone rate must also be prepared as required by the presort rate claimed (see 441, 443, or 444, as applicable). Trayed ZIP + 4 or ZIP + 4 Barcoded rate pieces must also meet the requirements of 447. Pieces that are addressed and entered as required by 424.911 qualify for the SCF zone regardless of the type of package, sack, or tray in which they are placed (i.e., regardless of level of presort).

424.92 Authorized Entry. Publications must have an authorized additional entry at each post office where mail is deposited at the SCF zone rate. For post offices with stations or branches, establishment of an entry at the main post office allows deposit of mail at any station or branch of that post office. Post offices must not accept mail which is not authorized entry at that post office as described in an approved distribution plan (see 426).

424.93 Mailing. Publishers must deposit mail claimed at the SCF zone rate at locations and times specified by the entry office postmaster. Mail claimed at the SCF zone rate for a particular entry post office is ineligible for that rate if it is deposited and accepted at a postal facility in another SCF area, regardless of circumstance.

424.94 Documentation. Publishers who prepare mailings that contain pieces claimed at the SCF zone rate must be prepared to substantiate compliance with the requirements in 424.911. At a minimum, the publisher must indicate, by package, bundle, sack, tray, or pallet destination (as appropriate), the number of addressed pieces by presort level for each 5-digit ZIP Code destination eligible for the SCF zone rate. This may be accomplished as provided by 424.84 or by submission of separate documentation, subject to the approval of the entry office postmaster.

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426 HOW TO MAIL AT MORE THAN ONE POST OFFICE

426.1 Additional Entry

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426.15 Application Fee. The fee prescribed by 412.14 must accompany an application for additional entry.

426.2 Restrictions

426.21 Same County. One or more additional entries may be authorized in the same county as the office of original entry if the publisher claims the in-county rates at only one post office of entry. That entry office must be identified on any Form 3510 submitted to establish, delete, or modify any additional entry in that county or to relocate the original entry, and must be clearly identified in the distribution plan authorized by the Postal Service.

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426.6 Exceptional Dispatch

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426.62 Application. [In (c), delete "(Levels B, C, H, I, and K)."]

426.63 Approval or Denial.

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426.632 Notification. [In (d), delete "(Levels B, C, H, I, and K)."]

426.64 Verification. [IN the second sentence, delete "(Levels B, C, H, I, and K)."]

426.65 Destination Entry Rates. Subject to the provisions of 424.9, copies of second-class publications deposited under exceptional dispatch may be eligible for and claimed at the SCF zone rate is eligible for those rates at both the entry office from which the zone rate postage for those copies is computed and the post office at which they are deposited by exceptional dispatch. Eligibility for the SCF zone rates must be incidental to the publisher's use of exceptional dispatch as a means to expedite a limited number of copies of a time-sensitive publication. Exceptional dispatch cannot be used to circumvent additional entry requirements.

426.7 Acceptance of Air-Freighted Second-Class Publications at Airport Mail Facilities (AMFs)

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426.75 Destination Entry Rates. Copies of second-class publications deposited at AMFs may be eligible for delivery unit, saturation, or SCF zone rates if the applicable requirements are met (see 424.4, 424.7, and 424.9, respectively).

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427 REENTRY

427.1 Changing Title, Frequency, of Known Office of Publication

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427.12 Application Procedure.

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427.124 Application Fee. The fee prescribed by 412.15 must accompany an application for reentry.

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427.2 Changing Qualification Categories

427.21 General.

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427.213 Application Fee. The fee prescribed by 412.15 must accompany an application for reentry.

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429 PUBLICATION PRODUCTION—MAILPIECE CHARACTERISTICS

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429.3 Addressing

429.31 General

429.311 Preparation and Content. [Text of existing 429.31a and 429.31b.]

429.312 Method of Addressing. [Text of existing 429.31c.]

429.313 Address Strips. [Text of existing 429.31d.] [Renumber existing 429.32 as 429.7; add new 429.32 as follows:]

429.32 Address Placement

429.321 Placement on the Publication. [Text of existing 429.31e and 429.31f.]

429.322 Placement of the Address on Other than the Publication. Addresses or address labels may be placed on label carriers (see 429.323); on subscription order, renewal, gift, or request forms or receipts; on incidental First-Class attachments (see 429.324); and on supplements (see 429.325) if those items and the host second-class publication are enclosed within a plastic wrapper (polybag) and prepared as required by 429.323 through 429.325.

429.323 Use of Label Carriers for Addressing.

a. Definition. A label carrier is a single, unfolded, uncreased sheet of card or paper stock.

b. Required Content. The label carrier must bear the:

(1) Second-class imprint or "Second-Class" endorsement in the upper right corner of the address side, unless "Second-Class" is printed on the address side of the polybag;

(2) Title of the second-class publication; and

(3) Address to which the package can be returned if undeliverable as addressed and endorsed "Return Postage Guaranteed."

c. Optional Content. If the address is surrounded by a clear area on the label carrier containing no other information, the label carrier may show the following information in addition to that listed in 429.323:

(1) A subscription or request form;

(2) Information about how to request or subscribe to the publication; and

(3) A request for address correction from the addressee.

d. Postage for Enclosures. In addition to the information permitted by 429.323b and 429.323c, the label carrier may bear the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed," as appropriate, and the permit imprint used to pay postage for the First- or third-class enclosure, provided the imprint is below the second-class imprint or the endorsement "Second-Class."

e. Advertising. Advertising is permitted on the back of label carriers, if the appropriate postage is paid for the advertising. The bottom front of a label carrier may bear one line of text calling attention to printed material on the reverse of the label carrier. If the material on the reverse of the label carrier includes advertising, the line of text on the front is also considered and measured as advertising.

f. Placement of Address. The address may be positioned on the label carrier as shown in Exhibit 429.3.

g. Location of Label Carrier. The label carrier must be either securely affixed to the cover of the publication or, if not affixed, or sufficient size to prevent it from rotating inside the plastic wrapper or (if placed over the front cover) obscuring the publication's title.

429.324 Use of Enclosures for Addressing. [Text of existing 429.31g(4).]

429.325 Use of Supplements for Addressing. [Text of existing 429.31g(5).]

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429.6 Identification Requirements

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429.62 Identification Statement Required in Copies.

429.621 General. An identification statement must be included in all copies of publications authorized second-class mail privileges and all copies of publications mailed while approval of second-class mail privileges is pending.

429.622 Style of Type. The identification statement must appear in type which can be easily read. To assist postal personnel, publishers are urged to set change-of-address information (see 429.625i) in larger and bolder type than other elements of the identification statement.

429.622 Location—Unbound Publications. The identification statement must be shown conspicuously on one of the first five pages (preferably in the masthead) or in the masthead on the editorial page (if the location of the editorial page is shown on the front page of the publication in the table of contents).

429.623 Location—Bound Publications. For purposes of this section, a "bound publication" is one that is securely bound by two or more staples, spiral binding, glue, stitching, or other permanent fastening. In a bound publication, the identification statement must be shown conspicuously in one of the locations described in 429.622 or on one of the last three editorial pages inside the back cover page. If the publication is mailed with a nonincidental First- or third-class enclosure for which postage is paid by permit imprint under 429.186c, the identification statement must be located as specified in 429.622.

429.624 Change-of-Address Information. To assist postal personnel, publishers are urged to also show change-of-address information (required by 429.625i) on the label carrier or container of publications prepared in envelopes, closed wrappers or polybags.

429.625 Contents. The identification statement must contain all of the following elements:

[Text of existing 429.62a-j.]

[Renumber existing 429.32 as 429.7, and reformat as follows:]

429.7 Detached Address Labels for Flats

429.71 General.

429.711 Description. [Text of existing 429.32a.]

429.712 Prior Notification. [Text of existing 429.32b, with items (1) through (9) redesignated as (a) through (i).]

429.713 Rate. Saturation mailings must meet the applicable eligibility, presort, and preparation requirements to qualify for the rate claimed.

429.72 Address Cards

429.721 Requirements. [Text of existing 429.332.]

429.722 Labels. [Text of existing 429.331.]

429.723 Letter. [Text of existing 429.333; change the reference to 429.712.]

429.724 Numbering Cartons. [Text of existing 429.334.]

429.73 Preparation of Flats. [Text of existing 429.34.]

429.74 Postage. [Text of existing 429.35.]

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440 Presorting

441 PREPARATION REQUIREMENTS FOR THE BASIC (LEVEL A, G, AND J) RATES

441.1 General

All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. Publishers may perform additional preparation to meet the requirements for other presort rates or discounts.

* * * * *

441.4 "Residual" Mail

All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. There is no provision for "residual" mail, or for payment of a single-piece rate for pieces not presorted as required by 441.2 and 441.3.

442 [RESERVED]

[Existing 442.2 is relocated to 424.8.]

443 Preparation Requirements for the Five-Digit (Level B and H) Rates

443.1 General. All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. Publishers may perform additional preparation to meet the requirements for other presort rates or discounts. Publishers who mail at the 5-digit (level B and H) presort rates must meet the requirements in 443.2 through 443.4.

* * * * *

443.4 "Residual" Mail

All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. There is no provision for "residual" mail or for payment of a second-class single-piece rate for nonpresorted pieces. Mail that cannot meet the requirements for a presort rate (level B, C, H, I, or K) or other discount must be presorted as required by 441.2 and 441.3.

444 PREPARATION REQUIREMENTS FOR THE CARRIER ROUTE (LEVEL C, I, AND K) RATES

444.1 General

All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. Publishers may perform additional preparation to meet the requirements for other presort rates or discounts. Publishers who mail at the carrier route rates (level C, I, and K) must meet the requirements in 444.2 through 444.4.

* * * * *

444.4 "Residual" Mail

All addressed pieces in a second-class mailing must be presorted, and that presort must, at a minimum, meet the requirements in 441.2 and 441.3. There is no provision for "residual" mail or for payment of a second-class single-piece rate for nonpresorted pieces. Mail that cannot meet the requirements for a presort (level B, C, H, I, or K) rate or other discount must be presorted as required by 441.2 and 441.3.

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447 SPECIAL PREPARATION REQUIREMENTS FOR ZIP+4 AND ZIP+4 BARCODED MAILINGS

447.1 General

Except as provided by this section, publications mailed at the ZIP+4 and ZIP+4 Barcoded rates must be presorted, packaged, and sacked as prescribed by 441 and 443. Publishers may avoid packaging, present mail in trays rather than in sacks, and palletize trayed mail only under the conditions described below.

447.2 Basic Preparation Requirements

447.21 Packaging. Pieces must be prepared in packages as specified in 441.21–441.24 (if claimed at level A, G, and J rates) or 443.21–443.25 (if claimed at level B and H rates) except that each package in a mailing at the ZIP+4 and ZIP+4 Barcoded rates must contain a minimum of 6 addressed pieces. The "last" mixed states package may contain fewer than 6 pieces.

447.22 Sacking. Packages must be sacked as specified in 441.31–441.33 (if claimed at level A, G, and J rates) or 443.31–443.34 (if claimed at level B and H rates) except that

a. the second (contents) line on labels for sacks must show the information specified in 441.32 and 443.3, followed by "ZIP+4" or "Z+4" (for ZIP+4 rate mailings) or "ZIP+4 BARCODED" or "Z+4 B/C" (for ZIP+4 Barcoded rate mailings); and

b. each sack in a mailing at the ZIP+4 and ZIP+4 Barcoded rates must contain a minimum of 4 packages, except for the "last" mixed states sack which may contain fewer than 4 packages.

447.3 Trays

447.31 Use. ZIP+4 and ZIP+4 Barcoded rate mailings of automation-compatible letter-size publications may be prepared in trays rather than in sacks. Trays are the preferred container for automation-compatible mail.

447.32 Packaging of Mail in Trays

447.321 General. Mailings prepared in trays must be packaged as required by 447.21, except as provided below.

447.322 5-Digit Trays. Pieces need not be prepared in 5-digit packages when all the mail in those packages will be placed in the same tray for the same 5-digit ZIP Code destination. 5-digit packages are required when the corresponding pieces are being placed in other than 5-digit trays.

447.323 Unique 3-Digit Trays. Pieces need not be prepared in unique 3-digit packages when all the mail in those packages would be placed in the same tray for the same unique 3-digit ZIP Code destination. 5-digit packages are required when the corresponding pieces are being placed in other than 5-digit trays. Unique 3-digit packages are required when the corresponding pieces are being placed in other than unique 3-digit trays.

447.324 SCF Trays. Pieces need not be prepared in SCF packages when all the mail in those packages would be placed in the same tray for the same SCF destination. 5-digit and unique 3-digit packages are required when the corresponding pieces are being placed in other than 5-digit or unique 3-digit trays, respectively. SCF packages are required when the corresponding pieces are being placed in other than SCF trays.

447.325 Optional Sortation to Automated Sites. Subject to the requirements of 424.632 and 447, publishers may prepare mailings at the level B3/H3/J3 ZIP+4 Barcoded rate without making 5-digit packages or sacks when all pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m, and pieces destinating in other ZIP Code areas are prepared as a separate mailing. Pieces prepared under this optional sortation must be presorted in unique 3-digit, SCF, AADC and Mixed AADC packages which are correctly sorted in unique 3-digit, SCF, AADC, and Mixed AADC sacks or trays to the destinations listed in Exhibits 122.63m-o. Mixed AADC packages and trays may have fewer pieces or packages than prescribed in 424.632. Pieces in AADC and Mixed AADC packages, sacks, and trays are not eligible for the level B3/H3/J3 rates and must be claimed at the level A/H/J rates.

447.33 Presort. Unless prepared under the optional method described in 447.325, mail must be presorted to trays in the same sequence as specified for mail prepared in sacks. See 441.31–441.33 (if claimed at level A, G, and J rates) or 443.31–443.34 (if claimed at level B and H rates). A tray must be prepared to a required sortation whenever the mail for that destination fills ¾ of the tray when the contents are reasonably compressed. Trays with less mail may not be prepared to any required or optional sortation, except for the final tray in a mailing.

447.34 Sleeving and Banding. To ensure the integrity of the mail in transit, each tray must be enclosed in a sleeve and secured by a plastic strap placed tightly around the length of the tray. The postmaster of the office of entry may waive this requirement for local mail.

447.35 Tray Labels. A tray label must be securely affixed to the end of each tray. Tray labels are subject to the same requirements as specified for sack labels in 441.32 and 446, except that the second (contents) line on tray labels be followed by "ZIP+4" or "Z+4" (for ZIP+4 rate mailings) or "ZIP+4 BARCODED" or "Z+4B/C" (for ZIP+4 Barcoded rate mailings).

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460 Postage Payment Procedures

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462 PAYMENT OF POSTAGE

462.1 In Advance of Dispatch

Postage must be fully prepaid before second-class mailings are dispatched.

462.2 Method of Payment

462.21 Second-Class Matter. Payment for second-class mail must be through an advance deposit account established at the post office of mailing (i.e., at the original or additional entry post office where the copies are accepted), except as provided by 462.23 and 465. The post office will issue receipts for advance deposit account payments.

462.22 Third- or Fourth-Class Matter. Postage for third- or fourth-class matter must be paid as described in 136.23, 136.316, and 429.186.

462.23 Centralized Postage Payment. Publishers authorized to pay second-class postage under the Centralized Postage Payment (CPP) System (see 464) must pay postage through an advance deposit account at the designated post office (DPO) rather than at the post office of mailing.

462.3 Mailer Responsibility. The mailer is responsible for proper payment of postage. See 111.32.

463 MAILING STATEMENT

463.1 General

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463.17 Sequenced Statement Number. Mailers who submit more than one mailing statement per day must enter a sequenced statement number in the appropriate block on each mailing statement prepared that day. The content and length of the number, the cycle of the sequence (beyond one day), and the number of concurrently-active cycles are at the mailer's discretion, provided the same series of numbers is not active in two cycles at the same time. If the same mailing of one edition of one issue includes copies reported on two mailing statements (such as when additional postage is paid for nonsubscriber/nonrequester copies in excess of the 10% limit) the sequenced statement number of the second form must be included with the other information required on the primary mailing statement (on which the total postage for the mailing is reported).

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465 PLANT VERIFIED DROP SHIPMENT POSTAGE PAYMENT SYSTEM

465.1 General

465.11 Definition. The plant-verified drop shipment postage payment system is designed to allow destination acceptance of mailings prepared for entry at SCF and delivery office zone rates (see 424.4), while taking advantage of the greater postal efficiency associated with origin verification and postage payment. Approval for use of a plant-verified drop shipment postage payment system will be granted under the conditions specified in 465.2.

465.12 System Elements. Under this system

(a) The mailer's product is verified for proper classification, rate eligibility, preparation, and presort by postal personnel located at a mailer's plant (e.g., at a detached mail unit (DMU));

(b) Postage is prepaid at the post office serving the mailer's location (see 424.4);

(c) The shipment is released for dispatch under postal seal;

(d) The shipment is transported to destination postal facilities at the mailer's expense on the mailer's vehicle or on transportation procured by the mailer;

(e) The shipment is deposited at the destination postal facility by the mailer or the mailer's agent;

(f) The shipment is verified and accepted as mail by postal personnel at the destination postal facility and released for processing.

465.13 Participation. The plant-verified drop shipment postage payment system may be used only by mailers who have been authorized by the field division general manager/postmaster in whose service area the mailer is located (see 465.3).

465.14 Other Mailings. Other destination entry mailings that are not verified at the origin plant under a plant-verified drop shipment postage payment system must be verified, accepted and paid for at the destination post office.

465.2 Program Participation Criteria for Mailers

465.21 Request for Participation. The mailer must submit an application for participation in the plant-verified drop shipment postage payment system as prescribed in 465.3.

465.22 Facilities for Postal Personnel. At each plant at which mail is inspected pursuant to a plant-verified drop shipment agreement (see 465.3), the mailer must provide an enclosed work area for the DMU that can be locked, has a telephone, is separate from the mailer's activities, and provides a safe working environment, as determined by the Postal Service.

465.23 Postage Payment. The mailer must obtain and maintain an additional entry at each post office where SCF or delivery office zone rate mail will be deposited and accepted (see 424.42 and 424.92). Original or additional entry is not required at the post office serving the mailer's plant unless copies are deposited and accepted at that post

office. Unless authorized to pay postage under a CPP system, the mailer must pay postage for plant-verified drop shipments at the post office serving the mailer's plant. The mailer must ensure that sufficient funds are on deposit in the appropriate advance deposit accounts to pay for all plant-verified drop shipments prior to their release for dispatch. Mailers authorized to mail under a CPP system must pay postage for plant-verified drop shipments to the New York Rates and Classification Center. Postage payment must be in accordance with the requirements in the DMM, Handbook DM–102, *Bulk Mail Acceptance*, Handbook DM–103, *Penalty Mail*, and any applicable agreements between the mailer and the Postal Service.

465.24 Documentation.

a. The mailer must produce an individual mailing statement for each edition of each issue of each publication prepared for deposit at each destination entry post office, and submit the statement at the time the corresponding copies are presented to the DMU.

b. When required by the Postal Service, the mailer must submit consolidated mailing statements and a register of mailing statements to the Postal Service.

c. The mailer must produce and submit to the Postal Service the prescribed clearance documents, in duplicate, that must accompany each plant-verified drop shipment to the destination post office where the shipment will be deposited. Those documents must be presented in triplicate if the mailer wishes to have a signed and dated copy returned to its driver when mailings are unloaded at the destination entry postal facility.

465.25 Transportation.

465.251 Responsibility. The mailer is responsible for the transportation of plant-verified drop shipments from the origin plant to the destination postal facility.

465.252 Other Mailings. The mailer must not transport plant-verified drop shipment mailings on the same vehicle with other shipments that are not entered as plant-verified drop shipments.

465.253 Separation of Mailings. When a vehicle contains more than one plant-verified drop shipment for a single destination postal facility, the shipments must be separated, except that this requirement may be waived by the origin postmaster for copalletized or combined mailings provided the clearance document for that destination clearly identifies all of the mail for that facility. In addition, when a vehicle contains one or more shipments for more than one destination postal facility, the shipments must be separated by destination.

465.3 Authorization

465.31 Request.

465.311 General. The mailer must submit a written request to the mailer's local postmaster seeking assignment of postal personnel to the mailer's plant (e.g., establishment of a DMU) to support plant-verified drop shipment of destination entry rate mailings. No form is provided for this purpose.

465.312 Date of Filing. The mailer must submit the request at least 30 days prior to the date proposed for submission of the first plant-verified drop shipment using the system.

465.313 Content. The request must fully describe the characteristics of the mailings that will be prepared as plant-verified drop shipments. At a minimum, the request must include the following information for each publication:

a. The schedule of mailing, i.e., the frequency and time of mailings (e.g., at noon daily, every other Monday at 4 pm, etc.);

b. The number of pieces and mailing statements to be presented to postal personnel, both daily and in total;

c. The class of mail and processing category;

d. The level of sortation and rate(s) claimed;

e. The place and method of postage payment, as appropriate;

f. If postage is paid under Centralized Postage Payment (CPP) procedures, a copy of the authorization must accompany the request (separate authorization by the serving rates and classification center is required to mail under CPP);

g. The type and capacity of scales at the mailer's plant, if any;

h. The space available for postal personnel to use and the suitability of that space for verification of mail, record keeping, installation of computer equipment, and monitoring of vehicle loading;

i. The types of equipment used (trays, sacks, pallets, etc.) (authorizations must be obtained where required); and

j. The destination entry points to which shipments will be dispatched (e.g., a listing of the SCFs and DDUs).

465.32 Approving or Denying Authorization.

465.321 Local Post Office. The local postmaster will review the application for completeness and accuracy; evaluate the mailer's ability to meet the requirements in 465.2, the suitability of the mailer's plant to accommodate postal personnel (i.e., a DMU), and the capability of the local post office to support the requested activity; and prepare a written summary of the results. This report and a recommendation for approval or denial of the mailer's request will be forwarded through the MSC/division manager, mailing requirements, to the field division general manager/postmaster.

465.322 Field Division. The field division general manager/postmaster will consider the postmaster's report and recommendation, determine whether the local post office has sufficient employees who are trained and qualified in mail classification and verification to support the requested plant-verified drop shipment activity, and prepare a final written decision on the mailer's request.

465.323 Approval. If the mailer's request for participation in the plant-verified drop shipment postage payment system is approved, the field division general manager/postmaster will prepare a plant-verified drop shipment agreement that must be signed by the general manager/postmaster, the mailer, and the postmaster of the post office serving the mailer's plant before the approval can be made effective. The agreement will specify the terms and period of the authorization (not to exceed 2 years). Copies of the agreement will be provided to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center.

465.324 Denial. If the mailer's request for participation in the plant-verified drop shipment postage payment system is denied, the field division general manager/postmaster will notify the mailer in writing, stating the reasons for the decision, and provide copies of the decision to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center. The denial may be appealed as provided in 133.

465.33 Renewal, Termination, and Revocation

465.331 Renewal. The mailer must submit a new request for authorization at least 30 days prior to expiration of a plant-verified drop shipment agreement. The content of the request, and the procedures for its review, approval, or denial are as prescribed in 465.31 and 465.32.

465.332 Termination. A mailer may elect to terminate participation in a plant-verified drop shipment agreement by 10 calendar days' written notice to the authorizing field division general manager/postmaster.

465.333 Revocation. A plant-verified drop shipment agreement may be revoked by the authorizing field division

general manager/postmaster by 10 calendar days' written notice to the mailer. Revocation must based on the mailer's failure to pay postage and fees or to meet the requirements that apply to plant-verified drop shipment or mailing at second-class rates. The revocation action may be appealed as provided by 133.

465.4 DMU Functions

465.41 General. Assignment of postal personnel to the mailer's plant to process plant-verified drop shipments may be in conjunction with the DMU staffing associated with a plant load authorization for that mailer's plant, but may be provided to a mailer's plant that is not authorized plant load, at the discretion of the division general manager/postmaster.

465.42 Inspection of Mailpieces. Postal personnel assigned to the mailer's plant must verify drop shipment mailing for classification, rate eligibility, preparation, presort, and postage in the same manner as plant load mailings.

465.43 Documents

465.431 Preparation. Before each plant-verified drop shipment is released for dispatch, postal personnel must ensure that all clearance documents are properly completed, signed, and dated, and that each includes the number of the postal seal to be used on the vehicle, if appropriate (see 465.5). The required documents must be provided for each mailing prepared for each destination entry postal facility. The DMU will retain one copy of each completed clearance document.

465.432 Enclosure. Postal personnel must ensure that all appropriate clearance documents are provided to the mailer who is responsible for placing them in each vehicle to accompany the corresponding plant-verified drop shipments. These documents must be placed on the left rear wall of the vehicle just inside the door of the vehicle. Affix the required Form 5111–R, *Revenue Protection Placard,* to the outside rear of the vehicle after the mailer has completed loading the vehicle.

465.44 Loading. Postal personnel must observe the loading of each vehicle used to transport plant-verified drop shipments to ensure the correct mailings are loaded into vehicles for the correct destinations and that shipments are not improperly commingled (see 465.254).

465.45 Security. Postal personnel must seal the vehicle containing the plant-verified drop shipments mailings with a USPS ball seal, USPS lock, or other postal security devices that prevents access to the shipments by other than authorized postal employees. Vehicles that make en route stops must be resealed after the corresponding mail is removed (see 465.5).

465.5 Destination Postal Facility Functions

465.51 Verification of Documents. The postal seal number on the clearance document for that destination post office must match the number on an unbroken seal securing the vehicle. Container identification codes on the clearance document must match the containers deposited. If these items match, the destination facility will sign and date the clearance documents accompanying the mailings and process the mail. These documents will be retained for one year in a chronological file, and receipted copies will be returned to the mailer's employee, if appropriate (see 465.24c and 465.431).

465.52 Verification of Contents. Each destination postal facility where plant-verified drop shipments are deposited must ensure that only the appropriate shipments are unloaded and accepted.

465.53 Vehicles Containing Mail for More Than One Destination Facility. When a mailer's vehicle contains mail for more than one destination entry facility, each intermediate postal facility will record the number of a new USPS ball seal on the clearance document for the next scheduled destination post office, and affix that seal to secure the vehicle. (If USPS locks are used, they must be removed and retained at the final postal facility where the vehicle stops.)

465.54 Loading of Mail Prohibited. Postal Service mail for downstream postal facilities must not be loaded onto the mailer's vehicle by any intermediate postal facility at which the mailer has stopped to deposit a plant-verified drop shipment.

465.6 Liability

The mailer assumes all liability and responsibility for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at destination entry postal facilities, regardless of whether a third party is used to transport those shipments. The Postal Service is not liable or responsible for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at a destination postal facility.

465.7 Postage

465.71 Method of Payment. Postage for a plant-verified drop shipment must be paid as provided by 465.23.

465.72 Computation. Postage for destination rate mailings prepared as plant-verified drop shipments is calculated (zoned) from the destination postal facility where mailings are deposited and accepted into the mailstream.

465.73 Refunds. The Postal Service will not refund postage for any failure to provide service that is caused in whole or in part by any event that occurs before the shipment is deposited and accepted into the mailstream and becomes mail at a destination postal facility, except in accordance with the provisions of 147.2.

6. Add new Domestic Mail Manual chapter 5 as follows:

CHAPTER 5—AUTOMATION COMPATIBLE MAIL

510 General

511 CONTENT

This chapter contains requirements for automation-compatible letter-size ZIP+4 and ZIP+4 barcoded First-, second-, and third-class mail.

512 APPLICABILITY

Mailers may use these instructions immediately rather than the corresponding requirements in chapters 3, 4, and 6.

513 CLASSIFICATION

Classification and rate eligibility for pieces prepared under this chapter are based on the requirements in chapters 3, 4, and 6, for First-, second-, and third-class mail respectively. Automation-compatible mailpieces prepared as described in this chapter and claimed at an automation-based rate must meet the eligibility requirements in 324, 325, 327, and 328 for First-Class Mail, 424.5 and 424.6 for second-class mail, and 628 for third-class mail.

514 DEFINITIONS

514.1 Automation-Based Rates

514.11 ZIP+4 Barcoded Rates. The ZIP+4 Barcoded rates include the 5-digit ZIP+4 Barcoded, 3-digit ZIP+4 Barcoded, and nonpresorted ZIP+4 Barcoded First-Class rates; the level A, B, G, H, and J ZIP+4 Barcoded second-class rates; and the 5-digit ZIP+4 Barcoded, 3-digit ZIP+4 Barcoded and Basic ZIP+4 Barcoded third-class rates.

514.12 ZIP+4 Rates. The ZIP+4 rates include the ZIP+4 Presort and nonpresorted ZIP+4 First Class rates; and the 3/5 ZIP+4 and Basic ZIP+4 third-class rates.

514.2 Presort Rates

The presort rates include the Presorted First-Class rate; the level A, B, G, H and J second-class rates; and the

basic presort and 3/5 presort third-class rates.

515 MAIL PREPARATION

515.1 Packaging

Packages are not allowed in ZIP+4 and ZIP+Barcoded rate mailings prepared under chapter 5. However, in SCF trays, all the pieces for the same 3-digit ZIP Code area must be grouped together.

515.2 Trays

515.21 General. All mailings prepared under chapter 5 must be prepared in trays.

515.22 Definition. For purposes of this section, a "full" tray is one that is at least ¾ full of mail when its contents are reasonable compressed.

515.23 Sleeving and Banding. To ensure the integrity of the mail in transit, each tray must be enclosed in a sleeve and secured by a plastic strap placed tightly around the length of the tray. The postmaster of the office of entry may waive this requirement for local mail.

515.24 Tray Labels. A tray label must be securely affixed to the end of each tray. Tray labels are subject to the same requirements as specified for sack labels in 441.32 and 446, except that the second (contents) line on tray labels bear the information specified in 561.3 and 562.3.

520 [Reserved]

530 [Reserved]

540 [Reserved]

550 [Reserved]

560 Preparation

561 ZIP+4 MAIL

561.1 85% Requirement

At least 85 percent of the total pieces in a ZIP+4 rate mailing must bear a ZIP+4 code. All remaining pieces must bear a 5-digit ZIP Code. If a ZIP+4 barcode is used to satisfy the requirement for a ZIP+4 code, a numeric ZIP+4 code or 5-digit ZIP Code must also appear in the address.

561.2 Rate Eligibility

561.21 First-Class Mail. In 5-digit, 3-digit and SCF trays, ZIP+4 coded pieces may qualify for the ZIP+4 Presort rate, other pieces for the Presorted First-Class rate. Residual pieces not sorted to these trays may be eligible for the nonpresorted ZIP+4 rate (if ZIP+4 coded) or the single-piece First-Class rate.

561.22 Second-Class Mail. In 5-digit and 3-digit trays, ZIP+4 coded pieces may qualify for the level B/H/J3 ZIP+4 rates, other pieces for the level B/H/J rates. Pieces in SCF trays may be eligible for the level A/G/J1 ZIP+4 rates (if ZIP+4 coded) or the level A/G/J rates. All pieces in ZIP+4 second-class mailings must be sorted to at least the SCF level.

561.23 Third-Class Mail. In 5-digit and 3-digit trays, ZIP+4 coded pieces may qualify for 3/5 ZIP+4 rates, other pieces for the 3/5 presort rate. In SCF trays, ZIP+4 coded pieces may be eligible for the Basic ZIP+4 rate, other pieces for the basic presort rate. Pieces not sorted to these trays must be prepared as a separate mailing.

561.3 Contents Line

The second (contents) line of tray labels must show the class of mail (FCM for First-Class, 2C or NEWS, as appropriate, for second-class, or 3C for third-class) followed by the type of mailing (ZIP+4 PRESORT).

561.4 Sortation Requirements for ZIP+4 Presort Rate Eligibility

561.41 Traying

561.411 5-Digit Trays. When there are enough pieces to the same 5-digit destination to fill a tray, a 5-digit tray must be prepared for that destination. Trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: City, State, 5-digit ZIP Code
Line 2: Class, Contents
Line 3: Mailer, Mailer Location
Sample:
DETROIT, MI 48235
FCM ZIP+4 PRESORT
FR NB COMPANY UNION SC

561.412 3-Digit Trays. After preparing all possible 5-digit trays, if there are sufficient pieces to fill a tray for one of the 3-digit ZIP Code areas listed in Exhibits 122.63c–d, a 3-digit tray must be prepared for that destination. Trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: City, State, 3-Digit Destination
Line 2: Class, Contents
Line 3: Mailer, Mailer Location
Sample:
DETROIT MI 482
FCM ZIP+4 PRESORT
FR NB COMPANY UNION SC

561.413 SCF Trays. After preparing all possible 5-digit and 3-digit trays, if there are sufficient pieces to fill a try for one of the SCF areas listed in Exhibit 122.63d, an SCF tray must be prepared for that destination. For second-class pieces, all remaining mail must be sorted to SCF trays. For first- and third-class mail, trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: SCF, Facility Name, State, Code
Line 2: Class, Contents
Line 3: Mailer, Mailer Location
Sample:
DETROIT MI 481
FCM ZIP+4 PRESORT
FR NB COMPANY UNION SC

561.5 Residual Mail

561.51 General. Residual pieces are those that could not be trayed as required by 561.4.

561.52 First-Class Mail. Residual pieces must be placed in trays bearing the tray label "Residual Mail."

561.53 Second-Class Mail. Residual pieces are not allowed in ZIP+4 second-class mailings. All pieces must be sorted to SCF trays (see 561.413).

561.54 Third-Class Mail. Residual pieces are not allowed in ZIP+4 mailings and must be prepared as a separate mailing.

561.6 Documentation Required

Unless the mailing is 100% ZIP+4 coded and all pieces bear the correct postage at the rate for which they qualify, a listing must be prepared to show, for each tray, a unique tray number or the exact top line of the tray label, the number of pieces that qualifies for each rate category, the number of pieces prepared with a ZIP+4 code, and the total number of pieces in the tray. For the entire mailing, the listing must be summarized to show the total number of pieces in each rate category, the number prepared with a ZIP+4 code, the total number of pieces in the mailing, and the total postage (or additional postage due) for the mailing.

562 PRESORTED ZIP+4 BARCODED MAIL

[The Postal Service intends to propose a revision to section 562.1, which currently requires that at least 85% of the pieces in a ZIP+4 Barcoded rate mailing bear a correctly prepared ZIP+4 barcode. By that revision, the 85% figure would be increased to 100%, effective September 15, 1990.]

562.1 85% Requirement

At least 85% of the total number of pieces in a ZIP+4 Barcoded rate mailing must bear a ZIP+4 barcode prepared as required by 325. All pieces must bear a numeric ZIP+4 code or 5-digit ZIP Code in the address.

562.2 Rate Eligibility

562.21 First-Class Mail

562.211 5-Digit trays. In 5-digit trays, pieces may qualify for the 5-digit ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the ZIP+4 Presort rate if they bear a

ZIP+4 code and meet the requirements of 324.5 and 324.6, or the Presorted First-Class rate.

562.212 3-Digit and SCF Trays. In 3-digit and SCF trays, pieces may qualify for the 3-digit ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the ZIP+4 Presort rate if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the Presorted First-Class rate.

562.213 Residual Trays. Residual pieces not sorted to these trays may be eligible for the nonpresorted ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the nonpresorted ZIP+4 rate if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the single-piece First-Class rate.

562.22 Second-Class Mail

562.221 5-Digit Trays. In 5-digit trays, pieces may qualify for the level B5/H5/J5 ZIP+4 Barcoded rates if they bear a ZIP+4 barcode prepared as specified in 325.51, the level B5/H5/J5 ZIP+4 rates if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the level B/H/J presort rates.

562.222 3-Digit and SCF Trays. In 3-digit and SCF trays, pieces may qualify for the level B3/H3/J3 ZIP+4 Barcoded rates if they bear a ZIP+4 barcode prepared as specified in 325.51, the level B3/H3/J3 ZIP+4 rates if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the level B/H/J presort rates.

562.223 Residual Trays. Residual pieces not sorted to these trays may be eligible for the level A/G/J1 ZIP+4 Barcoded rates if they bear a ZIP+4 barcode prepared as specified in 325.51, the level A/G/J1 ZIP+4 rates if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the level A/G/J presort rates.

562.23 Third-Class Mail.

562.231 5-Digit Trays. In 5-digit trays, pieces may qualify for the 5-digit ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the 3/5 ZIP+4 rate if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the 3/5 Presort rate.

562.232 3-Digit and SCF Trays. In 3-digit and SCF trays, pieces may qualify for the 3-digit ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the 3/5 ZIP+4 rate if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the 3/5 Presort rate.

562.233 Residual Trays. Residual pieces may be eligible for the Basic ZIP+4 Barcoded rate if they bear a ZIP+4 barcode prepared as specified in 325.51, the Basic ZIP+4 rate if they bear a ZIP+4 code and meet the requirements of 324.5 and 324.6, or the Basic Presort rate.

562.3 Contents Line

The second (contents) line of tray labels must show the class of mail (FCM for First-Class, 2C or NEWS, as appropriate, for second-class, or 3C for third-class) followed by the type of mailing (ZIP+4 BARCODED).

562.4 Sortation Requirements for ZIP+4 Barcoded Rate Eligibility

562.41 Traying.

562.411 5-Digit Trays. When there are enough pieces to the same 5-digit destination to fill a tray, a 5-digit tray may be prepared for that destination. (5-digit trays are required only if the 5-digit ZIP+4 Barcoded or level B5/H5/J5 rates are being claimed.) Trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: City, State, 5-digit ZIP Code.
Line 2: Class, Contents.
Line 3: Mailer, Mailer Location.
Sample:
DETROIT, MI 48235
FCM ZIP+4 BARCODED
FR NB COMPANY UNION SC

562.412 3-Digit Trays. After preparing 5-digit trays, if there are sufficient pieces to fill a tray for one of the 3-digit ZIP Code areas listed in Exhibits 122.63c–d, a 3-digit tray must be prepared for that destination. Trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: City, State, 3-Digit Destination
Line 2: Class, Contents
Line 3: Mailer, Mailer Location
Sample:
DETROIT MI 482
FCM ZIP+4 BARCODED
FR NB COMPANY UNION SC

562.413 SCF Trays. After preparing 5-digit trays and all possible 3-digit trays, if there are sufficient pieces to fill a tray for one of the SCF areas listed in Exhibit 122.63d, an SCF tray must be prepared for that destination. Trays that are not full are prohibited. Trays must be labeled as follows:

Line 1: SCF, Facility Name, State, Code
Line 2: Class, Contents
Line 3: Mailer, Mailer Location
Sample:
SCF DETROIT MI 481
FCM ZIP+4 BARCODED
FR NB COMPANY UNION SC

562.5 Residual Trays

Residual pieces are those that could not be trayed as required by 562.4. Residual pieces must be placed in trays bearing the tray label "Residual Mail."

562.6 Documentation Required

Unless the mailing is 100% ZIP+4 barcoded and all pieces bear the correct postage at the rate for which they qualify, a listing must be prepared to show, for each tray, a unique tray number of the exact top line of the tray label, the number of pieces that qualifies for each rate category, the number of pieces prepared with a ZIP+4 barcode, and the total number of pieces in the tray. For the entire mailing, the listing must be summarized to show the total number of pieces in each rate category, the number prepared with a ZIP+4 barcode, the total number of pieces in the mailing, and the total postage (or additional postage due) for the mailing.

570 Mailing

Automation compatible mailings must be presented for acceptance by the Postal Service as provided for the specific class of mail by 370, 450, and 650.

580 Postage Payment

Postage for automated mail must be paid as provided for the specific class of mail by 380, 460, and 660.

590 Ancillary Services

Ancillary services are provided to automated mail as provided for the specific class of mail by 390, 470, and 690.

7. In chapter 6 of the Domestic Mail Manual, make the following revisions:

CHAPTER 6—THIRD-CLASS MAIL

610 Rates and Fees

611 RATES

611.1 Single-Piece Rates

611.11 General. The single-piece rates in Exhibit 611.11 are applied to each addressed piece based on its weight.

Exhibit 611.11

Weight	Rate
Note exceeding 1 oz.	$0.30
Over 1 oz., but not exceeding 2 ozs.	0.53
Over 2 ozs., but not exceeding 3 ozs.	0.76
Over 3 ozs., but not exceeding 4 ozs.	0.99
Over 4 ozs., but not exceeding 6 ozs.	1.17
Over 6 ozs., but not exceeding 8 ozs.	1.29
Over 8 ozs., but not exceeding 10 ozs.	1.41
Over 10 ozs., but not exceeding 12 ozs.	1.53
Over 12 ozs., but not exceeding 14 ozs.	1.65
Over 14 ozs., but less than 16 ozs.	1.77

* * * * *

611.13 Keys and Identification Devices

611.131 General. [Text of existing 611.31; delete the last sentence.]

611.132 Computation of Postage. [Text of existing 611.32; change the reference from "611.31" to "611.131."]

611.133 Rates. The rates applied to keys and identification devices are shown in Exhibit 611.13.

Exhibit 611.13

Weight	Rate
Not exceeding 2 ozs.	$0.93
Over 2 ozs., but not exceeding 4 ozs.	1.44
Over 4 ozs., but not exceeding 6 ozs.	1.95
Over 6 ozs., but not exceeding 8 ozs.	2.46
Over 8 ozs., but not exceeding 10 ozs.	2.97
Over 10 ozs., but not exceeding 12 ozs.	3.48
Over 12 ozs., but not exceeding 14 ozs.	3.99
Over 14 ozs., but less than 16 ozs.	4.50

611.2 Bulk Rates

611.21 General. The bulk rates summarized in Exhibit 611.2 apply to mailings meeting the conditions 623 and 624. The special bulk rates may be used only by organizations that have been authorized by the Postal Service as provided by 625 and 626.

611.22 Rate Structure.

611.221 Piece and Pound Rates.

a. Minimum Per-Piece Rates. The minimum per-piece rates (the minimum postage amount that must be paid for each addressed piece) apply to pieces that weigh .2104 pound (3.3669 ounces) or less (.2115 pound (3.3837 ounces) or less at special rates). This base postage rate (see Exhibit 611.2) applies to pieces meeting only the minimum preparation requirements (e.g., basic presort rate). Pieces may be eligible for a lower minimum rate per piece if additional requirements are met to render the mailpiece eligible for a postage discount or reduction (see 611.222).

b. Piece/Pound Rates. Pieces that weigh more than .2104 pound (3.3669 ounces) (.2115 pound (3.3837 ounces) for special rates) are subject to a two-part piece/pound rate that includes a flat charge per addressed piece and a pound charge based on weight. This base postage rate (see Exhibit 611.2) applies to pieces meeting only the minimum preparation requirements (e.g., basic presort rate). If additional requirements are met to render the mailpiece eligible for a postage discount or reduction (see 611.222), pieces may then be subject to a lower piece charge, pound charge, or both.

611.222 Postage Discounts and Reductions. The correct rate for an addressed piece may be reduced from the base rate (see 611.221) if the mailer prepares the piece (and/or the mailing of which it is a part) to comply with the requirements prescribed for a postage discount or reduction. The available postage discounts or reductions may be summarized as follows (see the cited sections for complete requirements):

a. Presort. The following presort rates are available for all bulk third-class mail provided the corresponding requirements are met:

(1) 3/5 presort (see 624.2), for mail prepared in 5- and 3-digit packages and sacks.

(2) Carrier route presort (see 624.3), for mail prepared to carrier routes.

(3) Walk-sequenced saturation (see 624.8), for mail prepared in sufficient quantity per carrier route and in delivery sequence.

b. Automation. The following automation-based rates are available only for letter-size mailpieces that weigh .1563 pound (2.5 ounces) or less, that meet specific physical and preparation requirements, and that meet the requirements for basic presort or 3/5 presort:

(1) ZIP+4 (see 628.1, 628.2, and 628.3), for pieces bearing a ZIP+4 code.

(2) ZIP+4 Barcoded (see 628.1, 628.5, 628.6, and 628.7), for pieces bearing a ZIP+4 barcode.

c. Destination Entry. The following destination entry rates are available for bulk third-class mail that meets the applicable requirements and is deposited at the facility serving the delivery address on the mailpiece:

(1) Destination BMC (see 624.72), for mailings addressed for delivery within the area served by the BMC where the mailing is deposited.

(2) Destination SCF (see 624.73), for mailings addressed for delivery within the area served by the SCF where the mailing is deposited.

(3) Destination delivery unit (see 624.74), for carrier route and walk-sequence/saturation mailings addressed for delivery within the area served by the delivery unit where the mailing is deposited.

611.23 Net Postage. The net postage rate that must be paid is either the minimum per-piece rate, as reduced by any discounts or reductions for which the piece may be eligible, or the piece/pound rate, as reduced by any discounts or reductions for which the piece may be eligible. The net postage rate, which may include one or more forms of postage discount or reduction, may be described by a designation based on one of those discounts or reductions (e.g., carrier route rate, ZIP+4 Barcoded rate, DBMC rate, etc.)

611.24 Computation of Postage—Bulk Rates.

* * * * *

611.242 Individually Metered Pieces—Bulk Rate Postage. * * *

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b. Add any applicable per-piece charge, and

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611.3

[Delete—replaced by new 611.13.]

612 FEES

612.1 Annual Bulk Mailing Fee

The annual bulk mailing fee is $75, payable once each 12-month period.

* * * * *

612.3 Permit Imprint Fee

[In the first sentence, replace "$60" with "$75."]

613 NONSTANDARD SURCHARGE

[Replace "611.3" with "611.13."]

EXHIBIT 611.2, SUMMARY OF THIRD-CLASS RATES AND DISCOUNTS

Rate of discount	Regular			Special		
	.2104 lb. (3.3669 oz.) or less (per piece)	More than .2104 lb. (3.3669 oz.) (per piece + per pound) All pieces		.2115 lb. (3.3837 oz.) or less (per piece)	More than .2115 lb. (3.3837 oz.) (per piece + per pound) All pieces	
		Letters	Other than letters		Letters	Other than letters
Base rate (basic presort)	$0.185	$0.220	$0.107 pc. + 0.537/lb.	$0.110	$0.125	$0.055/pc. + 0.331/lb.
DISCOUNTS						
Presort:						
3/5	$0.031	$0.045	$0.045/pc.	$0.013	$0.014	$0.014/pc.
Carrier Route	0.062	0.086	0.086/pc.	0.037	0.045	0.045/pc.
WS/Saturation	0.072	0.107	0.107/pc.	0.040	0.055	0.055/pc.

EXHIBIT 611.2, SUMMARY OF THIRD-CLASS RATES AND DISCOUNTS—Continued

Rate of discount	Regular			Special		
	.2104 lb. (3.3669 oz.) or less (per piece)	More than .2104 lb. (3.3669 oz.) (per piece + per pound) All pieces		.2115 lb. (3.3837 oz.) or less (per piece)	More than .2115 lb. (3.3837 oz.) (per piece + per pound) All pieces	
		Letters	Other than letters		Letters	Other than letters
Dest. Entry:						
BMC	$0.012	$0.012	$0.058/lb.	$0.012	$0.012	$0.058/lb.
SCF	0.017	0.017	0.081/lb.	0.017	0.017	0.081/lb
Delivery Unit	0.022	0.022	0.104/lb.	0.022	0.022	0.104/lb
Automation:						
ZIP+4:						
(Basic Presort)	$0.014	(1)	(1)	$0.011	(1)	(1)
(3/5 Presort)	0.007	(1)	(1)	0.006	(1)	(1)
ZIP+4 Barcoded						
(Basic Presort)	$0.024	(1)	(1)	$0.020	(1)	(1)
(3-digit sort)	0.015	(1)	(1)	0.014	(1)	(1)
(5-digit sort)	0.022	(1)	(1)	0.022	(1)	(1)

[1] Not available.

Note: The discounts shown are subtracted from the base rate to yield the net postage the must be paid. Each automation discount is in addition to a specific presort discount. Some addressed pieces may be eligible for more than one discount. Some combinations of discounts may be required or prohibited. See 624 for the eligibility requirements that apply to each discount.

620 Classification

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623 BULK RATES—CONDITIONS APPLICABLE TO ALL THIRD-CLASS BULK MAIL

* * * * *

623.6 Presort

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623.62 Merging Matter into Single Mailings.

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623.622 Nonidentical Weight or Postage Payment Methods.

[In 623.622a and 623.622g, replace "bacic level rate" and "5-digit level rate" with "basic presort rate" and "3/5 presort rate."]

* * * * *

624 CONDITIONS FOR SPECIFIC BULK RATE PREPARATION LEVELS

624.1 Basic Presort Rate Eligibility

624.11 General. Each basic presort rate third-class bulk mailing must meet both the conditions in 623 and those in or referred to by this section.

624.12 Minimum Quantity. Each mailing at the basic presort rate must contain at least 200 pieces or 50 pounds of pieces eligible for and claimed at the basic presort rate.

* * * * *

624.2 3/5 Presort Rate Eligibility

624.21 General. Each 3/5 presort rate third-class bulk mailing must meet both the conditions in 623 and those in or referred to by this section.

624.22 Minimum Quantity Requirements.

624.221 3/5 Presort Rate. Each mailing at the 3/5 presort rate must contain at least 200 pieces or 50 pounds of pieces eligible for and claimed at the 3/5 presort rate.

624.222 Basic Presort Rate. A 3/5 presort rate mailing may include pieces claimed at the basic presort rate if the entire mailing contains at least 200 pieces or 50 pounds of pieces eligible for and claimed at the 3/5 presort rate. The basic rate pieces must be prepared as required for that rate, but they do not have to meet a separate 200-piece/50-pound minimum. A 3/5 presort rate mailing may not include pieces claimed at the carrier route presort or saturation rates.

624.223 Sortation. To count toward the minimum number required by 624.221 and 624.222, pieces must be:

a. Automation-compatible, letter-size, prepared in 5- or 3-digit packages of 10 or more pieces, and/or sorted to 5- or 3-digit trays as prescribed in 628.19 and 647;

In 5- or 3-digit packages of 10 or more pieces that are correctly sorted to 5- or 3-digit sacks each containing at least 125 pieces or 15 pounds of pieces in 5- or 3-digit packages;

c. In 5- or 3-digit packages of 10 or more pieces that are correctly sorted to the appropriate level of pallet under 644.1;

d. Machinable parcels, in a correctly-prepared sack containing at least 10 pounds of machinable parcels for the same 5-digit or BMC destination; or

e. Machinable parcels, on a 5-digit or BMC pallet prepared under 644.2.

624.23 Residual. Residual pieces in a 3/5 presort rate mailing are those not prepared in one of the ways described in 624.223a-e, and do not count toward the minimum quantity required by 624.221 or 624.222. Residual pieces must be claimed and paid for at the basic presort rate (see 624.222) and prepared as required either by 641.12 and 641.13, or by 641.22, as appropriate.

624.24 Listing.

624.241 Content. The listing must show the number of pieces at each presort and the total number of pieces in the mailing. In addition, the listing must detail, by tray, sack, or pallet, the number of pieces claimed at the 3/5 presort rate, the number claimed at the basic presort rate, and the total number of pieces in that tray, sack, or pallet. If the listing does not show the complete top line that appears on the label of each tray, sack, or pallet in the mailing, another code may be shown on the listing provided it is also clearly legible on the label for the corresponding tray, sack, or pallet.

624.242 Requirement for Listing

a. When Required. The listing described in 624.241 must be provided for all mailings of nonidentical-weight pieces and for all mailings in which pieces eligible for and claimed at the 3/5 presort rate are commingled in the same mailing with residual (basic presort rate) pieces.

b. When Not Required. The listing required by 624.241 is not required when, for a mailing of identical-weight pieces, the mailer has physically separated the trays, sacks, or pallets containing pieces eligible for and claimed at the 3/5 presort rate from those containing residual (basic presort rate) pieces.

624.25 Marking. Each piece in the mailing must bear the appropriate rate marking required by 629.62.

624.26 Presort. All pieces in the mailing, regardless of rate, must be presorted as required by 641.1, 641.2 (for

machinable parcels), or 644 (for palletized mailings).

624.3 Carrier Route Presort Rate Eligibility

* * * * *

624.33 Residual.

[In 624.33c, replace "third-class 'basic' level bulk rate" with "basic presort rate."]

* * * * *

624.36 Current Scheme.

624.361 Proper Makeup. [In the last sentence, replace "'basic' level third-class bulk rate" with "basic presort rate."]

* * * * *

624.4–624.6 [Reserved]

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624.7 Destination Rates.

624.71 General.

624.711 Eligibility. Bulk third-class regular and special rate mail may qualify for the destination rates described in 611.222c and Exhibit 611.2 if prepared in accordance with the applicable provisions of 624.72 through 624.74 and deposited at the corresponding destination postal facility.

624.712 Other Rates and Reductions. Mailings must separately qualify for destination rates and any other rates or reductions claimed by the mailer. Only one destination reduction may be claimed for each mailpiece.

624.713 Documentation. Other than the mailing statement, no specific documentation is required in support of a destination rate, although documentation must be submitted if required by another rate or discount claimed for the same mailing.

624.714 Minimum Volume. The destination entry rate pieces prepared for deposit at each destination BMC, SCF or delivery unit must be presented as mailings. Each such mailing must consist of at least 200 pieces or 50 pounds of pieces and must be accompanied by the appropriate mailing statement.

624.715 Payment of Postage and Fees.

a. General. The correct postage for each mailing eligible for a destination rate must be affixed to each piece or paid through an advance deposit account having sufficient funds on deposit at the time of mailing. While funds intended to pay postage through an advance deposit account may be presented with the corresponding mailing, that mailing will neither be released for dispatch nor accepted if the resulting balance is not adequate to cover the applicable total postage as verified by the Postal Service.

b. Meter Postage. Except as provided by 144.8, pieces paid by meter postage must be accepted at the licensing post office (including its stations and branches), or at the destination bulk mail center (DBMC) (see 624.721) serving that post office (see 624.716d). Under the latter alternative, only the DBMC rate is available (see 624.72).

c. Precanceled Stamps. Pieces paid by precanceled stamps must be accepted at the post office (including its stations and branches) that issued the precanceled stamp permit, or at the destination bulk mail center (DBMC) (see 624.721) serving that post office (see 624.716d). Under the latter alternative, only the DBMC rate is available (see 624.72).

d. Permit Imprint. Postage for permit imprint pieces must be paid at the post office (including its stations and branches) where the permit is held and the annual fee is paid for the current 12-month period, or at the destination bulk mail center (DBMC) (see 624.721) serving that post office (see 624.716d). Under the latter alternative, only the DBMC rate is available (see 624.72).

e. Annual Fee. The applicable bulk mailing fees must be paid for the current 12-month period at the postal facility where postage is paid for the mailing.

624.716 Verification and Acceptance of Destination Rate Mailings.

a. General. Destination entry rate mailings must be presented to postal personnel at the origin mailer's plant (e.g., the origin detached mail unit (DMU)) as provided by 664, at the destination post office or bulk mail acceptance unit, or at another postal facility authorized to act as agent for the destination facility, as provided below. Mailers must adhere to the scheduling requirements in 624.717 for destination rate mailings.

b. At Origin. Destination rate mailings may be verified and paid at the mailer's plant, transported at the mailer's expense, and deposited for acceptance as mail at the appropriate destination postal facility as a plant-verified drop shipment (see 664). Plant-loaded mailings transported on postal transportation are not eligible for destination rates.

c. At Destination. Destination rate mailings may be verified and paid at the destination bulk mail acceptance unit, transported at the mailer's expense, and deposited at the appropriate destination delivery unit (station or branch). Alternatively, as determined by the postmaster, verification, postage payment, and acceptance can be performed at the destination delivery unit. Verification and postage payment can occur at another facility as provided by 624.716 d–e.

d. At a BMC. For a mailing to be verified and postage paid at a BMC, that BMC must be authorized to act as agent for the post office where the mailer's account or license is held by completion and approval of Form 4410, *Authorization for BMC Acceptance.* (Also see the restrictions in 624.715 b–e.) If the mailer is claiming the destination SCF rate (see 624.73) or the destination delivery unit rate (see 624.74), the mailer must further transport the shipment for deposit and acceptance at the destination SCF or delivery unit, as appropriate.

e. Acceptance by Another Facility. Another postal facility (other than a BMC under 624.716d) may act as agent for the destination post office if written authorization is provided by the destination post office and procedures (similar to those for BMC acceptance) are implemented and maintained to ensure that all postage for permit imprint mailings is collected. If the mailer is claiming the destination SCF rate (see 624.73) or the destination delivery unit rate (see 624.74), the mailer must further transport the shipment for deposit and acceptance at the destination SCF or delivery unit, as appropriate. Destination entry rates must not be allowed for mailings that are not transported by the mailer for deposit and acceptance at the destination BMC, SCF, or delivery unit, as applicable.

f. Security. If a destination rate mailing is not accepted as mail by the Postal Servcie at the same postal facility where verified, and will be transported to destination on the mailer's vehicle, the post office where the mail was verified must ensure that the shipment is secured in such a manner, and accompanied by appropriate documentation, as to allow confirmation that the shipment was not altered in any way before it was deposited for acceptance at the destination postal facility. Postal facilities must use USPS ball seals, USPS locks, or other postal security devices that prevent access to the mail by other than authorized postal employees. Vehicles that make en route stops must be resealed after the corresponding mail is removed.

624.717 Deposit of Mail.

a. General Requirement. Each mailing for which a destination rate is claimed must be deposited ast the time and location specified by the destination facility postmaster or designee.

b. Scheduled Deposit. Mailers must schedule deposit of destination rate mailings by contacting the manager,

logistics and distribution, or designee, at the field division office in whose service area the destination facility is located. Mailers must comply with the scheduled deposit time provided (which, based on the facility's workload, may be up to 10 business days later). Destination facilities may defer acceptance or deposit of unscheduled or untimely mailings.

624.718 Mail for Other Destinations.

a. General Exclusion. Destination rate mailings can include other pieces not eligible for the destination rate claimed subject to the limitations in 624.718b.

b. Minimum Volume. Each destination rate mailing must meet the volume requirements in 624.714 and those that may apply for other rates or discounts claimed. Regardless of volume, the mailpieces for which a destination rate is claimed must represent more than half the mail (by weight or pieces, whichever is greater) presented by the same mailer within any 24-hour period. For purposes of this section, the mailer is the party presenting the material to the Postal Service (or for whom a transportation company has presented the material to the Postal Service), not the owner of the mail for whom that party may be acting as mailing agent.

c. Maximum Volume. The same mailer may not present for verification and acceptance more than 4 destination rate mailings at the same destination postal facility (or another acting as its agent) in any 24-hour period. The destination or agent facility postmaster or BMC manager may waive this maximum if local conditions permit. There is no maximum for mailing presented for verification by the origin DMU, or for deposit of plant-verified drop shipments.

d. Other Mailings. Each destination rate mailing must be separated from other mailings when presented for verification or acceptance and, within the mailing, the sacks containing destination rate pieces must be separated from the sack containing pieces not eligible for the destination rate. In transit, plant-verified drop shipment destination rate mail for one destination postal facility must be separated from mailings for other facilities and any freight on the same vehicle.

624.719 Plant-Loaded Mailings. Plant-loaded mailings (see 154) are not eligible for the destination rates in 624.72 through 624.74.

624.72 Destination Bulk Mail Center (DBMC) Rate

624.721 Definition. For purposes of this section, the term "destination bulk mail center (DBMC)" includes all bulk mail centers (BMCs), auxiliary service facilities (ASFs), and the facilities listed in Exhibit 722.1. (Note: The designated facilities for Puerto Rico and the Virgin Islands, Alaska, and Hawaii are San Juan, PR, Anchorage, AK, and Honolulu, HI, respectively.)

624.722 Eligibility. Pieces in a mailing that meet the requirements of 624.71 and 624.72 are eligible for the DBMC rate when deposited at a DBMC (as defined in 624.721), addressed for delivery within that facility's service area (ZIP Code range) as described in Exhibit 722.1, and placed in other than an SDC, state, or mixed states tray, sack, or pallet (as permitted by the presort requirement for the rate claimed) that is correctly labeled to that DBMC or to a postal facility within its service area.

624.723 Requirements Related to BMC Acceptance.

a. General. Except as noted in 624.724b, mailings deposited at a DBMC must meet the requirements in Handbook DM–102, *Bulk Mail Acceptance*, 723.1 and 723.2.

b. Authorization. Prior to mailing at the DBMC, authorization must be provided to the DBMC to act as acceptance agent for the entry post office (i.e., for the post office where the meter license, precanceled stamp permit, or permit imprint authorization is held). Authorization for BMC acceptance is established as provided in Handbook DM–102, 725. Mailings cannot be entered at a DBMC (whether the DBMC rate is claimed or not) without this authorization.

c. BMC Responsibilities. DBMC facilities are required to operate as prescribed in Handbook DM–102, Chapter 7, when accepting mailings for which the DBMC rate is claimed.

624.73 Destination Sectional Center Facility (DSCF) Rate.

624.731 Definition. For purposes of this section, the term "destination sectional center facility (DSCF)" refers to the facilities listed in Exhibits 122.63b–d.

624.732 Eligibility. Pieces in a mailing that meet the requirements of 624.71 and 624.73 are eligible for the DSCF rate when deposited at a DSCF (as defined in 624.731), addressed for delivery within that facility's service area (ZIP Code range), and placed in other than an SDC, BMC, state, or mixed states tray, sack, or pallet (as permitted by the presort requirement for the rate claimed) that is correctly labeled to that DSCF or to a postal facility within its service area.

624.733 Requirements Related to SCF Acceptance.

a. General. Except as noted in 624.734b, mailings deposited at a DBMC must meet the requirements in Handbook DM–102, *Bulk Mail Acceptance*, 723.1 and 723.2.

b. Exception. Postage must be paid as specified in 624.715. DSCFs may not accept mail otherwise paid except as provided by 144.8.

624.74 Destination Delivery Unit (DDU) Rate.

624.741 Definition. For purposes of this section, the term "destination delivery unit (DDU)" refers to the facility (post office, branch, station, etc.) where the carrier cases mail for delivery to the addresses on pieces in the mailing, and the term "carrier routes" includes city carrier routes, rural routes, highway contract routes, and general delivery and post office box sections.

624.742 Eligibility. Pieces in a mailing that meet the requirements of 624.71 and 624.74 are eligible for the DDU rate when deposited at a DDU (as defined in 624.741), addressed for delivery within that facility's service area (carrier routes), and sorted to a carrier route or carrier routes tray, sack, or pallet (as permitted by the presort requirement for the rate claimed) that is correctly labeled to the corresponding destination. Mailings for which the DDU rate is claimed must also be eligible for and claimed at either the carrier route or saturation rate (see 624.3 and 624.8, respectively, for additional requirements, as applicable). Under no circumstances will the DDU rate be allowed for mail that requires any postal transportation other than from the carrier's case to the customer's mail receptacle.

624.8 Saturation Reduction

624.81 General.

624.811 Eligibility. The saturation reduction is available to mail sorted to carrier routes (see 641.4), arranged within each route in delivery sequence, and prepared as required by 624.82–624.88. (For purposes of this section, city carrier routes, rural routes, highway contract routes, and general delivery and post office box sections will be referred to collectively as "carrier routes" unless specifically stated.) Mailings prepared under 629.4 may qualify for the saturation rate when the detached label cards are prepared to meet the requirements of this section. Pieces prepared using simplified address must meet the requirements in 122.41.

624.812 Destination Rates. Mailings claimed at the saturation rate must separately qualify for any destination rate claimed.

624.813 Copies for Other Destinations or at Other Rates.

a. General. A mailing which includes pieces claimed at the saturation rate may include other pieces claimed at other presort rates.

b. Separation. At the time when presented to the Postal Service, the sacks containing the saturation rate pieces must be separated from other sacks in the same mailing or other mailings. Any effective method of separation may be used.

c. Other Rates. In addition to those pieces prepared in walk sequence as required for the saturation rate (see 624.85), publishers are encouraged to prepare all other pieces in the mailing in walk sequence.

624.82 Preparation. To be eligible for the saturation rate, an addressed piece must be placed in a properly labeled carrier route sack containing only pieces for the corresponding carrier route, or in a properly prepared and labeled carrier route package placed in either a sack labeled to the corresponding carrier route or in a 3- or 5-digit carrier routes sack. (Saturation rate pieces in 3- and 5-digit carrier routes sacks are not eligible for the destination delivery unit rate.) Other pieces will not be eligible for the saturation rate, and may not be included in the mailing. Pieces prepared using simplified address must meet the requirements in 122.41.

624.83 Addressing. Saturation rate mail must be addressed as follows:

a. each piece addressed for delivery on a city carrier route must bear a complete delivery address or an alternative form of address as provided by 122.42 or 122.43.

b. each piece addressed for delivery through a general delivery or post office box unit must bear a complete delivery address or an alternative form of address as provided by 122.4.

c. each piece addressed for delivery on a rural or highway contract route must bear a simplified address (see 122.41).

624.84 Density.

624.841 General. Each saturation rate mailing must contain 200 pieces or 50 pounds of pieces.

624.842 Per 5-Digit ZIP Code. There is no minimum volume per 5-digit ZIP Code delivery area. Saturation rate mail need not be sent to all carrier routes within a 5-digit delivery area.

624.843 Per Carrier Route.

a. Pieces eligible for and claimed at the saturation rate must be addressed to either 90% or more of the residential addresses or 75% or more of the total number of addresses, whichever is less, on each city carrier route receiving saturation mail, and in each general delivery unit or post office box section receiving saturation rate mail not addressed in the simplified format.

b. Pieces eligible for and claimed at the saturation rate must be addressed to 75% or more of the total number of addresses on each rural or highway contract route receiving saturation mail, and in each general delivery unit or post office box section receiving saturation rate mail addressed in the simplified format.

624.844 Multiple Copies or Pieces per Address. Only one addressed piece per delivery address may be counted toward the minimum density prescribed in 624.841 and 624.843.

624.85 Walk-Sequencing.

624.851 General. The pieces in a saturation rate mailing must be organized in the sequence in which they will be delivered as determined by the Postal Service. Pieces prepared with a simplified address must meet the requirements of 122.413.

624.852 Packages. Walk-sequenced letter-size pieces must be prepared in packages that are not more than 4 inches thick and secured by plastic or elastic bands. Walk-sequenced flats must be prepared in packages secured by plastic or elastic bands.

624.853 Labeling. Each package of walk-sequenced pieces must bear a facing slip that covers the front of the top piece in the package. That facing slip must contain the phrases "WALK-SEQUENCED MAIL;" "PACKAGE n OF nn" (where "n" is the sequential number of the package out of "nn," the total number of packages for the carrier route); "CARRIER ROUTE" (or "RURAL ROUTE," "HIGHWAY CONTRACT ROUTE," "POST OFFICE BOX SECTION," or "GENERAL DELIVERY SECTION," as applicable), followed by the appropriate number; and the name and ZIP Code of the delivery post office. The ZIP Code may be that of the delivery unit (station or branch) where applicable. The facing slip must present the required information in approximately the following format:

WALK-SEQUENCED MAIL, PACKAGE
5 OF 10, CARRIER ROUTE 17,
CENTREVILLE VA 22020

624.86 Accuracy.

642.861 Error Rate. For each carier route receiving mail at the saturation rate, no more than 5 percent of the total pieces for the route may be found out of sequence or sorted to the wrong carrier route. (The total number of pieces for the route is shown on the documentation required by 624.88.)

624.862 Errors not Counted. An error will not be counted when pieces are not in sequence or not sorted to the correct carrier route because of Postal Service scheme changes not yet incorporated in the scheme the mailer is required to use in preparation of the mailing (see 624.87 and 624.88).

624.863 Pieces in Error. When a number of pieces is found that represents 5 percent or more of the total pieces for the route, the remaining pieces in the mailing for that route will be held and no further attempt made to distribute or deliver them. The delivery unit will notify the mailer or representative accordingly if the mailing was accompanied by the name and telephone number of the mailer or a local representative for the mailer. The mailer or representative may inform the delivery unit that it is abandoning the mailing, or, within 24 hours, either call for the mailing to correct the walk sequence errors or pay additional postage (the difference between the saturation and carrier route presort rates) for all the pieces in the mailing for that route.

624.864 Refunds. No refund of postage will be available for postage paid for abandoned mailings.

624.87 Delivery Sequence Information.

624.871 General. Mailings entered at the saturation rate may be based on delivery sequence information provided by the Postal Service using the mehods in 624.872 or 624.873.

624.872 CDS File. The Computerized Delivery Sequence (CDS) file is updated quarterly. Saturation rate mailings presented for acceptance 45 days or more after the release of a quarterly CDS file update must incorporate the changes contained in that update. Mailings based on out-of-date information must not be accepted at the saturation rate.

624.873 Address Sequencing Service. Mailings entered at the saturation rate may be based on deivery sequence information provided by the Postal Service's address sequencing services (see 946). These services can be used to provide updated information as requested by the customer. Mailers who use address sequencing service must base saturation rate mailings on address sequence information that was updated not more than 45 days prior to the date of mailing. Mailings based on older information must not be accepted at the saturation rate.

624.88 Documentation.

624.881 General. Mailers who prepare mailings claimed at the saturation rate must be prepared to substantiate compliance with the requirements in 624.8.

624.882 Density.

a. Unless simplified address is used, for each carrier route to which saturation rate mail is addressed, the mailer must provide documentation to indicate the total number of addressed pieces, the total number of possible residential deliveries, the number and percentage to which mailpieces in the mailing are addressed, the total number of possible delivery stops, and the number and percentage to which mailpieces in the mailing are addressed.

b. If simplified address is used, for each carrier route to which saturation rate mail is addressed, the mailer must provide documentation to indicate the total number of addressed pieces, the total number of possible delivery stops, and the number and percentage to which mailpieces in the mailing are addressed.

624.883 Accuracy.

a. For each carrier route receiving saturation rate mail, the mailer who uses CDS must annotate the mailing statement to show the issue date of the Postal Service walk-sequence scheme (CDS) used in preparation of the mail (see 624.87).

b. For each carrier route receiving saturation rate mail, the mailer who uses address sequencing service must annotate the mailing statement to show the date of the last update for the address sequence information used in preparation of the mail (see 624.87). The mailer must provide evidence of this date by copy of the *Delivery Unit Summary* that served as the mailer's bill for the address sequencing service charges (see 946.71).

624.884 Documentation Required to Accompany the Mail. In addition to the facing slip required by 624.853, the first package of mail for each carrier route must contain a summary for that route which indicates the total number of addressed pieces, the total number of possible residential deliveries and the number and percentage to which mailpieces are addressed (if applicable), the total number of possible delivery stops and the number and percentage to which mailpieces are addressed, and the issue date of the CDS scheme or the address sequence information used in preparation of the mail (as applicable).

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628 ADDITIONAL CONDITIONS FOR AUTOMATED BULK THIRD-CLASS RATES

628.1 Conditions Applicable to Automated Bulk Third-Class Rates

628.11 General.

628.111 Definition. The automated bulk third-class rates (Basic ZIP+4, 3/5 ZIP+4, Basic ZIP+4 Barcoded, 3-Digit ZIP+4 Barcoded, and 5-Digit ZIP+4 Barcoded) apply only to letter-size mailpieces in mailings prepared as specified by this section and according to other requirements referred to in this section.

628.112 Marking. The address side of each piece in the mailing must show the marking required by 629.6 that is appropriate for the rate claimed for the mailing.

628.113 Postage. The mailer must pay all applicable postage before the corresponding mailing can be accepted by the Postal Service (see 661.3).

628.114 Physical Characteristics. Each piece in the mailing must meet the following standards:

a. Its length must be not less than 5 inches nor more than 11½ inches;

b. Its height must be not less than 3½ inches nor more than 6⅛ inches;

c. Its thickness must be not less than .007 inch nor more than ¼ inch;

d. Its length divided by its height must be not less than 1.3 nor more than 2.5; and

e. Its weight must not exceed .1563 pound (2.5 ounces).

628.115 ZIP Codes.

a. ZIP+4 Rates. The delivery address on pieces claimed at a ZIP+4 rate must contain either the correct ZIP+4 code or the correct 5-digit ZIP Code, provided the correct ZIP+4 barcode, prepared in accordance with 628.15, also appears on the piece. [The requirement for a ZIP+4 code may be satisfied either by the correct numeric ZIP+4 code in the delivery address or by the correct ZIP+4 barcode prepared as described in 628.15.]

b. ZIP+4 Barcoded Rates. The delivery address on pieces claimed at a ZIP+4 Barcoded rate must contain either the correct ZIP+4 code or the correct 5-digit ZIP Code.

628.116 Barcode Clear Zone.

a. General Requirement. The address side of each piece in an automated rate mailing must have a barcode clear zone that can contain no printing or markings except for a barcode properly prepared in accordance with 628.15. See 628.156 and 628.162, respectively, for additional conditions that apply to pieces with 5-digit barcodes and pieces with barcode windows through which no barcode appears.

b. Dimensions. The barcode clear zone is an imaginary rectangle on the address side of the mailpiece formed by:

(1) The bottom edge;

(2) A line parallel to and ⅝ inch above the bottom edge;

(3) The right edge; and

(4) A line parallel to and 4½ inches to the left of the right edge.

628.12 Minimums.

628.121 Per Mailing.

a. Quantity. Each mailing at an automated third-class rate must consist of not less than 200 pieces or 50 pounds of pieces that are eligible for and claimed at that rate, and that meet both the applicable general requirements specified in 628.1 and the specific requirements for the rate claimed. Other pieces that may be included in the same mailing and claimed at another rate for which they may qualify do not have to meet a separate minimum quantity.

b. 85% Requirement.

(1) ZIP+4 Rate Mailings. Regardless of the number of pieces in the mailing, or the rates claimed, no less than 85% of the number of addressed pieces in each mailing must bear the correct ZIP+4 code in the delivery address (see 628.115b). Regardless of the rate for which they may qualify, all remaining pieces must meet the requirements in 628.114, 628.115, and, as applicable, 628.16.

[The Postal Service intends to propose a revision to section 628.121b(2), which currently requires that at least 85% of the pieces in a ZIP+4 barcoded rate mailing bear a correctly prepared ZIP+4 barcode. By that revision, the 85% figure would be increased to 100%, effective September 15, 1990.]

(2) ZIP+4 Barcoded Rate Mailings. Regardless of the number of pieces in the mailing, or the rates claimed, no less than 85% of the number of addressed pieces in each mailing must bear the correct ZIP+4 barcode (see 628.15). Regardless of the rate for which they may qualify, all remaining pieces must meet the requirements in 628.114, 628.115, and, as applicable, 628.16.

628.122 Per Package, Tray, and Sack. Each package must contain a minimum of 10 addressed pieces, and must be placed in either a sack containing no less than 125 addressed pieces or 15 pounds of addressed pieces, or a tray that is at least ¾ full when the contents are reasonably compressed.

628.13 OCR Readability (ZIP+4 Rates).

628.131 Requirements. [Text of existing 624.443a; redesignate 624.443a(1) and 624.443a(1)(a) through 624.443(1)(d) as 628.131a and 628.131a(1) through 628.131a(4), respectively; redesignate existing 624.443a (2) through (4) as 628.131b through 628.131d, respectively.]

628.132 Nonmandatory Guidelines. [Text of existing 624.443b; redesignate existing 624.443b (1) through (11) as 628.132a through 628.132k, respectively.]

628.133 Exceptions. Pieces prepared with ZIP+4 barcodes (under 628.115b(2) and 628.15) are exempt from the OCR

readability requirements of this section, but remain eligible for the automated third-class rates if other applicable requirements are met. Pieces prepared with both a 5-digit ZIP Code and 5-digit barcode (under 628.161), or with a barcode window through which no barcode appears (under 628.162) are also exempt from the OCR readability requirements of this section, but do not qualify for any automated third-class rate.

628.14 [Reserved]

628.15 Preparation of ZIP+4 Barcodes

628.151 Correct ZIP+4 Barcode. [Text of existing 624.65a.]

628.152 General Preparation. [Text of existing 624.65b; in the fourth and fifth sentences, replace "Exhibit 624.65b" with "Exhibit 628.152"; redesignate Exhibit 624.65b as Exhibit 628.152.]

628.153 Barcode Location. [Text of existing 624.65c; in the fourth and fifth sentences, replace "Exhibit 624.65c" with "Exhibit 628.153"; redesignate Exhibit 624.65c as Exhibit 628.153.]

628.154 Technical Specifications. [Renumber existing 624.65 d–g as 628.154 a–d, respectively.]

628.155 Inserts. [Text of existing 624.65h; redesignate 624.65h(1) and 624.65h(1) (a) through (d) as 628.155a and 628.155a (1) through (4), respectively; redesignate 624.65h(2) and 624.65h(2) (a) through (d) as 628.155b and 628.155b (1) through (4), respectively.]

628.16 Other Mailpieces.

628.161 Pieces Bearing a 5-Digit Barcode.

a. In Automated Rate Mailings. Mailers may place 5-digit barcodes on pieces in automated rate mailings provided those pieces are prepared as required by 628.161b.

b. Preparation. All 5-digit barcodes must meet the requirements of 628.154 and 628.155 and the following:

(1) Barcode Format. The 5-digit barcode must be prepared as described in 628.152, except that there must be a single field of 32 bars consisting of a frame bar, a series of bars that represent the correct 5-digit ZIP Code for the delivery address on the piece (see Exhibit 628.152), a correction digit, and a final frame bar. The correction digit is the single-digit value that must be added to the sum of the numbers in the 5-digit ZIP Code to make the total a multiple of 10 (i.e., end in a zero).

(2) Barcodes Printed Directly on Mailpieces. The 5-digit barcode printed on mailpieces that do not have a window for a barcode insert must be located in a barcode read area as required by 628.153, except that, within that area, the first (left-most) bar of the barcode must be located no less than 3⅞ inches, nor more than 4 inches, from the right edge of the mailpiece. See Exhibit 628.161b(2).

[Renumber existing Exhibit 624.66b(3) as Exhibit 628.161b(2).]

(3) Barcodes Printed on Inserts. 5-digit barcodes printed on inserts and that will appear through a barcode window may meet either the requirements described in 628.153 or those in 628.161b(2).

c. Rate Eligibility.

(1) Pieces prepared with a 5-digit barcode appearing through a barcode window are not eligible for any automated rate and cannot be included among pieces counted toward the 85% requirements (see 628.121b).

(2) Pieces bearing a 5-digit barcode are not eligible for any ZIP+4 Barcoded rate and cannot be included among pieces counted toward the 85% requirements (see 628.121b).

(3) Pieces with a 5-digit barcode printed directly on them (as described in 628.161b(2)) may be eligible for a ZIP+4 rate and can be included among pieces counted toward the 85% requirement (see 628.121b) if each meets the other requirements for a 5-digit barcode (in 628.161b), the OCR readability requirements in 628.131, and bears a numeric ZIP+4 code in the delivery address.

628.162 Pieces Prepared With Barcode Windows Through Which No Barcode Appears.

Any piece prepared with a barcode window through which a barcode (printed on an insert) will not appear is not eligible for any automated rate and cannot be included among pieces counted toward the 85% requirement (see 628.121b). If placed in an automated rate mailing, such a mailpiece must meet the requirements of 628.11.

628.17 Documentation.

628.171 None Required. No documentation is required for automated rate mailings of identical-weight pieces when all pieces in the mailing are eligible for and claimed at the same rate and have the correct amount of postage affixed. Each piece must also bear either the correct ZIP+4 code corresponding to the delivery address on the piece (for mailings at the Basic or 3/5 ZIP+4 rates) or the correct 5-digit ZIP Code and the correctly-prepared ZIP+4 barcode corresponding to the delivery address on the piece (for mailings at any ZIP+4 Barcoded rate).

628.172 Submission With Each Mailing. Mailings that do not meet the requirements of 628.171 must be accompanied by documentation that:

a. Details the number of pieces for each 5-digit ZIP Code (or other sortation) that qualify for each rate in the mailing.

b. Provides cumulative totals after each line entry, subtotals by sortation (where required), and grant totals for the entire mailing by rate.

c. Shows the number of pieces prepared with a ZIP+4 code or a ZIP+4 barcode, as applicable to the particular rate claimed.

d. Proves the mailing has met or exceeded the "85% requirement" (see 628.121).

e. Details the number of pieces at each rate and increment, the postage (or additional postage) due, and the total postage for the mailing.

f. Provides the additional detail required for the rate claimed (see 628.2 through 628.7 for the specific documentation requirements that apply to each rate).

628.173 Submission Based on a Mailing List or Cycle. As an alternative to submitting documentation with each mailing, mailers may submit documentation based on a mailing list or mailing cycle under the following conditions:

a. The mailing period for the list, or the duration of the mailing cycle, each as defined by the mailer, must be longer than 24 hours but not more than 1 week (7 consecutive days). The mailer must notify the post office where mailings are accepted of the first and last mailings, and the beginning and ending points of the time period, of the list or cycle.

b. More than one list or cycle may be active at one time, but mailings from each must be prepared and presented separately, clearly identified, and accompanied by mailing statements that clearly relate to specific mailings.

c. Compliance with the 85% requirement (see 628.121) may be based on the entire list or cycle.

d. The documentation must contain the information described in 628.172.

e. Complete documentation for the entire mailing list or mailing cycle must be submitted with the first mailing from that list or cycle.

f. The appropriate mailing statements must be submitted with each mailing when presented for acceptance.

g. At the time the last mailing from a list or cycle is presented to the Postal Service, any discrepancies between the mail presented to and verified by the Postal Service, the mail described in the documentation, and the mail claimed on the corresponding mailing statements (in regard to quantity, rate eligibility, or postage) must be reconciled to the satisfaction of the Postal Service, and any additional postage that may be due must be paid by the mailer.

628.174 Mailing Statements. When presented for acceptance, each mailing must be accompanied by the appropriate mailing statement, completed by the mailer. The statement must be attached or otherwise related by code or reference to specific supporting documentation. All mailing statements and supporting documents are subject to verification by the Postal Service.

628.18 Presort

628.181 General Requirement. All pieces in an automated rate bulk third-class mailing must be presorted together as required by 641.

628.182 Rate Eligibility

a. Basic ZIP+4 and Basic ZIP+4 Barcoded Rates. All pieces packaged and sacked under 641 are eligible for the Basic ZIP+4 and Basic ZIP+4 Barcoded rates if the other applicable requirements are met (see 628.2 and 628.5, respectively).

b. 3/5 ZIP+4 Rates. Pieces in 5-digit, optional city, and 3-digit packages that are correctly sorted to 5-digit, optional city, and 3-digit sacks are eligible for the 3/5 ZIP+4 rates if the other applicable requirements are met (see 628.3).

c. 3-Digit ZIP+4 Barcoded Rates. Pieces packaged in optional city and 3-digit packages that are correctly sorted to optional city and 3-digit sacks are eligible for the 3-digit ZIP+4 Barcoded rates if the other applicable requirements are met (see 628.6).

c. 5-Digit ZIP+4 Barcoded Rate. Only pieces in 5-digit packages correctly sorted to 5-digit, optional city, and 3-digit sacks are eligible for the 5-digit ZIP+4 Barcoded rate if the other applicable requirements are met (see 628.7).

628.19 Optional Use of Trays. Automated rate bulk third-class mailings may be prepared in trays rather than in sacks as provided by 647.

628.2 Basic ZIP+4 Rate

628.21 Minimum Quantity. As prescribed in 628.12, each Basic ZIP+4 mailing must contain at least 200 pieces or 50 pounds of pieces that are eligible for and claimed at the Basic ZIP+4 rate. In addition, regardless of the rate claimed for the pieces, no less than 85% of the number of addressed pieces in each Basic ZIP+4 rate mailing must bear the correct ZIP+4 code in the delivery address (as provided by 628.115b). All remaining pieces must meet the requirements in 628.11.

628.22 OCR Readability. Pieces intended for eligibility for the Basic ZIP+4 rate must meet the OCR readability requirements in 628.13, unless subject to the exception for ZIP+4 barcoded pieces (see 628.115b, 628.133, and 628.15).

628.23 Documentation. In addition to the general requirements of 628.17, documentation must be prepared with separate columns to list the number of pieces at the Basic ZIP+4 rate and, as applicable, the 3/5 presort rate (with a ZIP+4 code), the 3/5 presort rate (without a ZIP+4 code), the basic presort rate (with a ZIP+4 code), the basic presort rate (without a ZIP+4 code), and the cumulative total pieces in the mailing through each line entry. A separate line entry must be provided for each 5-digit ZIP Code for which pieces have been packaged in 5-digit or optional city packages, and for each 3-digit ZIP Code prefix for which pieces have been packaged otherwise.

628.24 Presort. See 628.18.

628.25 Additional Tray and Sack Labeling Requirements. The second (contents) line on labels for trays and sacks in Basic ZIP+4 rate mailings must show the information specified in 641.133 and 641.135 followed by either "BASIC ZIP+4" or "Z+4."

628.3 3/5 ZIP+4 Rate

628.31 Minimum Quantity. As prescribed in 628.12, each 3/5 ZIP+4 mailing must contain at least 200 pieces or 50 pounds of pieces that are eligible for and claimed at the 3/5 ZIP+4 rate. In addition, regardless of the rate claimed for the pieces, no less than 85% of the number of addressed pieces in each 3/5 ZIP+4 rate mailing must bear the correct ZIP+4 code in the delivery address (as provided by 628.115b). All remaining pieces must meet the requirements in 628.11.

628.32 OCR Readability. Pieces intended for eligibility for the 3/5 ZIP+4 rate must meet the OCR readability requirements in 628.13, unless subject to the exception for ZIP+4 barcoded pieces (see 628.115b, 628.133, and 628.15).

628.33 Documentation. In addition to the general requirements of 628.17, documentation must be prepared with separate columns to list the number of pieces at the 3/5 ZIP+4 rate and, as applicable, the Basic ZIP+4 rate, the 3/5 presort rate (with a ZIP+4 code), the 3/5 presort rate (without a ZIP+4 code), the basic presort rate (with a ZIP+4 code), the basic presort rate (without a ZIP+4 code), and the cumulative total pieces in the mailing through each line entry. A separate line entry must be provided for each 5-digit ZIP Code for which pieces have been packaged in 5-digit or optional city packages, and for each 3-digit ZIP Code prefix for which pieces have been packaged otherwise.

628.34 Presort. See 628.18.

628.35 Optional Sortation to Automated Sites. Mailers may prepare 3/5 ZIP+4 rate mailings without making 5-digit packages or sacks if:

a. All pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m;

b. All pieces are prepared in 3-digit packages and 3-digit sacks; and

c. Pieces destinating in other ZIP Code areas are prepared as a separate mailing.

628.36 Additional Tray and Sack Labeling Requirements. The second (contents) line on labels for trays and sacks in 3/5 ZIP+4 rate mailings must show the information specified in 641.133 and 641.135 followed by either "3/5 ZIP+4" or "3/5 Z+4."

628.4 [Reserved]

628.5 Basic ZIP+4 Barcoded Rate

628.51 Minimum Quantity. As prescribed in 628.12, each Basic ZIP+4 Barcoded mailing must contain at least 200 pieces or 50 pounds of pieces that are eligible for and claimed at the Basic ZIP+4 Barcoded rate. In addition, regardless of the rate claimed for the pieces, no less than 85% of the number of addressed pieces in each Basic ZIP+4 Barcoded rate mailing must bear a correctly prepared ZIP+4 barcode (as provided by 628.15). All remaining pieces must meet the requirements in 628.11.

628.52 ZIP+4 Barcode. Pieces intended for eligibility for the Basic ZIP+4 Barcoded rate must bear a ZIP+4 barcode prepared as required by 628.15.

628.53 Documentation. In addition to the general requirements of 628.17, documentation must be prepared with separate columns to list the number of pieces at the Basic ZIP+4 Barcoded rate, and, as applicable, the 3/5 ZIP+4 rate (with a ZIP+4 barcode), the 3/5 ZIP+4 rate (without a ZIP+4 barcode), the Basic ZIP+4 rate (with a ZIP+4 barcode), the Basic ZIP+4 rate (without a ZIP+4 barcode), the 3/5 presort rate (with a ZIP+4 barcode), the 3/5 presort rate (without a ZIP+4 barcode), the basic presort rate (without a ZIP+4 barcode), and the cumulative total pieces in the mailing through each line entry. A separate line entry must be provided for each 5-digit ZIP Code for which pieces have been packaged in 5-digit or optional city packages, and for each 3-digit ZIP Code prefix for which pieces have been packaged otherwise.

628.54 Presort. See 628.18.

628.55 Additional Tray and Sack Labeling Requirements. The second (contents) line on labels for trays and

sacks in Basic ZIP+4 Barcoded rate mailings must show the information specified in 641.133 and 641.135 followed by either " ZIP+4 Barcoded" or "Z+4 B/C."

628.6 3-digit ZIP+4 Barcoded Rate

628.61 Minimum Quantity. As prescribed in 628.12, each 3-Digit ZIP+4 Barcoded mailing must contain at least 200 pieces or 50 pounds of pieces that are eligible for and claimed at the 3-Digit ZIP+4 Barcoded rate. In addition, regardless of the rate claimed for the pieces, no less than 85% of the number of addressed pieces in each 3-Digit ZIP+4 Barcoded rate mailing must bear a correctly prepared ZIP+4 barcode (as provided by 628.15). All remaining pieces must meet the requirements in 628.11.

628.62 ZIP+4 Barcode. Pieces intended for eligibility for the 3-Digit ZIP+4 Barcoded rate must bear a ZIP+4 barcode prepared as required by 628.15.

628.63 Documentation. In addition to the general requirements of 628.17, documentation must be prepared with separate columns to list the number of pieces at the 3-Digit ZIP+4 Barcoded rate and, as applicable, the Basic ZIP+4 Barcoded rate, the 3/5 ZIP+4 rate (with a ZIP+4 barcode), the 3/5 ZIP+4 rate (without a ZIP+4 barcode), the Basic ZIP+4 rate (with a ZIP+4 barcode), the Basic ZIP+4 rate (without a ZIP+4 barcode), the 3/5 presort rate (with a ZIP+4 barcode), the 3/5 presort rate (without a ZIP+4 barcode), the basic presort rate (with a ZIP+4 barcode), the basic presort rate (without a ZIP+4 barcode), and the cumulative total pieces in the mailing through each line entry. A separate line entry must be provided for each 5-digit ZIP Code for which pieces have been packaged in 5-digit or optional city packages, and for each 3-digit ZIP Code prefix for which pieces have been packaged otherwise.

628.64 Presort. See 628.18.

628.65 Optional Sortation to Automated Sites. Mailers may prepare 3-Digit ZIP+4 Barcoded rate mailings without making 5-digit packages or sacks if:

a. All pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m;

b. All pieces are prepared in 3-digit packages and 3-digit sacks; and

c. Pieces destinating in other ZIP Code areas are prepared as a separate mailing.

628.66 Additional Tray and Sack Labeling Requirements. The second (contents) line on labels for trays and sacks in 3-Digit ZIP+4 Barcoded rate mailings must show the information specified in 641.133 and 641.135 followed by either "3-DIGIT ZIP+4 BARCODED" or "3D Z+4 B/C."

628.7 5-Digit ZIP+4 Barcoded Rate

628.71 Minimum Quantity. As prescribed in 628.12, each 5-Digit ZIP+4 Barcoded mailing must contain at least 200 pieces or 50 pounds of pieces that are eligible for and claimed at the 5-Digit ZIP+4 Barcoded rate. In addition, regardless of the rate claimed for the pieces, no less than 85% of the number of addressed pieces in each 5-Digit ZIP+4 Barcoded rate mailings must bear a correctly prepared ZIP+4 barcoded (as provided by 628.15). All remaining pieces must meet the requirements in 628.11.

628.72 ZIP+4 Barcoded. Pieces intended for eligibility for the 5-Digit ZIP+4 Barcoded rate must bear a ZIP+4 barcode prepared as required by 628.15.

628.73 Documentation. In addition to the general requirements of 628.17, documentation must be prepared with separate columns to list the number of pieces at the 5-Digit Barcoded rate and, as applicable, the 3-Digit ZIP+4 Barcoded rate, the Basic ZIP+4 Barcoded rate, the 3/5 ZIP+4 rate (with a ZIP+4 barcode), the 3/5 ZIP+4 rate (without a ZIP+4 barcode), the Basic ZIP+4 rate (with a ZIP+4 barcode), the Basic ZIP+4 rate (without a ZIP+4 barcode), the 3/5 presort rate (with a ZIP+4 barcode), the 3/5 presort rate (without a ZIP+4 barcode) the basic presort rate (with a ZIP+4 barcode) the basic presort rate (without a ZIP+4 barcode), and the cumulative total pieces in the mailing through each line entry. A separate line entry must be provided for each 5-digit ZIP Code for which pieces have been packaged in 5-digit or optional city packages, and for each 3-digit ZIP Code prefix which pieces have been packaged otherwise.

628.74 Presort. See 628.18.

628.75 Additional Tray and Sack Labeling Requirements. The second (contents) line on labels for trays and sacks in 3-Digit ZIP+4 Barcoded rate mailings must show the information specified in 641.133 and 641.135 followed by either "5-DIGIT ZIP+4 BARCODED" or "5D Z+4 B/C."

628.8 [Reserved]

628.9 [Reserved]

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629 MAILPIECE CHARACTERISTICS

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629.2 Physical Limitations

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629.22 Size, Shape, and Ratio (General Standards)

629.221 Maximum Size Standards

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b. Basic Presort and 3/5 Percent Rates. There is no maximum size for basic presort rate and 3/5 presort rate bulk third-class mail.

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629.4 Optional Use of Detached Address Labels for Flats

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629.47 Saturation Rate. Mailing prepared under 629.4 may qualify for the saturation rate if the detached cards are prepared to meet the requirements of 624.8.

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629.6 Marking

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629.62 Basis Presort and 3/5 Presort Rates. * * *

629.63 Carrier Route Presort Rate. [In the first sentence delete the word "level."]

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640 Bulk Mail Presort Requirements

641 STANDARD PACKING AND SACKING REQUIREMENTS

641.1 Letter-Size, Flat-Size, and Irregular Parcel Mailings

641.11 General. All basic presort and 3/5 presort rate bulk third-class-mailing must be prepared as specified in 641.1, subject to the exceptions contain in 641.124 and 641.136 for loose-packing, 643 for irregular parcels, 644 for palletization, and 647 for traying. All pieces presented in a single mailing must be presorted together as required by this section. The level of sortation (i.e., packing and trayng or sacking) determines eligibility for the 3/5 presort rate; pieces not claimed at or not eligible for the 3/5 presort rate must be claimed at the basic presort rate (see 624.1 and 624.2).

641.12 Packaging Requirements

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641.124 Loose Packing. [Add as the fourth sentence:] Pieces prepared in loose-packed 5-digit sacks may qualify for the 3/5 presort rate subject to the applicable requirements in 624.2.

641.125 Rate Eligibility. Packages prepared under 641.121b (5-digit), and 641.121d (3-digit) may be eligible for the 3/5 preport rate if correctly sacked or trayed to qualifying destinations as required by 624.2 and 641.13. Packages prepared under 641.121a and 641.121 e–h are not eligible for the 3/5 presort rate

and must be claimed at the basic presort rate.

641.13 Sacking Requirements.

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641.136 Loose-Pack Sack. [Add as the fifth sentence:] Pieces prepared in loose-packed 5-digit sacks may qualify for the 3/5 presort rate subject to the applicable requirements in 624.2.

641.137 Rate Eligibility. Pieces correctly packaged under 641.121b (5-digit), 641.121c (optional city), and 641.121d (3-digit), and correctly sacked under 641.135a-c (5-digit), optional city, or 3-digit) may be eligible for the 3/5 presort rate if otherwise qualified under 624.2. Pieces in other packages, or packaged under 641.121 b–d but not sacked under 641.135 a–c, are not eligible for the 3/5 presort rate and must be claimed at the basic presort rate.

641.2 Machinable Parcel Preparation Requirements

641.21 General

641.211 Preparation. [Text of existing 641.21.]

641.212 Rate Eligibility. Subject to the provisions of 624.2, pieces may be eligible for the 3/5 presort rate when prepared under 641.221 and 641.222. Mailers wishing to claim the 3/5 presort rate *must* presort to 5-digit destinations (as required by 641.221) before presorting to destinating BMCs under 641.222. Pieces correctly presorted and labeled under 641.222 to the origin BMC will be eligible for the 3/5 presort rate.

641.22 Sacking Requirements.

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641.222 Bulk Mail Center (BMC) Sacks.

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641.223 Mixed MBC Sacks.

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[Delete existing 641.23 and 641.3.]

641.4 Additional Presort Requirements for Carrier Route Presort Rate Mailings

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644 PALLETIZATION REQUIREMENTS

644.1 Packages and Bundles Presented on Pallets

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644.17 Commingling Mixed Rate Level Mailings on Pallets.

644.171 General. [Replace "basic, 5-digit, or carrier route" with "basic presort, 3/5 presort, or carrier route presort."]

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644.175 Preparation Requirements.

a. Summary Listing. * * *

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(2) The number of pieces that qualify for the basic presort rate and for the 3/5 presort rate for each 5-digit ZIP Code.

(3) The number of pieces that qualify for the basic presort rate and for the 3/5 presort rate for each 3-digit ZIP Code prefix.

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644.18 Copalletizing Multiple Bulk Third-Class Flat-Size Mailings

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644.186 Preparation Requirements for Copalletized Flat-Size Mail

a. Summary List. * * *

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(2) If the 3/5 presort rate is claimed, the number of pieces that qualify for the 3/5 presort rate for each 5-digit ZIP Code, listed by individual mailing and a total for the pallet.

(3) If the basic presort rate is claimed, a detailed list by ZIP Code describing the number of pieces that qualify for the basic presort rate, by individual mailing, and a total for each pallet.

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644.2 Palletizing Machinable Third-Class Parcels

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644.22 Machinable Parcel Pallet Preparation

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644.225 Rate Eligibility. Subject to 624.2, pieces may be eligible for the 3/5 presort rate when prepared under 644.222. Pieces correctly presorted under 644.222b to the service area of the origin BMC will be eligible for the 3/5 presort rate.

644.23 Presentation of Mailings. [Replace "third-class carrier route presort level rate and the third-class 5-digit presort level rate" with "3/5 presort and carrier route presort bulk third-class rates."]

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645 BUNDLING INSTEAD OF SACKING (BEDLOADED BUNDLES)

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645.3 Bundle Preparation

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645.33 Labels. * * *

[In the NOTE, replace "Five-digit presort level rate packages and bundles and third-class carrier route packages and bundles" with "3/5 presort rate packages and bundles and carrier route presort rate packages and bundles."]

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647 TRAYS.

647.1 General

647.11 Automation-Compatible Mailpieces. ZIP+4 and ZIP+4 Barcoded rate mailings of automation-compatible letter-size mailpieces may be prepared in trays rather than in sacks subject to the requirements of this section. Trays are the preferred container for automation-compatible mail.

647.12 Other Mailpieces. The use of trays for other third-class mail is prescribed in 641.33 and 641.43.

647.2 Preparation of Mail in Trays

647.21 Packaging.

647.211 General. Mailings prepared in trays must be packaged as required by 641.12, except as provided below.

647.212 Carrier Route Trays. Pieces being claimed at the carrier route presort rate need not be prepared in packages only when all the mail in those packages would be placed in the same tray for the same carrier route. Carrier route packages are required when the corresponding pieces are being placed in 5-digit or 3-digit carrier routes trays.

647.213 5-Digit Trays. Pieces need not be prepared in 5-digit packages only when all the mail in those packages will be placed in the same tray for the same 5-digit ZIP Code destination. 5-digit packages are required when the corresponding pieces are being placed in other than 5-digit trays.

647.214 3-Digit Trays. Pieces need not be prepared in 3-digit packages only when all the mail in those packages would be placed in the same tray for the same 3-digit ZIP Code destination. 5-digit packages are required when there are 10 or more pieces to the same 5-digit destination and when those packages are being placed in other than 5-digit trays. 3-digit packages are required when the corresponding pieces are being placed in other than 3-digit trays.

647.22 Traying.

647.221 General. Trays must be prepared in the same sequence as required for sacks under 641.135.

647.222 Minimum Volume per Tray. A tray must be prepared for a required presort destination when the corresponding pieces (or packages of pieces), when reasonably compressed, fill ¾ or more of the tray. Trays that contain less may not be prepared unless a sack containing less than 125 pieces and 15 pounds of pieces to the same destination is permitted under 641.135, 641.421b, 641.426, or 641.427.

647.223 Tray Labels. A tray label must be securely affixed to the end of each tray. Tray labels are subject to the same requirements as specified for sack labels in 641.133, 641.135, 641.423, 641.425, and 646, except that additional information must be added to the second (contents) line as specified in 628.25, 628.36, 628.55, 628.66, and 628.75.

647.224 Sleeving and Banding. To ensure the integrity of the mail in transit, each tray must be enclosed in a sleeve and secured by a plastic strap placed tightly around the length of the tray. The postmaster of the office of where the mail is accepted may waive this requirement for local mail.

647.23 Optional Sortation to Automated Sites. Mailers may prepare 3/5 ZIP+4 rate and 3-digit ZIP+4 barcoded rate mailings without making 5-digit packages or trays if

a. All pieces in the mailing are for destinations within the 3-digit ZIP Code ranges listed in Exhibit 122.63m;

b. All pieces are prepared in 3-digit packages and 3-digit trays; and

c. Pieces destinating in other ZIP Code areas are prepared as a separate mailing.

647.3 Rate Eligibility.

647.31 Presort. Mailings prepared in trays remain eligibile for the basic presort, 3/5 presort, carrier route presort, and saturation rates if the applicable requirements in 624.1, 624.2, 624.3, and 624.8 are met, and sufficient volume of mail per tray (see 647.222) is generated for the applicable required destinations.

647.32 Automated Rates. Mailings prepared in trays remain eligible for the ZIP+4 and ZIP+4 Barcoded rates if the applicable requirements in 628 are met.

647.33 Destination Entry. Mailings prepared in trays remain eligible for the destination entry rates if the applicable requirements in 624.7 are met.

650 Mailing

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652 BULK RATES

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652.2 Separation of Mailings.

[Replace "third-class carrier route presort level rate" and "5-digit presort level rate" with "carrier route presort rate" and "3/5 presort rate" respectively.]

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660 Payment of Postage

661 METHOD OF PAYMENT

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661.2 Bulk Mailings at the Basic Presort, 3/5 Presort, and Carrier Route Presort Rates

661.21 Identical-Weight Pieces. * * *

a. Meter Stamps. See 144.

(1) Bulk rate mailings may be mailed with the correct metered postage affixed to each piece (i.e., pieces eligible for the carrier route presort rate are metered at that rate, while pieces eligible for the 3/5 presort rate are metered at the 3/5 presort rate, and pieces subject to the basic presort rate are metered at the basic presort rate).

(2) [In the first sentence, delete "level." In the second sentence replace "basic" with "basic presort;" in the NOTE, replace "basic-rate" with "basic presort rate."]

(3) [In the first sentence, replace both "Five-digit presort rate" and "5-digit presort level rate" with "3/5 presort rate." In the second sentence, replace "basic rate" with "basic presort rate."]

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661.22 Nonidentical-Weight Pieces.

661.221 Pound Rates.

a. Permit Imprint. [In both the first and second sentences, replace "basic or 5-digit rate" with "basic presort or 3/5 presort rate."]

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c. Precanceled Stamps. [In the fourth sentence, replace "basic or 5-digit rate" with "basic presort or 3/5 presort rate."]

d. Alternative Option. [In the first sentence, replace "5-digit or basic"with "basic presort or 3/5 presort."]

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661.3 Bulk Mailings at Basic ZIP + 4, 3/5 ZIP+4, and ZIP+4 Barcoded Rates

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661.32 Meter Stamps.

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661.322 Correct Postage Affixed to Each Piece.

a. Basic ZIP+4 Mailings. [Replace "basic presort level rate" with "basic presort rate."]

b. Five-Digit ZIP+4 Mailings. [Replace "5-digit presort level rate" with "3/5 presort rate" and replace "basic presort level rate" with "basic presort rate."]

c. ZIP+4 Barcoded Mailings. [Replace "5-digit presort level rate" with "3/5 presort rate" and replace "basic presort level rate" with "basic presort rate."]

661.323 Lowest Rate in the Mailing Affixed to Each Piece.

a. Basic ZIP+4 Mailings. [Replace "basic presort level rate" with "basic presort rate."]

b. Five-Digit ZIP+4 Mailings. [Replace "5-digit presort level rate" with "3/5 presort rate" and replace "basic presort level rate" with "basic presort rate."]

c. ZIP+4 Barcoded Mailings. [Replace "5-digit presort level rate" with "3/5 presort rate" and replace "basic presort level rate" with "basic presort rate."]

661.324 Neither Lowest Rate Nor Correct Postage Affixed to Each Piece.

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b. Adding Postage. [Replace "5-digit presort" with "3/5 presort rate."]

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662 MAILING STATEMENTS

662.1 General

The mailer must complete, sign, and present a mailing statement with each third-class mailing for which postage is paid using a permit imprint or claimed at any bulk rate. The mailer must use the appropriate Postal Service form or a facsimile approved by the postmaster of the office of mailing.

662.2 Mailer Responsibility

The mailer is responsible for proper payment of postage. See 111.32.

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664 PLANT VERIFIED DROP SHIPMENT POSTAGE PAYMENT SYSTEM

664.1 General

664.11 Definition. The plant-verified drop shipment postage payment system is designed to allow destination acceptance of mailings prepared for entry at destination rates (see 624.7), while taking advantage of the greater postal efficiency associated with origin verification and postage payment. Approval for use of a plant-verified drop shipment postage payment system will be granted under the conditions specified in 664.2.

664.12 System Elements. Under this system: (a) The mailer's product is verified for proper classification, rate eligibility, preparation, and presort by postal personnel located at a mailer's plant (e.g., at a detached mail unit (DMU));

(b) Postage is prepaid at the post office serving the mailer's location (see 624.7);

(c) The shipment is released for dispatch under postal seal;

(d) The shipment is transported to destination postal facilities at the mailer's expense on the mailer's vehicle or on transportation procured by the mailer;

(e) The shipment is deposited at the destination postal facility by the mailer or the mailer's agent;

(f) The shipment is verified and accepted as mail by postal personnel at the destination postal facility and released for processing.

664.13 Participation. The plant-verified drop shipment postage payment system may be used only by mailers who have been authorized by the field division general manager/postmaster in whose service area the mailer is located (see 664.3).

664.14 Other Mailings. Other destination entry mailings that are not verified at the origin plant under a plant-verified drop shipment postage payment system must be verified, accepted and paid for at the destination post office in accordance with 624.716c–e.

664.2 Program Participation Criteria for Mailers

664.21 Request for Participation. The mailer must submit an application for participation in the plant-verified drop shipment postage payment system as prescribed in 664.3.

664.22 Facilities for Postal Personnel. At each plant at which mail is inspected pursuant to a plant-verified drop shipment agreement (see 664.3), the mailer must provide an enclosed work area for the DMU that can be locked, has a telephone, is separate from the mailer's activities, and provides a safe working environment, as determined by the Postal Service.

664.23 Postage Payment. The mailer must pay all applicable fees, and must obtain and maintain all applicable permits or authorizations at the local post office serving the mailer's plant. Unless authorized to pay postage under a CPP system, the mailer must pay postage for plant-verified drop shipments at the post office serving the mailer's plant. If permit imprints are used, the mailer must ensure that sufficient funds are on deposit in the appropriate advance deposit accounts to pay for all plant-verified drop shipments prior to their release for dispatch. Mailers authorized to mail under a CPP system must pay postage for plant-verified drop shipments to the New York Rates and Classification Center. Postage payment must be in accordance with the requirements in the DMM, Handbook DM–102, *Bulk Mail Acceptance*, Handbook DM–103, *Penalty Mail*, and any applicable agreements between the mailer and the Postal Service.

664.24 Documentation.

a. The mailer must produce and submit an individual mailing statement for each mailing destined for each destination entry post office, at the time the mail is presented for verification and postage payment.

b. When required by the local postmaster, the mailer must submit consolidated mailing statements and a register of mailing statements to the Postal Service.

c. The mailer must produce and submit to the Postal Service the prescribed clearance documents, in duplicate, that must accompany each plant-verified drop shipment to the destination post office where the shipment will be deposited. Those documents must be presented in triplicate if the mailer wishes to have a signed and dated copy returned to its driver when mailings are unloaded at the destination entry postal facility.

664.25 Transportation.

664.251 Responsibility. The mailer is responsible for the transportation of plant-verified drop shipments from the origin plant to the destination postal facility.

664.252 Other Mailings. The mailer must not transport plant-verified drop shipment mailings on the same vehicle with other shipments that are not entered as plant-verified drop shipments.

664.253 Scheduling. The mailer must meet the requirements in 624.717 in regard to the deposit of mail at destination entry postal facilities.

664.254 Separation of Mailings. When a vehicle contains more than one plant-verified drop shipment for a single destination postal facility, the shipments must be separated, except that this requirement may be waived by the origin postmaster for copalletized or combined mailings provided the clearance document for that destination clearly identifies all of the mail for that facility. In addition, when a vehicle contains one or more shipments for more than one destination postal facility, the shipments must be separated by destination.

664.3 Authorization

664.31 Request.

664.311 General. The mailer must submit a written request to the mailer's local postmaster seeking assignment of postal personnel to the mailer's plant (e.g., establishment of a DMU) to support plant-verified drop shipment of destination entry rate mailings. No form is provided for this purpose.

664.312 Date of Filing. The mailer must submit the request at least 30 days prior to the date proposed for submission of the first plant-verified drop shipment using the system.

664.313 Content. The request must fully describe the characteristics of the mailings that will be prepared as plant-verified drop shipments. At a minimum, the request must include the following information for each mailing or series of mailings of the same product, publication, or job:

a. The schedule of mailing, i.e., the number, frequency and time of mailings (e.g., at noon daily for two weeks, every other Monday at 4 pm, etc.);

b. The number of pieces and mailing statements to be presented to postal personnel, both daily and in total;

c. The class of mail and processing category;

d. The level of sortation and rate(s) claimed;

e. If postage is paid locally

(1) the method of postage payment and a listing of the precanceled stamp permits, postage meter numbers and licenses, and permit imprint (or company permit imprint) to be used; and

(2) the alternative mailing system used by the mailer, if any (see 145.7, 145.8, and 145.9);

f. If postage is paid under Centralized Postage Payment (CPP) procedures, a copy of the authorization must accompany the request (separate authorization by the serving rates and classification center is required to mail under CPP);

g. The type and capacity of scales at the mailer's plant, if any;

h. The space available for postal personnel to use and the suitability of that space for verification of mail, record keeping, installation of computer equipment, and monitoring of vehicle loading;

i. The types of equipment used (trays, sacks, pallets, etc.) (authorizations must be obtained where required); and

j. The destination entry points to which shipments will be dispatched (e.g., a listing of the BMCs, SCFs, DDUs).

664.32 Approving or Denying Authorization.

664.321 Local Post Office. The local postmaster will review the application for completeness and accuracy; evaluate the mailer's ability to meet the requirements in 664.2, the suitability of the mailer's plant to accommodate postal personnel (i.e., a DMU), and the capability of the local post office to support the requested activity; and prepare a written summary of the results. This report and a recommendation for approval or denial of the mailer's request will be forwarded through the MSC/division manager, mailing requirements, to the field division general manager/postmaster.

664.322 Field Division. The field division general manager/postmaster will consider the postmaster's report and recommendation, determine whether the local post office has sufficient employees who are trained and qualified in mail classification and verification to support the requested plant-verified drop shipment activity, and prepare a final written decision on the mailer's request.

664.323 Approval. If the mailer's request for participation in the plant-verified drop shipment postage payment system is approved, the field division general manager/postmaster will prepare a plant-verified drop shipment agreement that must be signed by the

general manager/postmaster, the mailer, and the postmaster of the post office serving the mailer's plant before the approval can be made effective. The agreement will specify the terms and period of the authorization (not to exceed 2 years). Copies of the agreement will be provided to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center.

664.324 Denial. If the mailer's request for participation in the plant-verified drop shipment postage payment system is denied, the field division general manager/postmaster will notify the mailer in writing, stating the reasons for the decision, and provide copies of the decision to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center. The denial may be appealed as provided in 133.

664.33 Renewal, Termination, and Revocation.

664.331 Renewal. The mailer must submit a new request for authorization at least 30 days prior to the expiration of a plant-verified drop shipment agreement. The content of the request, and the procedures for its review, approval, or denial are as prescribed in 664.31 and 664.32.

664.332 Termination. A mailer may elect to terminate participation in a plant-verified drop shipment agreement by 10 calendar days' written notice to the authorizing field division general manager/postmaster.

664.333 Revocation. A plant-verified drop shipment agreement may be revoked by the authorizing field division general manager/postmaster by 10 calendar days' written notice to the mailer. Revocation must be based on the mailer's failure to pay postage and fees or to meet the requirements that apply to plant-verified drop shipment or mailing at third-class rates. The revocation action may be appealed as provided by 133.

664.4 DMU Functions

664.41 General. Assignment of postal personnel to the mailer's plant to process plant-verified drop shipments may be in conjunction with the DMU staffing associated with a plant load authorization for that mailer's plant, but may be provided to a mailer's plant that is not authorized plant load, at the discretion of the division general manager/postmaster.

664.42 Inspection of Mailpieces. Postal personnel assigned to the mailer's plant must verify drop shipment mailings for classification, rate eligibility, preparation, presort, and postage in the same manner as plant load mailings.

664.43 Documents.

664.431 Preparation. Before each plant-verified drop shipment is released for dispatch, postal personnel must ensure that all clearance documents are properly completed, signed, and dated, and that each includes the number of the postal seal to be used on the vehicle, if appropriate (see 664.5). The required documents must be provided for each mailing prepared for each destination entry postal facility. The DMU will retain one copy of each completed clearance document.

664.432 Enclosure. Postal personnel must ensure that all appropriate clearance documents are provided to the mailer who is responsible for placing them in each vehicle to accompany the corresponding plant-verified drop shipments. These documents must be placed on the left rear wall of the vehicle just inside the door of the vehicle. Affix the required Form 5111–R, *Revenue Protection Placard,* to the outside rear of the vehicle after the mailer has completed loading the vehicle.

664.44 Loading. Postal personnel must observe the loading of each vehicle used to transport plant-verified drop shipments to ensure the correct mailings are loaded into vehicles for the correct destinations and that shipments are not improperly commingled (see 664.254).

664.45 Security. Postal personnel must seal the vehicle containing the plant-verified drop shipments mailings with a USPS ball seal, USPS lock, or other postal security device that prevents access to the shipments by other than authorized postal employees. Vehicles that make en route stops must be resealed after the corresponding mail is removed (see 664.5).

664.5 Destination Postal Facility Functions

664.51 Verification of Documents. The postal seal number on the clearance document for that destination post office must match the number on an unbroken seal securing the vehicle. Container identification codes on the clearance document must match the containers deposited. If these items match, the destination facility will sign and date the clearance documents accompanying the mailings and process the mail. These documents will be retained for one year in a chronological file, and receipted copies will be returned to the mailer's employee, if appropriate (see 664.24c and 664.431).

664.52 Verification of Contents. Each destination postal facility where plant-verified drop shipments are deposited must ensure that only the appropriate shipments are unloaded and accepted.

664.53 Vehicles Containing Mail for More Than One Destination Facility. When a mailer's vehicle contains mail for more than one destination entry facility, each intermediate postal facility will record the number of a new USPS ball seal on the clearance document for the next scheduled destination post office, and affix that seal to secure the vehicle. (If USPS locks are used, they must be removed and retained at the final postal facility where the vehicle stops.)

664.54 Loading of Mail Prohibited. Postal Service mail for downstream postal facilities must not be loaded onto the mailer's vehicle by any intermediate postal facility at which the mailer has stopped to deposit a plant-verified drop shipment.

664.6 Liability

The mailer assumes all liability and responsibility for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at destination entry postal facilities, regardless of whether a third party is used to transport those shipments. The Postal Service is not liable or responsible for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at a destination postal facility.

664.7 Postage

664.71 Method of Payment. Postage for a plant-verified drop shipment must be paid by precanceled or meter stamps or by permit imprint using a precanceled stamp permit, meter license, or permit imprint advance deposit account, as applicable, maintained by the mailer at the post office serving the mailer's location.

664.72 Computation. Postage for destination rate mailings prepared as plant-verified drop shipments is calculated from the destination postal facility where mailings are deposited and accepted into the mailstream.

664.73 Refunds. The Postal Service will not refund postage for any failure to provide service that is caused in whole or in part by any event that occurs before the shipment is deposited and accepted into the mailstream and becomes mail at a destination postal facility, except in accordance with the provisions of 147.2.

8. In chapter 7 of the Domestic Mail Manual make the following revisions:

CHAPTER 7—FOURTH CLASS MAIL

710 Rates and Fees

711 RATES

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711.12 Inter-BMC Rates—Nonmachinable Parcels. [Replace "$1.15" with "$1.75".]

711.13 Intra-BMC Rates—All Parcels. [Replace "$0.20" with "$0.27" and add the following at the end of the section:] Parcel post mail that is deposited and accepted at the post office serving the delivery address may be eligible for the destination BMC rate (see 711.14 and 722.45).

711.14 Destination BMC Rate. (See Exhibit 711.14.) These rates apply to all parcel post mail that meets the eligibility and preparation requirements of 722.4, that is deposited at a BMC, ASF, or other designated facility (see 722.411), and that is addressed for delivery within the service area of that facility.

711.15 Bulk Parcel Post Rates. The rate applicable to each piece in a bulk parcel post rate mailing is the single-piece rate (see Exhibits 711.11–711.13) or destination BMC rate (see Exhibit 711.14) for that zone for an item equal to the average weight per piece for all parcels in the mailing to that zone, rounded up to the next whole pound.

* * * * *

711.6 Zoned Rates

711.61 General. Zone-rated fourth-class mail (e.g., parcel post and bound printed matter) must be mailed at the post office from which the zone rate postage was computed, except as provided by 711.62 and 711.63.

711.62 Redirected Mailings.

711.621 General Conditions. Mailers who present large volumes of zone-rated fourth-class mail may be allowed or directed to deposit such mailings at another postal facility when processing or logistic reasons make such an alternative desirable for the Postal Service, provided both the original post office of mailing and the alternative facility to which the mailing is redirected use the same zone chart for computing zone-rated postage, based on the 3-digit prefix of their ZIP Codes.

711.622 Recomputation of Postage. Postage must be recomputed on pieces in mailings redirected to a postal facility that uses a different zone chart for computing zone-rated postage.

711.623 Local Zone. Eligibility for the local zone rate is described in 122.71a. Postage for pieces in redirected mailings that were claimed at the local zone rates must be recomputed at the applicable zone rate for the post office to which the mailing was redirected. Postage may also be recomputed for other pieces which were ineligible for the local zone rates but which may become eligible at the post office to which the mailing was redirected.

711.624 Postage Payment. Use of postage meters or permit imprint advance deposit accounts for redirected mailings must be as provided by 144 and 145, respectively.

711.63 Use of BMC Acceptance. Mailers may present zone-rated fourth-class mail (parcel post and bound printed matter) at a BMC for acceptance subject to the following conditions:

a. Metered postage is paid by a postage meter licensed at the BMC parent post office (see Exhibit 722.44), except as provided by 144.8 and 711.62.

b. Postage paid by permit imprint is through an advance deposit account at the BMC parent post office (see Exhibit 722.44) or another post office in the BMC service area as provided by 711.62.

c. The BMC accepts the mailing based on an approved Form 4410, *Authorization for BMC Acceptance.*

d. Postage for the mail is computed (zoned) from the BMC parent post office 3-digit ZIP Code prefix.

e. Mailings not presented in accordance with 144.8, 711.62, and 711.63a–d cannot be presented for BMC acceptance.

712 FEES

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712.3 Destination BMC Rate Mailing Fee

The fee for mailing at the destination BMC parcel post rates is $75 for each 12-month period.

712.4 Pickup Service Fee

A fee of $4.50 must be paid by the mailer every time pickup service is provided, regardless of the quantity picked up.

Exhibit 711.11, Inter-BMC/ASF Single-Piece Parcel Post Rates (Inter-BMC/ASF ZIP Codes Only, Machinable Parcels Only; for pieces weighing over 35 pounds, see Exhibit 711.12.)

Weight not exceeding (pounds)	Zones						
	1 & 2	3	4	5	6	7	8
2	$2.15	$2.30	$2.47	$2.70	$2.70	$2.70	$2.70
3	2.27	2.50	2.75	3.25	3.55	3.55	3.55
4	2.38	2.69	3.03	3.70	4.10	4.10	4.10
5	2.49	2.88	3.31	4.16	5.00	5.10	5.10
6	2.60	3.07	3.59	4.61	5.62	7.09	8.55
7	2.71	3.26	3.87	5.06	6.25	7.97	9.75
8	2.82	3.45	4.15	5.52	6.87	8.84	10.95
9	2.94	3.65	4.43	5.97	7.50	9.72	12.15
10	3.05	3.84	4.71	6.42	8.12	10.59	13.40
11	3.17	4.06	5.03	6.94	8.84	11.61	14.60
12	3.27	4.22	5.27	7.33	9.37	12.35	15.80
13	3.35	4.35	5.46	7.63	9.78	12.92	17.00
14	3.43	4.48	5.63	7.90	10.16	13.44	18.20
15	3.50	4.59	5.80	8.16	10.51	13.93	19.40
16	3.57	4.70	5.95	8.41	10.84	14.39	20.60
17	3.63	4.80	6.10	8.63	11.15	14.82	21.80
18	3.69	4.90	6.24	8.85	11.45	15.23	23.00
19	3.75	5.00	6.37	9.06	11.73	15.62	24.20
20	3.81	5.09	6.50	9.26	12.00	15.99	25.45
21	3.87	5.17	6.62	9.44	12.25	16.34	26.30
22	3.92	5.26	6.73	9.63	12.50	16.68	26.87
23	3.98	5.34	6.85	9.80	12.73	17.00	27.40
24	4.03	5.42	6.96	9.97	12.96	17.31	27.92
25	4.08	5.50	7.06	10.13	13.17	17.61	28.42
26	4.13	5.57	7.16	10.28	13.38	17.90	28.89
27	4.18	5.64	7.26	10.44	13.59	18.17	29.35
28	4.23	5.72	7.36	10.58	13.78	18.44	29.80
29	4.27	5.78	7.45	10.72	13.97	18.70	30.23

Weight not exceeding (pounds)	Zones						
	1 & 2	3	4	5	6	7	8
30	4.32	5.85	7.55	10.86	14.16	18.95	30.64
31	4.37	5.92	7.63	11.00	14.33	19.20	31.04
32	4.41	5.98	7.72	11.13	14.51	19.43	31.43
33	4.45	6.05	7.81	11.25	14.68	19.66	31.81
34	4.50	6.11	7.89	11.38	14.84	19.89	32.18
35	4.54	6.17	7.97	11.50	15.00	20.11	32.54

Exhibit 711.12, Inter-BMC/ASF Single-Piece Parcel Post Rates (Inter-BMC/ASF ZIP Codes Only, Nonmachinable Parcels, Surcharge Included.)

Weight not exceeding (pounds)	Zones						
	1 & 2	3	4	5	6	7	8
2	$3.90	$4.05	$4.22	$4.45	$4.45	$4.45	$4.45
3	4.02	4.25	4.50	5.00	5.30	5.30	5.30
4	4.13	4.44	4.78	5.45	5.85	5.85	5.85
5	4.24	4.63	5.06	5.91	6.75	6.85	6.85
6	4.35	4.82	5.34	6.36	7.37	8.84	10.30
7	4.46	5.01	5.62	6.81	8.00	9.72	11.50
8	4.57	5.20	5.90	7.27	8.62	10.59	12.70
9	4.69	5.40	6.18	7.72	9.25	11.47	13.90
10	4.80	5.59	6.46	8.17	9.87	12.34	15.15
11	4.92	5.81	6.78	8.69	10.59	13.36	16.35
12	5.02	5.97	7.02	9.08	11.12	14.10	17.55
13	5.10	6.10	7.21	9.38	11.53	14.67	18.75
14	5.18	6.23	7.38	9.65	11.91	15.19	19.95
15	5.25	6.34	7.55	9.91	12.26	15.68	21.15
16	5.32	6.45	7.70	10.16	12.59	16.14	22.35
17	5.38	6.55	7.85	10.38	12.90	16.57	23.55
18	5.44	6.65	7.99	10.60	13.20	16.98	24.75
19	5.50	6.75	8.12	10.81	13.48	17.37	25.95
20	5.56	6.84	8.25	11.01	13.75	17.74	27.20
21	5.62	6.92	8.37	11.19	14.00	18.09	28.05
22	5.67	7.01	8.48	11.38	14.25	18.43	28.62
23	5.73	7.09	8.60	11.55	14.48	18.75	29.15
24	5.78	7.17	8.71	11.72	14.71	19.06	29.67
25	5.83	7.25	8.81	11.88	14.92	19.36	30.17
26	5.88	7.32	8.91	12.03	15.13	19.65	30.64
27	5.93	7.39	9.01	12.19	15.34	19.92	31.10
28	5.98	7.47	9.11	12.33	15.53	20.19	31.55
29	6.02	7.53	9.20	12.47	15.72	20.45	31.98
30	6.07	7.60	9.30	12.61	15.91	20.70	32.39
31	6.12	7.67	9.38	12.75	16.08	20.95	32.79
32	6.16	7.73	9.47	12.88	16.26	21.18	33.18
33	6.20	7.80	9.56	13.00	16.43	21.41	33.56
34	6.25	7.86	9.64	13.13	16.59	21.64	33.93
35	6.29	7.92	9.72	13.25	16.75	21.86	34.29
36	6.35	8.02	9.85	13.46	17.04	22.25	34.95
37	6.39	8.07	9.93	13.56	17.17	22.43	35.24
38	6.43	8.12	9.99	13.66	17.30	22.61	35.54
39	6.47	8.17	10.06	13.76	17.43	22.78	35.82
40	6.50	8.23	10.13	13.86	17.56	22.96	36.10
41	6.54	8.28	10.20	13.95	17.69	23.12	36.37
42	6.58	8.33	10.26	14.05	17.81	23.29	36.63
43	6.62	8.38	10.32	14.14	17.93	23.45	36.89
44	6.65	8.43	10.39	14.23	18.05	23.60	37.15
45	6.69	8.47	10.44	14.31	18.15	23.74	37.36
46	6.72	8.51	10.50	14.39	18.25	23.87	37.57
47	6.75	8.56	10.55	14.46	18.35	24.00	37.78
48	6.78	8.60	10.61	14.54	18.44	24.13	37.98
49	6.82	8.64	10.66	14.61	18.54	24.25	38.18
50	6.85	8.68	10.71	14.68	18.63	24.38	38.38
51	6.88	8.73	10.76	14.76	18.72	24.50	38.57
52	6.91	8.77	10.82	14.83	18.81	24.62	38.75
53	6.95	8.81	10.87	14.90	18.90	24.73	38.94
54	6.98	8.85	10.92	14.97	18.99	24.85	39.12
55	7.01	8.89	10.97	15.03	19.08	24.96	39.30
56	7.04	8.93	11.02	15.10	19.16	25.07	39.48
57	7.07	8.97	11.06	15.17	19.25	25.18	39.65
58	7.10	9.01	11.11	15.23	19.33	25.29	39.82
59	7.13	9.05	11.16	15.30	19.41	25.40	39.99
60	7.17	9.09	11.21	15.36	19.19	25.51	40.16
61	7.20	9.12	11.25	15.43	19.57	25.61	40 32
62	7.23	9.16	11.30	15.49	19.65	25.71	40.48

Weight not exceeding (pounds)	Zones						
	1 & 2	3	4	5	6	7	8
63	7.26	9.20	11.35	15.55	19.73	25.82	40.64
64	7.29	9.24	11.39	15.61	19.81	25.92	40.80
65	7.32	9.27	11.44	15.68	19.88	26.01	40.95
66	7.35	9.31	11.48	15.74	19.96	26.11	41.10
67	7.38	9.35	11.53	15.80	20.04	26.21	41.25
68	7.41	9.39	11.57	15.86	20.11	26.31	41.40
69	7.44	9.42	11.62	15.91	20.18	26.40	41.55
70	7.47	9.46	11.66	15.97	20.26	26.49	41.70

Exhibit 711.13, Intra-BMC/ASF Single-Piece Parcel Post Rates (Local and Intra-BMC/ASF Zip Codes Only, All Parcels, Discount Already Included)

Weight not exceeding (pounds)	Zones				
	Local	1 & 2	3	4	5
2	$1.71	$1.88	$2.03	$2.20	$2.53
3	1.74	2.00	2.23	2.48	2.98
4	1.76	2.11	2.42	2.76	3.43
5	1.78	2.22	2.61	3.04	3.89
6	1.73	2.33	2.80	3.32	4.34
7	1.82	2.44	2.99	3.60	4.79
8	1.85	2.55	3.18	3.88	5.25
9	1.87	2.67	3.38	4.16	5.70
10	1.89	2.78	3.57	4.44	6.15
11	1.91	2.90	3.79	4.76	6.67
12	1.93	3.00	3.95	5.00	7.06
13	1.96	3.08	4.08	5.19	7.36
14	1.98	3.16	4.21	5.36	7.63
15	2.00	3.23	4.32	5.53	7.89
16	2.02	3.30	4.43	5.68	8.14
17	2.04	3.36	4.53	5.83	8.36
18	2.07	3.42	4.63	5.97	8.58
19	2.09	3.48	4.73	6.10	8.79
20	2.11	3.54	4.82	6.23	8.99
21	2.13	3.60	4.90	6.35	9.17
22	2.15	3.65	4.99	6.46	9.36
23	2.18	3.71	5.07	6.58	9.53
24	2.20	3.76	5.15	6.69	9.70
25	2.22	3.81	5.23	6.79	9.86
26	2.24	3.86	5.30	6.89	10.01
27	2.26	3.91	5.37	6.99	10.17
28	2.28	3.96	5.45	7.09	10.31
29	2.31	4.00	5.51	7.18	10.45
30	2.33	4.05	5.58	7.28	10.59
31	2.35	4.10	5.65	7.36	10.73
32	2.37	4.14	5.71	7.45	10.86
33	2.39	4.18	5.78	7.54	10.98
34	2.42	4.23	5.84	7.62	11.11
35	2.44	4.27	5.90	7.70	11.23
36	2.46	4.33	6.00	7.83	11.44
37	2.48	4.37	6.05	7.91	11.54
38	2.50	4.41	6.10	7.97	11.64
39	2.53	4.45	6.15	8.04	11.74
40	2.55	4.48	6.21	8.11	11.84
41	2.57	4.52	6.26	8.18	11.93
42	2.59	4.56	6.31	8.24	12.03
43	2.61	4.60	6.36	8.30	12.12
44	2.64	4.63	6.41	8.37	12.21
45	2.66	4.67	6.45	8.42	12.29
46	2.68	4.70	6.49	8.48	12.37
47	2.70	4.73	6.54	8.53	12.44
48	2.72	4.76	6.58	8.59	12.52
49	2.75	4.80	6.62	8.64	12.59
50	2.77	4.83	6.66	8.69	12.66
51	2.79	4.86	6.71	8.74	12.74
52	2.81	4.89	6.75	8.80	12.81
53	2.83	4.93	6.79	8.85	12.88
54	2.86	4.96	6.83	8.90	12.95
55	2.88	4.99	6.87	8.95	13.01
56	2.90	5.02	6.91	9.00	13.08
57	2.92	5.05	6.95	9.04	13.15
58	2.94	5.08	6.99	9.09	13.21
59	2.97	5.11	7.03	9.14	13.28
60	2.99	5.15	7.07	9.19	13.34
61	3.01	5.18	7.10	9.23	13.41
62	3.03	5.21	7.14	9.28	13.47
63	3.05	5.24	7.18	9.33	13.53
64	3.07	5.27	7.22	9.37	13.59
65	3.10	5.30	7.25	9.42	13.66
66	3.12	5.33	7.29	9.46	13.72
67	3.14	5.36	7.33	9.51	13.78
68	3.16	5.39	7.37	9.55	13.84
69	3.18	5.42	7.40	9.60	13.89
70	3.21	5.45	7.44	9.64	13.95

Exhibit 711.14, Destination BMC/ASF Bulk Parcel Post Rates (Destination Facility Codes Only, All Parcels, Discount Already Included)

Weight not exceeding (pounds)	Zones			
	Local 1 & 2	3	4	5
2	$1.57	$1.66	$1.77	$1.98
3	1.66	1.80	1.95	2.27
4	1.74	1.93	2.13	2.56
5	1.81	2.05	2.31	2.86
6	1.89	2.18	2.49	3.14
7	1.97	2.31	2.68	3.43
8	2.04	2.43	2.86	3.73
9	2.13	2.57	3.04	4.02
10	2.21	2.70	3.22	4.31
11	2.29	2.84	3.43	4.64
12	2.36	2.95	3.58	4.90
13	2.42	3.04	3.71	5.09
14	2.48	3.13	3.82	5.27
15	2.53	3.21	3.94	5.44
16	2.59	3.28	4.04	5.61
17	2.63	3.35	4.14	5.75
18	2.68	3.42	4.24	5.90
19	2.72	3.50	4.32	6.04
20	2.77	3.56	4.41	6.17
21	2.82	3.62	4.50	6.29
22	2.85	3.68	4.57	6.42
23	2.90	3.74	4.65	6.53
24	2.94	3.80	4.73	6.65
25	2.98	3.86	4.80	6.76
26	3.02	3.91	4.87	6.86
27	3.06	3.96	4.94	6.97
28	3.10	4.02	5.01	7.06
29	3.13	4.06	5.07	7.16
30	3.17	4.12	5.15	7.25
31	3.21	4.17	5.20	7.35
32	3.25	4.21	5.27	7.44
33	3.28	4.27	5.33	7.52
34	3.32	4.31	5.39	7.61
35	3.35	4.36	5.45	7.70
36	3.40	4.43	5.53	7.84
37	3.43	4.47	5.60	7.91
38	3.47	4.51	5.64	7.98
39	3.50	4.55	5.69	8.05
40	3.52	4.60	5.74	8.12
41	3.56	4.63	5.80	8.18
42	3.59	4.67	5.84	8.26
43	3.63	4.71	5.88	8.32
44	3.65	4.75	5.94	8.38
45	3.69	4.78	5.97	8.44
46	3.71	4.82	6.02	8.50
47	3.74	4.86	6.06	8.55
48	3.76	4.89	6.11	8.61
49	3.80	4.92	6.15	8.66
50	3.83	4.96	6.18	8.71
51	3.85	5.00	6.22	8.78
52	3.88	5.03	6.27	8.83
53	3.92	5.06	6.31	8.88
54	3.94	5.10	6.35	8.93
55	3.97	5.13	6.39	8.97
56	4.00	5.16	6.43	9.03
57	4.02	5.20	6.46	9.08
58	4.05	5.23	6.50	9.12
59	4.08	5.26	6.54	9.18
60	4.11	5.30	6.58	9.22
61	4.14	5.32	6.61	9.28
62	4.17	5.36	6.65	9.32
63	4.19	5.39	6.69	9.37
64	4.22	5.42	6.72	9.41
65	4.25	5.45	6.76	9.47
66	4.27	5.48	6.79	9.51
67	4.30	5.52	6.84	9.56
68	4.33	5.55	6.87	9.60
69	4.35	5.58	6.91	9.64
70	4.38	5.61	6.94	9.69

Exhibit 711.22, Single-Piece Bound Printed Matter Rates

Weight not exceeding (lbs.)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	$.86	$1.21	$1.25	$1.32	$1.43	$1.54	$1.68	$1.80
2.0	.88	1.24	1.29	1.39	1.53	1.69	1.87	2.03
2.5	.89	1.28	1.34	1.46	1.64	1.84	2.07	2.26
3.0	.91	1.31	1.39	1.53	1.75	1.98	2.26	2.49

Weight not exceeding (lbs.)	Zones							
	Local	1 & 2	3	4	5	6	7	8
3.5	.92	1.35	1.44	1.60	1.86	2.13	2.45	2.72
4.0	.94	1.38	1.49	1.68	1.97	2.28	2.64	2.96
4.5	.95	1.42	1.54	1.75	2.08	2.42	2.84	3.19
5.0	.97	1.45	1.59	1.82	2.19	2.57	3.03	3.42
6.0	.99	1.52	1.68	1.96	2.40	2.86	3.42	3.88
7.0	1.02	1.59	1.78	2.11	2.62	3.16	3.80	4.35
8.0	1.05	1.66	1.88	2.25	2.84	3.45	4.19	4.81
9.0	1.08	1.73	1.97	2.40	3.05	3.75	4.57	5.28
10.0	1.11	1.80	2.07	2.54	3.27	4.04	4.96	5.74

Exhibit 711.23, Bulk Bound Printed Matter Rates

Rate	Zones							
	Local	1 & 2	3	4	5	6	7	8
Per piece:								
Basic	$.410	$.550	$.550	$.550	$.550	$.550	$.550	$.550
Car. Rt	.355	.495	.495	.495	.495	.495	.495	.495
Per pound	.015	.050	.078	.126	.198	.274	.366	.444

Exhibit 711.24, Bulk Bound Printed Matter Rates (Representative Computed Postage Amount—Pieces with Postage Affixed)

Note: These amounts are correct for the corresponding weights. Compute postage exactly for items of intermediate weights as provided by 783.

Weight	Zones							
	Local	1 & 2	3	4	5	6	7	8
a. Basic Bulk Bound Printed Matter Rates								
1.0	$.425	$.600	$.628	$.676	$.748	$.824	$.916	$.994
1.5	.433	.625	.667	.739	.847	.961	1.099	1.216
2.0	.440	.650	.706	.802	.946	1.098	1.282	1.438
2.5	.448	.675	.745	.865	1.045	1.235	1.465	1.660
3.0	.455	.700	.784	.928	1.144	1.372	1.648	1.882
3.5	.463	.725	.823	.991	1.243	1.509	1.831	2.104
4.0	.470	.750	.862	1.054	1.342	1.646	2.014	2.326
4.5	.478	.775	.901	1.117	1.441	1.783	2.197	2.548
5.0	.485	.800	.940	1.180	1.540	1.920	2.380	2.770
6.0	.500	.850	1.018	1.306	1.738	2.194	2.746	3.214
7.0	.515	.900	1.096	1.432	1.936	2.468	3.112	3.658
8.0	.530	.950	1.174	1.558	2.134	2.742	3.478	4.102
9.0	.545	1.000	1.252	1.684	2.332	3.016	3.844	4.546
10.0	.560	1.050	1.330	1.810	2.530	3.290	4.210	4.990
b. Carrier Route Bulk Bound Printed Matter Rates								
1.0	$.370	$.545	$.573	$.621	$.693	$.769	$.861	$.939
1.5	.378	.570	.612	.684	.792	.906	1.044	1.161
2.0	.385	.595	.651	.747	.891	1.043	1.227	1.383
2.5	.393	.620	.690	.810	.990	1.180	1.410	1.605
3.0	.400	.645	.729	.873	1.089	1.317	1.593	1.827
3.5	.408	.670	.768	.936	1.188	1.454	1.776	2.049
4.0	.415	.695	.807	.999	1.287	1.591	1.959	2.271
4.5	.423	.720	.846	1.062	1.386	1.728	2.142	2.493
5.0	.430	.745	.885	1.125	1.485	1.865	2.325	2.715
6.0	.445	.795	.963	1.251	1.683	2.139	2.691	3.159
7.0	.460	.845	1.041	1.377	1.881	2.413	3.057	3.603
8.0	.475	.895	1.119	1.503	2.079	2.687	3.423	4.047
9.0	.490	.945	1.197	1.629	2.277	2.961	3.789	4.491
10.0	.505	.995	1.275	1.755	2.475	3.235	4.155	4.935

Exhibit 711.32, Special Fourth-Class Rates

Weight not exceeding (pounds)	Single piece rate	Level A presort	Level B presort
1	$1.03	$.57	$.86
2	1.44	.98	1.27
3	1.85	1.39	1.68
4	2.26	1.80	2.09
5	2.67	2.21	2.50
6	3.08	2.62	2.91
7	3.49	3.03	3.32
8	3.72	3.26	3.55
9	3.95	3.49	3.78
10	4.18	3.72	4.01
11	4.41	3.95	4.24
12	4.64	4.18	4.47
13	4.87	4.41	4.70
14	5.10	4.64	4.93
15	5.33	4.87	5.16
16	5.56	5.10	5.39
17	5.79	5.33	5.62
18	6.02	5.56	5.85
19	6.25	5.79	6.08
20	6.48	6.02	6.31
21	6.71	6.25	6.54
22	6.94	6.48	6.77
23	7.17	6.71	7.00
24	7.40	6.94	7.23
25	7.63	7.17	7.46
26	7.86	7.40	7.69
27	8.09	7.63	7.92
28	8.32	7.86	8.15
29	8.55	8.09	8.38
30	8.78	8.32	8.61
31	9.01	8.55	8.84
32	9.24	8.78	9.07
33	9.47	9.01	9.30
34	9.70	9.24	9.53
35	9.93	9.47	9.76
36	10.16	9.70	9.99
37	10.39	9.93	10.22
38	10.62	10.16	10.45
39	10.85	10.39	10.68
40	11.08	10.62	10.91
41	11.31	10.85	11.14
42	11.54	11.08	11.37
43	11.77	11.31	11.60
44	12.00	11.54	11.83
45	12.23	11.77	12.06
46	12.46	12.00	12.29
47	12.69	12.23	12.52
48	12.92	12.46	12.75
49	13.15	12.69	12.98
50	13.38	12.92	13.21
51	13.61	13.15	13.44
52	13.84	13.38	13.67
53	14.07	13.61	13.90
54	14.30	13.84	14.13
55	14.53	14.07	14.36
56	14.76	14.30	14.59
57	14.99	14.53	14.82
58	15.22	14.76	15.05
59	15.45	14.99	15.28
60	15.68	15.22	15.51
61	15.91	15.45	15.74
62	16.14	15.68	15.97
63	16.37	15.91	16.20
64	16.60	16.14	16.43
65	16.83	16.37	16.66
66	17.06	16.60	16.89
67	17.29	16.83	17.12
68	17.52	17.06	17.35
69	17.75	17.29	17.58
70	17.98	17.52	17.81

Exhibit 711.42, Library Rate

Weight not exceeding (pounds)	Single piece rate
1	$.65
2	.89
3	1.13
4	1.37
5	1.61
6	1.85
7	2.09
8	2.21
9	2.33
10	2.45
11	2.57
12	2.69
13	2.81
14	2.93
15	3.05
16	3.17
17	3.29
18	3.41
19	3.53
20	3.65
21	3.77
22	3.89
23	4.01
24	4.13
25	4.25
26	4.37
27	4.49
28	4.61
29	4.73
30	4.85
31	4.97
32	5.09
33	5.21
34	5.33
35	5.45
36	5.57
37	5.69
38	5.81
39	5.93
40	6.05
41	6.17
42	6.29
43	6.41
44	6.53
45	6.65
46	6.77
47	6.89
48	7.01
49	7.13
50	7.25
51	7.37
52	7.49
53	7.61
54	7.73
55	7.85
56	7.97
57	8.09
58	8.21
59	8.33
60	8.45
61	8.57
62	8.69
63	8.81
64	8.93
65	9.05
66	9.17
67	9.29
68	9.41
69	9.53
70	9.65

720 Classification

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722 PARCEL POST RATES

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722.2 Bulk Parcel Post

722.21 General Requirements.

722.211 Volume. Bulk parcel post rates apply to mailings of at least 300 pieces or 2,000 pounds of pieces.

722.212 Eligibility. Each piece in a bulk parcel post rate mailing must be of identical weight but need not be of identical size or content. Mailing of nonidentical-weight pieces at the bulk parcel post rates must be authorized by the rates and classification center serving the post office of mailing in accordance with 145.7, 145.8, or 145.9.

722.213 Exclusion. The bulk fourth-class parcel post rates are not available for pieces that weigh less than 15 pounds and measure more than 84 inches in length and girth combined. Such pieces do not count toward the 300-piece or 2,000-pound minimum volume.

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722.4 Destination Bulk Mail Center (DBMC) Entry Rate

722.41 General

722.411 Definition. For purposes of this section, the term "destination bulk mail center (DBMC)" includes:

a. All bulk mail centers (BMCs).

b. All auxiliary service facilities (ASFs).

c. San Juan, PR (for 006, 007, and 008 ZIP Codes only); Hanalei, Hilo, Honolulu, and Lahaina, HI (only for addresses on the islands of Kauai, Hawaii, Oahu, and Maui, respectively); Anchorage, AK (for 995 and 996 ZIP Codes only), Fairbanks, AK (for 997 ZIP Codes only); Juneau, AK (for 998 ZIP Codes only); and Ketchikan, AK (for 999 ZIP Codes only).

d. All 5-digit post offices subject to the conditions in 722.45.

722.412 Eligibility. A mailpiece that meets the applicable requirements of 722.41 through 722.45 may be eligible for the DBMC rate when

a. It is part of a single mailing of 50 or more pieces all of which are eligible for and claimed at one of the parcel post rate in Exhibits 711.11–711.14;

b. The mailing is deposited at a DBMC as defined in 722.411;

c. It is addressed for delivery within the entry facility's service area (ZIP Code range) as described in Exhibit 722.1;

d. All pieces are sorted to 5-digit or destination BMC sacks, pallets, or other authorized containers in compliance with the volume or other preparation requirements that may apply. Pieces eligible for the DBMC rate under 722.411d must be prepared in 5-digit

containers that meet the applicable requirements; and

e. Air transportation is not required from the entry facility to the post office of address.

722.413 Payment of Postage and Fees.

a. General. The correct postage for mail eligible for the DBMC rate must be affixed to each piece by meter stamps or paid through an advance deposit account having sufficient funds on deposit at the time of mailing. While funds intended to pay postage through an advance deposit account may be presented with the corresponding mailing, the mailing will not be accepted if the resulting balance is not adequate to cover the applicable total postage as verified by the Postal Service.

b. Place of Payment. The mailer must have a meter license or permit imprint permit at the DBMC parent post office (see Exhibit 722.44) for mailings deposited at the DBMC, or at the 5-digit post office for mailings deposited under 722.411d. Metered mail may be deposited at other than the licensing post office only as provided by 144.6.

c. Agency. For acceptance of DBMC entry rate mailings, the BMC may not act as agent for any post office other than its parent post office (see Exhibit 722.44). In addition, for each mailer depositing DBMC entry rate mail, the BMC must be authorized to act as agent for that post office by completion and approval of Form 4410, *Authorization for BMC Acceptance*.

d. Annual Fee. The applicable bulk mailing fees must be paid for the current 12-month period at the parent post office (or post office of mailing for mailings presented under 722.411d).

e. Centralized Postage Payment (CPP) System. Mailings paid under CPP procedures must also meet the applicable requirements.

722.414 Volume.

a. Minimum DBMC Volume. Each mailing at the DBMC rate must contain at least 50 addressed pieces that are eligible for and claimed at one of the parcel post rates in Exhibits 711.11–711.14.

b. Maximum Volume. The same mailer may not present for verification and acceptance more than 4 DBMC rate mailings at the same destination postal facility in any 24-hour period. The destination facility postmaster or BMC manager may waive this maximum if local conditions permit. The mailer is the party presenting the material to the Postal Service (or for whom a transportation company has presented the material to the Postal Service). There is no maximum for acceptance at the origin DMU, or for deposit of plant-verified drop shipments.

722.415 Plant-Loaded Mailings. Plant-loaded mailings (see 154) are not eligible for the DBMC rate.

722.42 Preparation.

722.421 Container.

a. Machinable Parcels. Machinable parcels for which the DBMC rate is claimed must be placed in sacks unless use of pallets or other containers has been authorized in advance. Sacks must be prepared as required by 767.3; pallets and equivalent containers must be prepared as required by 767.62.

b. Nonmachinable Parcels. Nonmachinable parcels weighing less than 35 pounds each for which the DBMC rate is claimed must be placed in sacks prepared as required by 767.22. Nonmachinable parcels weighing 35 pounds or more must be transported as outside pieces (i.e., not sacked).

c. BMC Containers. Mailers may use BMC over-the-road containers instead of sacks for DBMC entry rate mailings if authorized by the BMC manager, and only for transportation of machinable parcels.

722.422 Separation.

a. By Zone. No sack, pallet, or other container may contain pieces for more than one zone, and the sacks, pallets, or other containers for each zone must be segregated, unless the mailer has met the requirements of 767.623 to commingle pieces for different zones.

b. From Other Mailings. Each DBMC rate mailing must be separated from other mailings when presented for acceptance. The DBMC rate mail for a destination postal facility must be separated from mailings for other facilities and any freight on the same vehicle.

722.43 Mailing.

722.431 Verification and Acceptance of DBMC Rate Mailings.

a. General. DBMC rate mailings must be presented to postal personnel at the origin mailer's plant (e.g., the origin detached mail unit (DMU)) as provided by 784 or at the DBMC bulk mail acceptance unit, as provided below. Mailers must adhere to the scheduling requirements in 722.432d for DBMC rate mailings.

b. At Origin DMU. Destination rate mailings may be verified and paid at the mailer's plant, transported at the mailer's expense, and deposited for acceptance as mail by the Postal Service at the DBMC facility as a plant-verified drop shipment (see 784). Plant-loaded mailings transported on postal transportation are not eligible for destination rates.

c. At Destination BMAU. Destination rate mailings may be accepted at the DBMC bulk mail acceptance unit (BMAU) if the BMC is authorized to act as agent for the parent post office (see Exhibit 722.44) where the mailer's account or license is held. Mailings presented under 722.411d may be accepted at the destination 5-digit facility.

d. Acceptance by Another Facility. Another postal facility may act as agent for the destination 5-digit facility for mailings presented under 722.411d if written authorization is provided by the destination post office and procedures (similar to those for BMC acceptance) are implemented and maintained to ensure that all postage for permit imprint mailings is collected. The mailer must further transport the shipment for deposit and acceptance at the destination 5-digit facility. The DBMC rate must not be allowed for mailings that are not transported by the mailer for deposit and acceptance at a DBMC as defined in 722.411.

e. Security. If a DBMC rate mailing is not accepted as mail by the Postal Service at the time of verification, but instead will be transported to destination on the mailer's vehicle, the accepting post office must ensure that the mail is secured in such a manner, and accompanied by appropriate documentation, as to allow confirmation that the mailing as verified, accepted, and paid for has not been altered in any way when deposited at the destination postal facility. Postal facilities must use USPS ball seals, USPS locks, or other postal security devices that prevent access to the mail by other than authorized postal employees. Vehicles that make en route stops must be resealed after the corresponding mail is removed.

722.432 Deposit of Mail.

a. General Requirement. Each DBMC rate mailing must be deposited at the time and location specified by the destination facility postmaster or designee.

b. Scheduling of Deposit. Mailers must schedule deposit of DBMC rate mailings by contacting the manager, logistics and distribution, or designee, at the field division office in whose service area the DBMC is located. Mailers must comply with the scheduled deposit time provided (which, based on the facility's workload, may be up to 10 business days later). DBMC facilities may defer acceptance of unscheduled or untimely mailings.

722.433 Documentation. Mailings on which the DBMC rate is claimed must be accompanied by documentation that supports the number of pieces subject to that rate and to any other rate or

discount claimed. The documentation must list the destination of each sack, pallet, or other container; the mailer's sack, pallet, or other container number if used; and the quantity of pieces in each. The required documentation may be provided as part of other documentation. No specific format is required. Other than the applicable mailing statement, documentation is not required in support of the DBMC rate when the corresponding mailing is separated by zone and consists of pieces that either all bear the correct postage affixed or are all of identical weight and paid by permit imprint.

722.44 Requirements Related to BMC Acceptance.

722.441 General. Except as otherwise provided by 722.4, mailings deposited at a DBMC must meet the requirements in Handbook DM–102, *Bulk Mail Acceptance*, 723.1 and 723.2.

722.442 Exception. Mailings at any zoned fourth-class rate (including the DBMC entry rate) may be accepted by the DBMC only as provided by 711.62 and 711.63.

722.443 Authorization. Prior to mailing at the DBMC, authorization must be provided to the DBMC to act as acceptance agent for the post office where the meter license or permit imprint authorization is held. Authorization for BMC acceptance is established as provided in Handbook DM–102, 725. Mailings cannot be deposited at a DBMC (whether the DBMC rate is claimed or not) without this authorization.

722.444 DBMC Responsibilities. DBMC facilities are required to operate as prescribed in Handbook DM–102, Chapter 7, when accepting mailings for which the DBMC rate is claimed.

Facility	Parent post office	Zone chart
Albuquerque ASF	Albuquerque NM 87101–9998.	870
Atlanta BMC	Atlanta GA 30304–9998.	300
Billings ASF	Billings MT 59101–9998.	590
Buffalo ASF	Buffalo NY 14240–9998.	140
Chicago BMC	Chicago IL 60607–9998.	603
Cincinnati BMC	Cincinnati OH 45234–9998.	450
Dallas BMC	Dallas TX 75260–9998.	750
Denver BMC	Denver CO 80202–9998.	600
Des Moines BMC	Des Moines IA 50318–9998.	500
Detroit BMC	Detroit MI 48233–9998.	480
Fargo ASF	Fargo ND 58102–9998.	580
Greensboro BMC	Greensboro NC 27420–9998.	272
Jacksonville BMC	Jacksonville FL 32203–9998.	320
Kansas City BMC	Kansas City KS 66106–9998.	660
Los Angeles BMC	Long Beach CA 90809–9998.	902
Memphis BMC	Memphis TN 38101–9998.	380
Minneapolis BMC	Minneapolis MN 55401–9998.	550
New Jersey Int'l & BMC.	Newark NJ 07102–9998.	070
Oklahoma City ASF	Oklahoma City OK 73125–9998.	730
Philadelphia BMC	Philadelphia PA 19104–9998.	190
Phoenix ASF	Phoenix AZ 85026–9998.	850
Pittsburgh BMC	Pittsburgh PA 15290–9998.	150
Saint Louis BMC	Saint Louis MO 63155–9998.	630
Salt Lake City ASF	Salt Lake City UT 84199–9998.	840
San Francisco BMC	San Francisco CA 94188–9998.	940
Seattle BMC	Seattle WA 98109–9998.	980
Sioux Falls ASF	Sioux Falls SD 57101–9998.	570
Springfield BMC	Springfield MA 01101–9998.	010
Washington BMC	Southern MD 20790–9998.	206

Exhibit 722.44, BMC/ASF Parent Post Offices

722.45 Acceptance at Five-Digit Facilities. A mailing that is otherwise eligible for the DBMC rate may be deposited and accepted at a 5-digit facility rather than at the serving DBMC provided all pieces in the mailing are for that facility's service area, and are presented in 5-digit sacks, pallets, or other authorized containers. For purposes of this section, a "5-digit facility" means the postal facility to which the serving BMC distributes parcels for that 5-digit destination.

722.5 Pickup Service

722.51 General. Pickup service for parcel post is available at designated postal facilities, subject to the conditions in this section.

722.52 Fee.

722.521 General Terms. The fee prescribed in 712.4 must be paid by the mailer every time pickup service is provided, regardless of the number of pieces picked up. Only one fee will be charged if Express Mail or Priority Mail is also picked up at the same time. No fee will be charged when Express Mail, Priority Mail, or parcel post is picked up during a delivery stop or during a scheduled stop made to collect other mail not subject to a pickup fee.

722.522 Method of Payment. The fee must be paid by meter, precanceled, or adhesive stamps affixed to Form 5541, or by check payable to the postmaster of the serving post office.

722.53 Postage. The mailer must affix the full required postage to each piece mailed using pickup service. Use of precanceled and meter stamps must be as provided by 143 and 144, respectively. Pieces paid by permit imprint, claimed at a bulk or presorted rate, or claimed at the DBMC rate cannot be mailed using pickup service.

722.54 Other Mail. As a service to the mailer, the Postal Service will concurrently collect incidental amounts of other fully-prepaid, postage affixed, full-rate mail when picking up mail for which pickup service is provided (Express Mail, Priority Mail, and parcel post). Presorted, bulk, or reduced rate mail, any other fourth-class mail, and any mail paid by permit imprint must be deposited at the serving postal facility.

722.55 Scheduled Pickup Service.

722.551 When Available. Scheduled pickup service may be requested during the regular business hours of the serving postal facility. Scheduled pickup service will begin the next day when service is available and continue until canceled by the mailer.

722.552 Where Available. Scheduled pickup service is available at post offices with city delivery service (see Publication 65, *National Five-Digit ZIP Code and Post Office Directory)*, and at other post offices where the mailer's address is along the route of travel of a rural or highway contract route.

722.553 Service Agreement. Mailers who desire scheduled pickup service must enter into a service agreement with the Postal Service, specifying the time, place, day or date, and frequency of service, and the approximate volume per pickup. (Form 5631, *Express Mail Service Agreement*, may be adapted for this use.) Mailers will be charged the pickup fee for a scheduled pickup regardless of volume collected.

722.554 Cancellation and Changes in Volume. The mailer must notify the serving post office no less than 24 hours in advance of the scheduled pickup if the pickup is not needed (canceled) or if the volume of mail to be picked up exceeds the amount specified in the service agreement by more than 20%. Mailers will not be charged the pickup fee for a scheduled pickup that is canceled as required (i.e., at least 24 hours prior to the scheduled pickup). Mailers who do not notify the serving post office of exceptional volume will be

charged the pickup fee for each additional trip required.

722.555 Volume. There are no minimum or maximum limitations on the amount of volume that can be mailed using pickup service. However, the Postal Service reserves the right to defer pickup or to make multiple pickups at no additional charge to the mailer when the volume to be picked up exceeds available vehicle capacity, and to initiate action to establish plant load service where warranted based on mailer volume.

722.556 Changes in Service.

a. By the Mailer. Scheduled pickup service (the service agreement) may be changed by the mailer effective 5 business days from the receipt of the mailer's written notice to the serving postal facility.

b. By the Postal Service. Scheduled pickup service (the service agreement) may be changed by the Postal Service effective 5 days from the mailer's receipt of written notice from the serving post office. The mailer may appeal this notice as provided by 133, but must pay all pickup fees chargeable during the appeal period.

c. Disruptions in Service. The Postal Service may suspend scheduled pickup service when weather or road conditions, facility emergencies at mailer or postal premises, unforeseen personnel or vehicle shortages, or other exceptional situations make it impossible or unsafe to provide pickup service.

722.557 Termination of Service.

a. By the Mailer. Scheduled pickup service will be terminated within 24 hours of receipt of the mailer's written notice to the serving postal facility. The mailer will be liable for fees for pickup service provided prior to termination of service.

b. By the Postal Service. The Postal Service may terminate pickup service effective 24 hours from the mailer's receipt of written notice from the serving post office. Termination must be based on the mailer's failure to pay postage and fees or to meet the requirements that apply to pickup service or mailing at parcel post rates. The mailer may appeal this notice as provided by 133, but must pay all pickup fees chargeable during the appeal period.

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723 BOUND PRINTED MATTER RATES

723.1 Description

[Delete existing 723.1 e and f, and renumber existing 723.1g as new 723.1e.]

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724 SPECIAL FOURTH-CLASS RATES

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725 LIBRARY RATE

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740 Authorizations and Permits

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743 DESTINATION BMC ENTRY RATE MAILING FEE

The destination BMC entry rate mailing fee (see 712.3) must be paid once each 12-month period at each office of mailing by or for any person or organization who mails at the destination BMC entry rates (see Exhibit 711.14 and 722.4).

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760 Preparation Requirements

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762 PREPARATION OF PARCEL POST

762.1 Marking

762.11 General.

a. Location. The marking required by 762.12–762.14 must be placed on the address side of each piece, adjacent to or below the postage and above the name of the addressee.

b. Method. The marking required by 762.12–762.14 may be printed or rubber-stamped, included as part of the permit imprint, or printed by postage meter slug or ad plate.

c. Other Content. Any marking which includes or is included in a decorative design or advertisement will not satisfy the requirements of this section.

d. Unmarked Pieces. Pieces lacking the endorsement required by 762.12–762.14, or not clearly marked as required by 762.11a-c, will be treated as single-piece rate parcel post and subject to additional postage as necessary.

e. Single-Piece Rate Pieces. Pieces mailed at the single-piece parcel post rates do not require a marking, although mailers are encouraged to mark those pieces "Parcel Post."

762.12 Bulk Parcel Post. Each piece mailed at the bulk parcel post rates must be marked "Fourth-Class Bulk Rates" or Fourth-Class Blk.Rt."

762.14 DBMC Rate Parcel Post. Each piece mailed at the DBMC parcel post rates must be marked "DBMC Parcel Post" or "4C DBMC." If postage for the piece is paid by permit imprint and the office of mailing is in a different 3-digit ZIP Code area than the post office in the return address (see 761.14), the 5-digit ZIP Code or the 3-digit ZIP Code prefix of the office of mailing must be included in the indicia or, alternatively, incorporated in the required marking (e.g., "4C DBMC 011" or "DBMC Parcel Post Mailed From 01101").

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770 Mailing

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774 ZONED RATES

Pieces paid at rates which are based on zones (e.g., parcel post and bound printed matter rates) must be presented for acceptance at the post office from which the applicable zoned rate postage is computed, except as provided by 711.62 and 711.63.

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780 Payment of Postage

781 SINGLE-PIECE MAILINGS

[Add to the end of the section:] The mailer is responsible for proper payment of postage. See 111.32.

782 BULK RATE MAILINGS

Mailers of fourth-class matter at bulk rates must pay postage by permit imprint or meter stamps and must complete and submit the appropriate Postal Service mailing statement with each mailing. The mailer is responsible for proper payment of postage. See 111.32.

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784 PLANT VERIFIED DROP SHIPMENT POSTAGE PAYMENT SYSTEM

784.1 General

784.11 Definition. The plant-verified drop shipment postage payment system is designed to allow destination acceptance of mailings prepared for entry at DBMC rates (see 722.4), while taking advantage of the greater postal efficiency associated with origin verification and postage payment. Approval for use of a plant-verified drop shipment postage payment system will be granted under the conditions specified in 784.2.

784.12 System Elements. Under this system:

(a) The mailer's product is verified for proper classification, rate eligibility, preparation, and presort by postal personnel located at a mailer's plant (e.g., at a detached mail unit (DMU));

(b) Postage is prepaid at the post office serving the mailer's location;

(c) The shipment is released for dispatch under postal seal;

(d) The shipment is transported to destination postal facilities at the mailer's expense on the mailer's vehicle or on transportation procured by the mailer;

(e) The shipment is deposited at the destination postal facility by the mailer or the mailer's agent;

(f) The shipment is verified and accepted as mail by postal personnel at the destination postal facility and released for processing.

784.13 Participation. The plant-verified drop shipment postage payment system may be used only by mailers who have been authorized by the field division general manager/postmaster in whose service area the mailer is located (see 784.3).

784.14 Other Mailings. Other destination entry mailings that are not verified at the origin plant under a plant-verified drop shipment postage payment system must be verified, accepted and paid for at the destination post office in accordance with 722.431 c and d.

784.2 Program Participation Criteria for Mailers

784.21 Request for Participation. The mailer must submit an application for participation in the plant-verified drop shipment postage payment system as prescribed in 784.3.

784.22 Facilities for Postal Personnel. At each plant at which mail is inspected pursuant to a plant-verified drop shipment agreement (see 784.3), the mailer must provide an enclosed work area for the DMU that can be locked, has a telephone, is separate from the mailer's activities, and provides a safe working environment, as determined by the Postal Service.

784.23 Postage Payment. The mailer must pay all applicable fees, and must obtain and maintain all applicable permits or authorizations at the local post office serving the mailer's plant. Unless authorized to pay postage under a CPP system, the mailer must pay postage for plant-verified drop shipments at the post office serving the mailer's plant. If permit imprints are used, the mailer must ensure that sufficient funds are on deposit in the appropriate advance deposit accounts to pay for all plant-verified drop shipments prior to their release for dispatch. Postage payment must be in accordance with the requirements in the DMM, Handbook DM–102, *Bulk Mail Acceptance*, Handbook DM–103, *Penalty Mail*,, and any applicable agreements between the mailer and the Postal Service.

784.24 Documentation.

a. The mailer must produce and submit an individual mailing statement for each mailing destined for each destination entry post office, at the time the mail is presented for verification and postage payment.

b. When required by the local postmaster, the mailer must submit consolidated mailing statements and a register of mailing statements to the Postal Service.

c. The mailer must produce and submit to the Postal Service the prescribed clearance documents, in duplicate, that must accompany each plant-verified drop shipment to the destination post office where the shipment will be deposited. Those documents must be presented in triplicate if the mailer wishes to have a signed and dated copy returned to its driver when mailings are unloaded at the destination entry postal facility.

784.25 Transportation.

784.251 Responsibility. The mailer is responsible for the transportation of plant-verified drop shipments from the origin plant to the destination postal facility.

784.252 Other Mailings. The mailer must not transport plant-verified drop shipment mailings on the same vehicle with other shipments that are not entered as plant-verified drop shipments.

784.253 Scheduling. The mailer must meet the requirements in 722.432 in regard to the deposit of mail at destination entry postal facilities.

784.254 Separation of Mailings. When a vehicle contains more than one plant-verified drop shipment for a single destination postal facility, the shipments must be separated, except that this requirement may be waived by the origin postmaster for copalletized or combined mailings provided the clearance document for that destination clearly identifies all of the mail for that facility. In addition, when a vehicle contains one or more shipments for more than one destination postal facility, the shipments must be separated by destination.

784.3 Authorization.

784.31 Request.

784.311 General. The mailer must submit a written request to the mailer's local postmaster seeking assignment of postal personnel to the mailer's plant (e.g., establishment of a DMU) to support plant-verified drop shipment of destination entry rate mailings. No form is provided for this purpose.

784.312 Date of Filing. The mailer must submit the request at least 30 days prior to the date proposed for submission of the first plant-verified drop shipment using the system.

784.313 Content. The request must fully describe the characteristics of the mailings that will be prepared as plant-verified drop shipments. At a minimum, the request must include the following information for each mailing or series of mailings of the same product, publication, or job:

a. The schedule of mailing, i.e., the number, frequency and time of mailings (e.g., at noon daily for two weeks, every other Monday at 4pm, etc.);

b. The number of pieces and mailing statements to be presented to postal personnel, both daily and in total;

c. The class of mail and processing category;

d. The level of sortation and rate(s) claimed, as applicable;

e. If postage is paid locally;

(1) The method of postage payment and a listing of the postage meter numbers and licenses, and permit imprint (or company permit imprint) to be used; and

(2) The alternative mailing system used by the mailer, if any (see 145.7, 145.8, and 145.9);

f. If postage is paid under Centralized Postage Payment (CPP) procedures, a copy of the authorization must accompany the request (separate authorization by the serving rates and classification center is required to mail under CPP);

g. The type and capacity of scales at the mailer's plant, if any;

h. The space available for postal personnel to use and the suitability of that space for verification of mail, record keeping, installation of computer equipment, and monitoring of vehicle loading;

i. The types of equipment used (trays, sacks, pallets, etc.) (authorizations must be obtained where required); and

j. The destination entry points to which shipments will be dispatched (e.g., a listing of the BMCs and 5-digit facilities).

784.32 Approving or Denying Authorization.

784.321 Local Post Office. The local postmaster will review the application for completeness and accuracy; evaluate the mailer's ability to meet the requirements in 784.2, the suitability of the mailer's plant to accommodate postal personnel (i.e., a DMU), and the capability of the local post office to support the requested activity; and prepare a written summary of the results. This report and a recommendation for approval or denial of the mailer's request will be forwarded through the MSC/division manager, mailing requirements, to the field division general manager/postmaster.

784.322 Field Division. The field division general manager/postmaster will consider the postmaster's report and recommendation, determine whether the local post office has

sufficient employees who are trained and qualified in mail classification and verification to support the request plant-verified drop shipment activity, and prepare a final written decision on the mailer's request.

784.323 Approval. If the mailer's request for participation in the plant-verified drop shipment postage payment systgem is approved, the field division general manager/postmaster will prepare a plant-verified drop shipment agreement that must be signed by the general manager/postmaster, the mailer, and the postmaster of the post office serving the mailer's plant before the approval can be made effective. The agreement will specify the terms and period of the authorization (not to exceed 2 years). Copies of the agreement will be provided to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center.

784.324 Denial. If the mailer's request for participation in the plant-verified drop shipment postage payment system is denied, the field division general manager/postmaster will notify the mailer in writing, stating the reasons for the decision, and provide copies of the decision to the local postmaster, the MSC/division manager, mailing requirements, and the rates and classification center. The denial may be appealed as provided in 133.

784.33 Renewal, Termination, and Revocation.

784.331 Renewal. The mailer must submit a new request for authorization at least 30 days prior to the expiration of a plant-verified drop shipment agreement. The content of the request, and the procedures for its review, approval, or denial are as prescribed in 784.31 and 784.32.

784.332 Termination. A mailer may elect to terminate participation in a plant-verified drop shipment agreement by 10 calendar days' written notice to the authorizing field division general manager/postmaster.

784.333 Revocation. A plant-verified drop shipment agreement may be revoked by the authorizing field division general manager/postmaster by 10 calendar days' written notice to the mailer. Revocation must be based on the mailer's failure to pay postage and fees or to meet the requirements that apply to plant-verified drop shipment or mailing at parcel post rates. The revocation action may be appealed as provided by 133.

784.4 DMU Functions

784.41 General. Assignment of postal personnel to the mailer's plant to process plant-verified drop shipments may be in conjunction with the DMU staffing associated with a plant load authorization for that mailer's plant, but may be provided to a mailer's plant that is not authorized plant load, at the discretion of the division general manager/postmaster.

784.42 Inspection of Mailpieces. Postal personnel assigned to the mailer's plant must verify drop shipment mailings for classification, rate eligibility, preparation, presort, and postage in the same manner as plant load mailings.

784.43 Documents.

784.431 Preparation. Before each plant-verified drop shipment is released for dispatch, postal personnel must ensure that all clearance documents are properly completed, signed, and dated, and that each includes the number of the postal seal to be used on the vehicle, if appropriate (see 784.5). The required documents must be provided for each mailing prepared for each destination entry postal facility. The DMU will retain one copy of each completed clearance document.

784.432 Enclosure. Postal personnel must ensure that all appropriate clearance documents are provided to the mailer who is responsible for placing them in each vehicle to accompany the corresponding plant-verified drop shipments. These documents must be placed on the left rear wall of the vehicle just inside the door of the vehicle. Affix the required Form 5111–R, *Revenue Protection Placard,* to the outside rear of the vehicle after the mailer has completed loading the vehicle.

784.44 Loading. Postal personnel must observe the loading of each vehicle used to transport plant-verified drop shipments to ensure the correct mailings are loaded into vehicles for the correct destinations and that shipments are not improperly commingled (see 784.254).

784.45 Security. Postal personnel must seal the vehicle containing the plant-verified drop shipments mailings with a USPS ball seal, USPS lock, or other postal security device that prevents access to the shipments by other than authorized postal employees. Vehicles that make en route stops must be resealed after the corresponding mail is removed (see 784.5).

784.5 Destination Postal Facility Functions

784.51 Verification of Documents. The postal seal number on the clearance document for that destination post office must match the number on an unbroken seal securing the vehicle. Container identification codes on the clearance document must match the containers deposited. If these items match, the destination facility will sign and date the clearance documents accompanying the mailings and process the mail. These documents will be retained for one year in a chronological file, and receipted copies will be returned to the mailer's employee, if appropriate (see 784.24c and 784.431).

784.52 Verification of Contents. Each destination postal facility where plant-verified drop shipments are deposited must ensure that only the appropriate shipments are unloaded and accepted.

784.53 Vehicles Containing Mail for More Than One Destination Facility. When a mailer's vehicle contains mail for more than one destination entry facility, each intermediate postal facility will record the number of a new USPS ball seal on the clearance document for the next schedule destination post office, and affix that seal to secure the vehicle. (If USPS locks are used, they must be removed and retained at the final postal facility where the vehicle stops.)

784.54 Loading of Mail Prohibited. Postal Service mail for downstream postal facilities must not be loaded onto the mailer's vehicle by any intermediate postal facility at which the mailer has stopped to deposit a plant-verified drop shipment.

784.6 Liability. The mailer assumes all liability and responsibility for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at destination entry postal facilities, regardless of whether a third party is used to transport those shipments. The Postal Service is not liable or responsible for any loss or damage to plant-verified drop shipments before they are deposited and accepted as mail at a destination postal facility.

784.7 Postage

784.71 Method of Payment. Postage for a plant-verified drop shipment must be paid by meter stamps or by permit imprint using a meter license or permit imprint advance deposit account, as applicable, maintained by the mailer at the post office serving the mailer's location.

784.72 Computation. Postage for DBMC rate mailings prepared as plant-verified drop shipments is calculated (zoned) from the destination postal facility where mailings are deposited and accepted into the mailstream.

784.73 Refunds. The Postal Service will not refund postage for any failure to provide service that is caused in whole or in part by any event that occurs before the shipment is deposited and accepted into the mailstream and

becomes mail at a destination postal facility, except in accordance with the provisions of 147.2.

9. In chapter 9 of the Domestic Mail Manual, make the following revisions:

CHAPTER 9—SPECIAL SERVICES

910 Special Mail Services

911 REGISTERED MAIL

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911.2 Fees and Liability

911.21 Fees in Addition to Postage. See Exhibit 911.21.

Exhibit 911.21, Registry Fees. [No change in fees in addition to postage.]

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Additional services	Extra fee
COD collection charge (maximum amount collectible is $600)	$2.50
Restricted delivery	2.50
Return receipts:	
Requested at time of mailing:	
Showing to whom (signature) and date delivered	1.00
Showing to whom (signature), date, and address where delivered	1.35
Requested after mailing: Showing to whom (signature) and date delivered	6.00

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912 CERTIFIED MAIL

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912.3 Fees in Addition to Postage

The fees for certified mail are:

Fee	$0.90
Restricted delivery	2.50
Return receipts:	
Requested at time of mailing:	
Showing to whom (signature) and date delivered	1.00
Showing to whom (signature), date, and address where delivered	1.35
Requested after mailing: Showing to whom (signature) and date delivered	6.00

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913 INSURED MAIL

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913.2 Fees and Liability

913.21 Fees in Addition to Postage. The fees for insured mail are:

Liability	Fee
$0.01 to $50	$0.75
50.01 to 100	1.60
100.01 to 200	2.40
200.01 to 300	3.50
300.01 to 400	4.60
400.01 to 500	5.40
500.01 to 600	6.00

Maximum liability for insured mail is $600.

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913.3 Additional Services

913.31 Restricted Delivery. Restricted delivery may be obtained for parcels that are insured for more than $50. See 913.33 and 933 for the applicable fees and conditions. See 933.4 for circumstances under which restricted delivery may be made by delivery to a person other than the addressee.

913.32 Return Receipt. Upon payment of the fee specified in 913.33, Form 3811, *Domestic Return Receipt,* may be obtained for parcels insured for more than $50, as provided by 932.2.

913.33 Fees. In addition to the postage and insured fee that is applicable to the mailpiece, the following fees must be paid for the corresponding additional services:

Restricted delivery	$2.50
Return receipts:	
Requested at time of mailing:	
Showing to whom (signature) and date delivered	1.00
Showing to whom (signature), date, and address where delivered	1.35
Requested after mailing: Showing to whom (signature) and date delivered	6.00

913.34 Other Services. Other additional services that can be requested for insured mail are special delivery, special handling, parcel airlift, and merchandise return (by shippers only); see 915, 916, 918, and 919, respectively for more information.

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914 COLLECT ON DELIVERY (COD) MAIL

914.1 Description

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914.13 Conditions.

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914.132 Maximum Amount. The amount collected from the addressee cannot exceed $600.

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914.174 Registered COD Mail. Sealed domestic mail of any class bearing postage at the First-Class rate may be sent as registered COD mail. Such mail is handled in the same manner as other registered mail. The maximum amount collectible from the recipient on an individual parcel is $600. Indemnity may be purchased up to the registry limit of $25,000, by payment of the registry fee from Column A, Exhibit 911.21, corresponding to the value declared. Payment of a registry fee from Column B, Exhibit 911.21, will not provide any indemnity coverage. The total fees charged for registered COD service will include the appropriate registry fee for the value declared, plus the registered COD fee (see 914.21). The mailer must declare the full value of the article being mailed, regardless of the amount to be collected from the recipient.

914.175 Express Mail COD. Any article sent COD may also be sent by Express Mail. Such mail is handled in the same manner as other Express Mail. The maximum amount collectible from the addressee on an individual article is $600, and indemnity for failure to collect or issue payment will be limited to $600. See 292–296 for indemnity for loss, damage, or rifling of Express Mail COD articles. Express Mail postage (see Exhibit 210) and the appropriate COD fees (see 914.2) must be paid. Both the Express Mail label and COD tag must be affixed to each article. Enter the Express Mail number as the COD number on the COD tag.

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914.2 Fees

914.21 Fees in Addition to Postage. Collect-on-delivery (COD) fees are:

Amount to be collected or insurance coverage desired [1]	COD fees
$0.01 to $50	$2.50
50.01 to 100	3.25
100.01 to 200	4.00
200.01 to 300	4.75
300.01 to 400	5.50
400.01 to 500	6.50
500.01 to 600	7.00
Restricted delivery	2.50
Notice of nondelivery	2.10
Alteration of COD charges or designation of new addressee	2.10
Registered COD	2.50

[1] For Express Mail COD shipments, collect the fee for the amount to be paid the sender only. Express Mail insurance covers up to $500 merchandise insurance.

914.22 Payment of Fees and Postage.

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Example:

Cost of Contents	$45.63
Postage	4.03
Subtotal	$49.63
COD Fee*	3.25
Total Amount Due Sender	$52.88

* In the example cited, the COD fee for articles valued at up to $50 is $2.50. Since the $2.50 fee raises the amount to be collected to over $50, the next higher COD fee ($3.25 in this case) must be charged.

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915 SPECIAL DELIVERY

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915.3 Fees in Addition to Postage

The special delivery fees are:

Class of mail	2 lbs. or less	Over 2 lbs. but not more than 10 lbs.	Over 10 lbs.
First-class and priority mail	$5.60	$6.00	$7.50
All other classes	5.90	6.75	8.35

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916 SPECIAL HANDLING

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916.4 Fees in Addition to Postage

The fees for special handling are:

Weight	Fee
Not more than 10 pounds	$1.80
More than 10 pounds	2.50

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917 BUSINESS REPLY MAIL (BRM)

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917.3 Postage and Fees

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917.33 Fees.

917.331 Annual BRM Permit Fee. The annual BRM permit and renewal fee is $75.

917.332 Annual BRM Accounting Fee. The annual BRM accounting fee is $185.

917.333 Per Piece. The applicable business reply mail fee must be collected for each piece of business reply mail in addition to the single-piece rate First-Class postage that applies to the mailpiece:

With business reply mail advance deposit account:

Regular	$0.09
BRMAS	0.03
Without business reply mail advance deposit account	0.40

917.334 Schedule of Payment. The applicable annual BRM fees must be paid once each 12-month period, commencing on the anniversary date of the permit's issuance or previous fee payment, whichever is later.

917.34 Payment of Postage and Fees.

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917.342 Cash or Postage-Due Account.

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a. Amount Collected. The fee prescribed in 917.333 must be collected when the mailer pays by cash or postage-due account.

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917.343 Business Reply Account.

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a. Amount Collected. The fee prescribed in 917.333 must be collected when the mailer pays by business reply account.

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Exception: Business reply cards and letters returned under BRMAS that are rejected by USPS barcode sorters and found not to meet the machinability, barcode, or other preparation requirements for BRMAS will be charged the appropriate First-Class postage plus $0.09 per piece. In addition, if improper barcodes appear on BRM pieces returned under BRMAS (for example, if a barcode representing the card rate appears on a letter-size piece) the pieces will be subject to the appropriate First-Class postage plus $0.09 per piece.

b. Permit and Accounting Fee.

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[Delete the "Note" and "Example".]

c. Other Applicable Conditions. [No change in text.]

d. Insufficient Funds. When a business reply account contains insufficient funds to cover the amount due for postage and fees, the BRM is held and the permit holder notified by certified mail. If funds are not deposited within 3 days, the BRM is treated as a cash or postage-due account transaction, and the permit holder is charged the corresponding fee (see 917.333). If funds are deposited within 3 days, all BRM held during the 3 days will be charged the applicable fee for a BRM account transaction (see 917.333).

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917.35 BRM Bearing Stamps.

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917.352 Refunds.

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b. The per-piece charges in 917.333 are not refundable. * * *

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918 PARCEL AIRLIFT

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918.4 Fees

In addition to the regular surface rate of postage, the fees for parcel airlift are:

Weight	Fee
Not more than 2 pounds	$0.35
Over 2 but not more than 3 pounds	0.70
Over 3 but not more than 4 pounds	1.05
Over 4 pounds	1.40

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919 MERCHANDISE RETURN

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919.3 Postage and Fees

919.31 Permit Fee. A fee of $75 will be charged once each 12-month period on the anniversary date for each permit issued.

919.32 Transaction Fee. The fee for each item returned is $0.25 per parcel, in addition to the postage and other applicable fees.

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930 Supplemental Mail Services

931 CERTIFICATES OF MAILING

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931.2 Fees

931.21 Basic Fee.

a. The fee for certificates of mailing for all classes of mail is $0.50 per article listed individually on Form 3817, *Certificate of Mailing.*

b. Additional copies of either Form 3817 or firm mailing bills are available for $0.50 per page.

931.22 Firm Mailing Books.

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b. The fee is $0.20 per article listed.

931.23 Bulk Mailings. Identical pieces of First-Class and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps, are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$2.50
Each additional 1,000 pieces or fraction thereof	0.30
Duplicate copy	0.50

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932 RETURN RECEIPTS

932.1 Description

* * * * *

932.12 Return Receipt for Merchandise Service. Return receipt for merchandise service is available for merchandise sent as First-Class, Priority Mail, third-class, parcel post, bound printed matter, special fourth-class rate, and library rate mail (see 934).

Note: For information about international return receipt service, see *International Mail Manual*, 340.

932.2 Fees

In addition to the postage and other fees, the fees for return receipts are:

REQUESTED AT TIME OF MAILING:	
Showing to whom (signature) and date delivered	$1.00
Showing to whom (signature), date, and address where delivered	1.35
REQUESTED AFTER MAILING:	
Showing to whom (signature) and date delivered	6.00
RETURN RECEIPT FOR MERCHANDISE (see 934)	

Showing to whom (signature) and date delivered 1.10
Showing to whom (signature), date, and address where delivered 1.50

933 RESTRICTED DELIVERY

* * * * *

933.2 Fees

In addition to postage and other fees, the fee for restricted delivery is $2.50.

* * * * *

934 RETURN RECEIPT FOR MERCHANDISE

934.1 Description

* * * * *

934.2 What May Be Sent With Return Receipt For Merchandise Service

Return receipt for merchandise service is available for merchandise sent at the First-Class, Priority, third-class, parcel post, bound printed matter, special fourth-class and library rates of postage. All articles must be mailable in accordance with postal regulations. Special delivery service is available for other than bulk third-class upon payment of the prescribed fees (see 915.3). Special handling is available for single-piece rate third-class and fourth-class pieces.

934.3 Fees

Showing to whom (signature) and date of delivery $1.10
Showing to whom (signature), date, and address where delivered 1.50

* * * * *

934.8 Acceptance Procedures

* * * * *

934.83 Verification of Delivery. Mailers may obtain a copy of the delivery record by sending a written request to the post office of address. The fee is $6 for each copy requested and must be sent with the request. Mailers may not obtain a return receipt after mailing.

940 Nonmail Services

941 MONEY ORDERS

941.1 Issuance

* * * * *

941.12 Purchase Amounts, Fees, and Payments.

* * * * *

941.124 Fees.

a. Postal military money order (issued by military facilities authorized by the Department of Defense) $0.25
b. Domestic money order (issued at other post offices, including those with branches or stations on military installations) 0.75
c. Inquiry fee (includes the issuance of copy of a paid money order) 2.50

* * * * *

941.4 Inquiries

* * * * *

941.43 Fee.

941.431 Amount. The customer must pay the fee prescribed in 941.124c for each money order inquiry submitted on a Form 6401. Each Form 6401 covers only one money order.

941.432 Exception. The fee required by 941.431 does not have to be paid by banks, other financial institutions, and the Government agencies that process money orders directly with the Federal Reserve Bank, and for official post office business.

* * * * *

945 MAILING LIST SERVICES

945.1 General

* * * * *

945.16 Fees.

945.161 Correction of Name and Address or Occupant Lists.

a. The fee is $0.15 for each name or street address on the list, with a minimum fee of $5.00 for each list corrected. (The minimum applies for lists with fewer than 35 names or addresses.)

* * * * *

945.162 Sortation of Mailing Lists on Cards by Five-Digit ZIP Code. The fee for this service is $54.00 per 1,000 addresses or fraction thereof. * * *

950 Alternative Delivery Services

951 POST OFFICE BOX (P.O. BOX) SERVICE

* * * * *

951.2 Fees

* * * * *

951.22 Fee Groups.

* * * * *

951.222 Group 1 Fees.

a. General Application. [Text of existing 951.222a(1).]

b. Independent Facilities. [Text of existing 951.222a(2).]

c. Group 1 Categories. Group 1 fees are divided into three categories as listed below. Customers must pay the category of Group 1 fee that corresponds to the post office where the box is rented.

Category	Post office	ZIP code(s)
1A	New York, NY	10001–10299.
1B	Staten Island, NY	10301–10399.
	Boston, MA	02110–02111, 02113, 02115, 02128, 02134–02135, 02138–02140, 02142, 02145, 02158–02162, 02164–02168, 02178–02179, 02181, 02210, 02214–02216, 02218.
	Long Island City, NY	11101–11199.
	Brooklyn, NY	11201–11299.
	Queens (Flushing), NY	11301–11399.
	Queens (Jamaica), NY	11401–11499.
	Queens (Far Rockaway), NY	11601–11699.
	Philadelphia, PA	19101–19104, 19107.
	Washington, DC	20004–20009, 20013, 20026, 20036–20037, 20050, 20301, 20505.
	Bethesda, MD	20814
	Arlington, VA	22201–22202, 22209, 22211.
	McLean, VA	22103.
	Chicago, IL	60601–60607, 60610–60611, 60654, 60680, 60690.
	Los Angeles, CA	90019, 90024–90025, 90034–90035, 90048–90049, 90064, 90067, 90069, 90077.
	Beverly Hills, CA	90210–90212.
	Santa Monica, CA	90401–90405.
	San Francisco, CA	94101–94105, 94107–94109, 94111, 94118, 94123, 94126, 94133.
	Honolulu, HI	96813–96815.
1C	All post offices that have city delivery by postal carrier and are not listed in Group 1A or 1B.	

951.223 Group 2 Fees. [Text of existing 951.222b.]

951.224 Group 3 Fees. [Text of existing 951.222c.]

* * * * *

951.25 Facilities Primarily Serving Academic Institutions.

* * * * *

951.252 Adjustment of Fees to Meet Semester Schedules.

[In the note, replace the first sentence as follows:] Round charges to the next (higher) multiple of $0.10. * * *

951.26 Fee Schedule.

951.261 Fees. Fees for post office box rental are as follows:

Box Size	1	2	3	4	5
	Per Semi-Annual Period				
Group 1A	$25.00	$33.00	$58.00	$96.00	$160.00
Group 1B	22.00	28.00	50.00	84.00	140.00
Group 1C	19.00	25.00	45.00	72.00	120.00
Group 2	4.00	6.00	11.00	17.00	26.00
	Per Annual Period				
Group 3	1.20	1.20	1.20	1.20	1.20

* * * * *

952 CALLER SERVICE

* * * * *

952.2 Fees

952.21 Reserved Number Fee. The fee for each number reserved by a customer is $25 per postal calendar year or any part of such a calendar year.

952.22 Caller Service Fees.

* * * * *

952.222 Basic Caller Service Fee

a. General Rule. The applicable fee for caller service shown in 952.222c must be paid semiannually for each caller number or separation used. A separate basic fee must be paid for each facility where Accelerated Reply Mail (origin caller service) is provided.

b. Fee Categories. Caller service fees are divided into three categories as listed below. Customers must pay the category of fee that corresponds to the post office where caller service is used.

Category	Post Office	Zip Code(s)
1A	New York, NY	10001-10299.
1B	Staten Island, NY	10301-10399.
	Boston, MA	02110-02111, 02113, 02115, 02128, 02134-02135, 02138-02140, 02142, 02146, 02158-02162, 02164-02168, 02178-02179, 02181, 02210, 02214-02216, 02218.
	Long Island City, NY	11101-11199.
	Brooklyn, NY	11201-11299.
	Queens (Flushing), NY	11301-11399.
	Queens (Jamaica), NY	11401-11499
	Queens (Far Rockaway), NY	11601-11699.
	Philadelphia, PA	19101-19104, 19107.
	Washington, DC	20004-20009, 20013, 20026, 20036-20037, 20050, 20301, 20505.
	Bethesda, MD	20814
	Arlington, VA	22201-22202, 22209, 22211.
	McLean, VA	22103.
	Chicago, IL	60601-60607, 60610-60611, 60654, 60680, 60690.
	Los Angeles, CA	90019, 90024-90025, 90034-90035, 90048-90049, 90064, 90067, 90069, 90077.
	Beverly Hills, CA	90210-90212.
	Santa Monica, CA	90401-90405.
	San Francisco, CA	94101-94105, 94107-94109, 94111, 94118, 94123, 94126, 94133.
	Honolulu, HI	96813-96815.
1C	All post offices not listed in Group 1A or 1B.	

Category	Fee
c. Fee.	
1A	$225.00
1B	215.00
1C	200.00

[Redesignate existing 952.222b and 952.222c as 952.222d and 952.222e, respectively.]

10. The revised mailing statements the Postal Service proposes to adopt are set forth on the following pages as exhibits.

An appropriate amendment to 39 CFR 111.3 will be published if the proposal is adopted.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

BILLING CODE 7710-12-M

UNITED STATES POSTAL SERVICE

Statement of Mailing Second-Class Regular & Science of Agriculture Rates

*Regular publications, and all commingled nonsubscriber copies in excess of the 10% allowance, must claim only regular rates. Noncommingled nonsubscriber/nonrequester copies in excess of the 10% allowance are not mailable at Second-Class rates.

☐ Check if Requester Publication

Name of Publication or News Agent		Publication No.	Date of Mailing
Post Office (PO) and State of Mailing	PO ZIP + 4 / PO Finance Number	Frequency of Issue	Date of Issue
	Sequenced Statement No. (Required) / Freight Bill No.	Edition Code/Key	Incidental First-Enclosed ☐

Complete ONE of the Boxes Below

Complete this section if this statement is for ONE ISSUE or EDITION.

- Average Weight per Copy for the Issue (DMM 463.34) ____ . ____ lbs. (Round off to 6 decimal places if necessary)
- Percent of Advertising in This Issue ____ %
- Post Office Computed Average of Combined Weight per Copy ____ . ____ lbs. (Round off to 6 decimal places if necessary)

Complete this section when this statement is for ALL ISSUES of a calendar month. Enter total pounds either in items 1 through 9, or in item 11, as appropriate, and in item 13. To compute per piece charges, multiply the number of addressed pieces per issue by the number of issues and put the result in the appropriate blocks of items 15 through 25 as appropriate.

- Number of Issues This Month
- Weight of One Sheet (DMM 463.34) ____ . ____ lbs. (Round off to 6 decimal places if necessary)
- Combined Weight of One Copy from Each Issue ____ . ____ lbs. (Round off to 6 decimal places if necessary)
- Percent of Advertising in Total Month's Issue ____ %

Pound Rate

	Zone	*Subscriber Copies	Non-Sub./Requester Copies w/i 10% Limit	Non-Sub./Requester Copies Over 10% Com.	Total Copies	Total Pounds	Rate per Lb. or Fraction ☐ Regular	Rate per Lb. or Fraction ☐ Sci./Ag.	Postage	Totals
1.	Del. Unit						$.145	$.071		
2.	SCF						.165	.091		
3.	1 & 2						.201	.126		
4.	3						.209			
5.	4						.230			
6.	5						.261			
7.	6						.295			
8.	7						.335			
9.	8						.369			
10.	Totals									
11.	KEY RATE Computation (if used, do not complete items 1-10; see DMM 463.4)	Total Lbs. ____ × Key Rate ____ =								
12.	Subtotal (1-10 or 11)								+	
13.	Nonadv. Adj.	(100% − ____ (% of Adv.)) = ____ (Nonadv. %) ÷ 100 = ____ (Nonadv. Factor) × ____ (Total Lbs.) = ____ (Nonadv. Lbs.) × $.075 =							−	
									Total Pound Rate Postage (12-13) →	14.

Piece Rate

	Level	Description		Number of Copies	Number Qualified Addressed Pieces	Rate	Postage
15.	A	Pcs. packaged and sacked under DMM 441	Not ZIP + 4/ZIP + 4 Barcoded			.201	
16.			ZIP + 4			.187	
17.			ZIP + 4 Barcoded			.177	
18.	B3	Pcs. packaged and sacked under DMM 443	Not ZIP + 4/ZIP + 4 Barcoded			.155	
19.			ZIP + 4			.148	
20.			ZIP + 4 Barcoded			.140	
21.	B5	Pcs. in 5D pkgs. placed in 5D city, & unique 3D sacks (DMM 443)	Not ZIP + 4/ZIP + 4 Barcoded			.155	
22.			ZIP + 4			.148	
23.			ZIP + 4 Barcoded			.133	
24.	CR	Pcs. packaged and sacked under DMM 444	Carrier Route Rate			.119	
25.	CS		Saturation Rate			.099	
26.	Total →						+
27.	Nonadvertising Adjustment	Nonad. Factor (from line 13) ____ × no. Qual. Pcs. = ____ × .05 =					−
						Total Piece Rate Postage (26-27) →	28.
						Total Postage – side 1 (14 + 28) – Carry to side 2, line 30 →	29.

PS Form 3541-R, January, 1991

Go to Reverse of This Form

In-County and Foreign Rates

*Requester publications, and all commingled nonsubscriber copies in excess of the 10% limit are not eligible for in-county rates.

Total Postage From Side One (Line 29) →	30.

*In-County

		*Subscriber Copies	*Nonsubscriber Copies	Total Copies	Total Pounds	Rate	Postage
Pound Rate	31. Delivery Unit Entry					$0.104	
	32. All Other Entry					$0.124	

Total In-County Pound Rate Postage →	33.

Piece Rate (in Addition to the Pound Rate) Level	Description		Number of Copies	No. of Qualifying Addressed Pieces	Rate	Postage
J1	Pcs. Packaged and sacked under DMM 441	34. Not ZIP + 4 or ZIP + 4 Barcoded			$.077	
		35. ZIP + 4			.077	
		36. ZIP + 4 Barcoded			.077	
J3	Pcs. in city or unique 3D pkgs. placed in city or unique 3D sacks (DMM 441)	37. Not ZIP + 4 or ZIP + 4 Barcoded			.077	
		38. ZIP + 4			.070	
		39. ZIP + 4 Barcoded			.062	
J5	Pcs. in 5D pkgs. placed in 5D, city, & unique 3D sacks (DMM 441)	40. Not ZIP + 4 or ZIP + 4 Barcoded			.077	
		41. ZIP + 4			.070	
		42. ZIP + 4 Barcoded			.055	
KR	Pcs. packaged and sacked under DMM 444	43. Carrier Route Rate			.039	
KS		44. Saturation Rate			.019	

Total In-County Piece Rate Postage →	45.

Foreign (IMM 242.2)

46a. Average Weight per Copy for the Issue (DMM 463.34) (Include all wrappings) ____ . ____ lbs. (Round off to 6 decimal places if necessary)

46b. Post Office Computed Average of Combined Weight per Copy (Include all wrappings) ____ . ____ lbs. (Round off to 6 decimal places if necessary)

Rate Category	Subscriber/ Requester Copies	Nonsubscriber/ Nonrequester Copies	Total Copies	Rate	Postage
47. Surface					

Total Foreign Postage →	48.

49. Additional Postage for Nonsubscriber/Nonrequester Copies in excess of the 10% limit (Compute on side 1 of a separate 3541-R; carry forward to this entry the figure on line 29 of that form; attach that form to this form.)

Sequence number of attached form _____.

Total Copies	Total Pounds	Postage	
		→	49.

Total Postage (Add items 30, 33, 45, 48 and 49) →	50.

The submission of a false, fictitious, or fradulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000. (18 USC 1001).

In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates postage claimed.

51a. Name (Printed), Telephone Number, and Signature of Mailer	51b. Printed Name and Telephone No. of Publisher (If not same as mailer)	52. Computed by USPS (Signature Required)	53. Date (USPS Round Stamp)

Statement of Mailing Second-Class Special and Classroom Rates

*Requester publications, and all commingled nonsubscriber copies in excess of the 10% allowance, must claim regular rates and use Form 3541-R. Noncommingled nonsubscriber copies in excess of the 10% allowance are not mailable at Second-Class rates.

Name of Publication or News Agent		Publication No.	Date of Mailing
Post Office (PO) and State of Mailing	PO ZIP + 4 / PS Finance Number	Frequency of Issue	Date of Issue
	Sequenced Statement No. (Required) / Freight Bill No.	Edition Code/Key	Incidental First Enclosed ☐

Complete ONE of the Boxes Below

Complete this section if this statement is for ONE ISSUE or EDITION.

Average Weight per Copy for the Issue (DMM 463.34)
____ . ____ lbs.
(Round off to 6 decimal places if necessary)

Percent of Advertising in This Issue ____ %

Post Office Computed Average of Combined Weight per Copy
____ . ____ lbs.
(Round off to 6 decimal places if necessary)

Complete this section when this statement is for ALL ISSUES of a calendar month. Enter total pounds either in items 1 through 9, or in item 11, as appropriate, and in item 13. To compute per piece charges, multiply the number of addressed pieces per issue by the number of issues and put the result in the appropriate blocks of items 15 through 25 as appropriate.

Number of Issues This Month

Weight of One Sheet (DMM 463.34) ____ . ____ lbs.
(Round off to 6 decimal places if necessary)

Combined Weight of One Copy from Each Issue ____ . ____ lbs.
(Round off to 6 decimal places if necessary)

Percent of Advertising in Total Month's Issue ____ %

Pound Rate

	Zone	*Subscriber Copies	*Non-subscriber Copies	Total Copies	Total Pounds	Rate per Lb. or Fraction ☐ Special ☐ Classroom	Postage	Totals
1.	Del. Unit					$.071		
2.	SCF					.091		
3.	1 & 2					.126		
4.	3					.133		
5.	4					.152		
6.	5					.180		
7.	6					.209		
8.	7					.245		
9.	8					.275		
10.	Totals	—						
11.	KEY RATE Computation (if used, do not complete items 1-10, see DMM 463.4)				Total Lbs. ____	× Key Rate ____ =		
12.	Subtotal (1-10 or 11)						+	
13.	Nonadv. Adj. (100% − ____ % of Adv.) = ____ Nonadv. % ÷ 100 = ____ Nonadv. Factor × ____ Total Lbs. = ____ Nonadv. Lbs. × $.05 =						−	
	Total Pound Rate Postage (12-13) →							14.

Piece Rate

	Level	Description		Number of Copies	Number qualified Addressed Pieces	Rate	Postage
15.	G	Pcs. packaged and sacked under DMM 441	Not ZIP + 4/ZIP + 4 Barcoded			.168	
16.			ZIP + 4			.154	
17.			ZIP + 4 Barcoded			.144	
18.	H3	Pcs. packaged and sacked under DMM 443	Not ZIP + 4/ZIP + 4 Barcoded			.122	
19.			ZIP + 4			.115	
20.			ZIP + 4 Barcoded			.107	
21.	H5	Pcs. in 5D pkgs. placed in 5D city, & unique 3D sacks (DMM 443)	Not ZIP + 4/ZIP + 4 Barcoded			.122	
22.			ZIP + 4			.115	
23.			ZIP + 4 Barcoded			.100	
24.	IR	Pcs. packaged and sacked under DMM 444	Carrier Route Rate			.093	
25.	IS		Saturation Rate			.073	
26.	Total →						+
27.	Nonadvertising Adjustment	Nonad. Factor (from line 13) ____ × no. Qual. Pcs. = ____ × .035 =					−
	Total Piece Rate Postage (26-27) →							28.
	Total Postage – side 1 (14 + 28) – Carry to side 2, line 30 →							29.

PS Form 3541-N, January, 1991

Go to Reverse of This Form

In-County and Foreign Rates

*Requester publications, and all commingled nonsubscriber copies in excess of the 10% limit are not eligible for in-county rates.

Total Postage From Side One (Line 29) →	30.

*In-County

		*Subscriber Copies	*Nonsubscriber Copies	Total Copies	Total Pounds	Rate	Postage
Pound Rate	31. Delivery Unit Entry					$0.104	
	32. All Other Entry					$0.124	

Total In-County Pound Rate Postage →	33.

Piece Rate (In Addition to the Pound Rate) Level	Description		Number of Copies	No. of Qualifying Addressed Pieces	Rate	Postage
J1	Pcs. Packaged and sacked under DMM 441	34. Not ZIP + 4 or ZIP + 4 Barcoded			$.077	
		35. ZIP + 4			.077	
		36. ZIP + 4 Barcoded			.077	
J3	Pcs. in city or unique 3D pkgs. placed in city or unique 3D sacks (DMM 441)	37. Not ZIP + 4 or ZIP + 4 Barcoded			.077	
		38. ZIP + 4			.070	
		39. ZIP + 4 Barcoded			.062	
J5	Pcs. in 5D pkgs. placed in 5D, city, & unique 3D sacks (DMM 441)	40. Not ZIP + 4 or ZIP + 4 Barcoded			.077	
		41. ZIP + 4			.070	
		42. ZIP + 4 Barcoded			.055	
KR	Pcs. packaged and sacked under DMM 444	43. Carrier Route Rate			.039	
KS		44. Saturation Rate			.019	

Total In-County Piece Rate Postage →	45.

Foreign (IMM 242.2)

46a. Average Weight per Copy for the Issue (DMM 463.34) (Include all wrappings) ____ . ____ lbs. (Round off to 6 decimal places if necessary)

46b. Post Office Computed Average of Combined Weight per Copy (Include all wrappings) ____ . ____ lbs. (Round off to 6 decimal places if necessary)

Rate Category	Subscriber/ Requester Copies	Nonsubscriber/ Nonrequester Copies	Total Copies	Rate	Postage
47 Surface					

Total Foreign Postage →	48.

49. Additional Postage for Nonsubscriber/Nonrequester Copies in excess of the 10% limit (Compute on side 1 of a separate 3541-R, carry forward to this entry the figure on line 29 of that form, attach that form to this form.)	Total Copies	Total Pounds	Postage	
Sequence number of attached form ____			→	49

Total Postage (Add items 30, 33, 45, 48 and 49) →	50

The submission of a false, fictitious, or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000. (18 USC 1001).

In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates postage claimed.

51a. Name (Printed), Telephone Number, and Signature of Mailer	51b. Printed Name and Telephone No. of Publisher (If not same as mailer)	52. Computed by USPS (Signature Required)	53. Date (USPS Round Stamp)

PS Form **3541-N**, January 1991. *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Permit Imprints
First-Class Mail (For Priority Mail Use Form 3605-R)

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Flats ☐ Irregular Parcels	USPS Authorized Mailing ID Code(s)
Permit No.	Federal Agency Cost Code	Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece ___ . ___ ___ ___ ___ pounds		
		Total Pieces in Mailing	Total Weight of Mailing	

Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)	Name and Address of Mailing Agent (If other than the permit holder)	Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. ADC _____

Postage Computation

- For mailings of letter-size pieces (DMM 128) other than cards weighing .1563 pound (2.5 ounces) or less, go to Part A on the reverse of this form.
- For mailings of letter-size pieces (DMM 128) other than cards weighing more than .1563 pound (2.5 ounces) but not more than .625 pound (10 ounces), go to Part B on the reverse of this form.
- For mailings of non letter-size pieces (DMM 128) other than cards weighing not more than .625 pound (10 ounces), go to Part C on the reverse of this form.
- For mailings of postal cards and postcards (DMM 322), go to Part D on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$

Additional Postage Payment (State reasons for Additional Postage)	No. Pieces	Rate/Piece $. ___	= $
Total Postage ⟶			$

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.)

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ . ___ ___ ___ ___ pounds		Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason	
Total Pieces	Total Weight		
Total Postage			
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled		Date Mailer Notified	Contact / By (Initials)
I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.			Round Stamp (Required)
Signature of Weigher		Time AM / PM	

PS Form 3600-R, January 1991 — Financial Document – Forward to Finance Office

Form 3600-R — First-Class Other than Priority Mail — Permit Imprint

Postage Computation

Presort Automation Discounts	Net Rate	Count (Pcs)	Charge
Letter – .1563 lb. (2.5 Oz.) or Less			
ZIP + 4 Barcoded (5-Digit)	_____	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (3-Digit)	_____	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (Nonpresorted)	_____	× _____ pcs.	= $ _____
ZIP + 4 Presort	_____	× _____ pcs.	= $ _____
ZIP + 4 (Nonpresorted)	_____	× _____ pcs.	= $ _____
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____
Nonstandard Surcharge (If Applicable)			
Presorted and Carrier Route	.05	× _____ pcs.	= $ _____
Single-Piece Rate	.10	× _____ pcs.	= $ _____

Presort/Automation Discounts	Net Rate	Count (Pcs)	Charge
Letter – More than .1563 lb. (2.5 Oz.) But not more than .625 lb. (10 Oz.)			
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____

Total – Part A (Carry to front of form)	$ _____
Total – Part B (Carry to front of form)	$ _____

Nonletter – .625 lb. (10 Oz.) or Less			
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____
Nonstandard Surcharge (If Applicable)			
Presorted and Carrier Route	.05	× _____ pcs.	= $ _____
Single-Piece Rate	.10	× _____ pcs.	= $ _____

Postal Cards and Post Cards			
ZIP + 4 Barcoded (5-Digit)	.163	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (3-Digit)	.168	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (Nonpresorted)	.180	× _____ pcs.	= $ _____
ZIP + 4 Presort	.173	× _____ pcs.	= $ _____
ZIP + 4 (Nonpresorted)	.190	× _____ pcs.	= $ _____
Carrier Route	.165	× _____ pcs.	= $ _____
Presorted First-Class	.180	× _____ pcs.	= $ _____
Single-Piece Rate	.200	× _____ pcs.	= $ _____

Total – Part C (Carry to front of form)	$ _____
Total – Part D (Carry to front of form)	$ _____

PS Form 3600-R, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Meter or Precanceled Postage Affixed First-Class Mail (For Priority Mail Use Form 3605-PC)

Method of Payment
☐ Meter Postage
☐ Precanceled Stamp

MAILER: Complete all items by typewriter, pen, or indelible pencil. Use Form 3606 if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Flats ☐ Irregular Parcels
Permit No.		Mailing Statement Seq. No.	
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.	
		No. Sacks / No. Trays	No. Pallets / No. Other
		Weight of a Single Piece — . — — — — pounds	
		Total Pieces in Mailing	Total Weight of Mailing

USPS Authorized Mailing ID Code

Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)	Name and Address of Mailing Agent (If other than the permit holder)	Check All That Apply (USPS Only)
		☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. ADC _____

Postage Computation

- For mailings of letter-size pieces (DMM 128) other than cards weighing .1563 pound (2.5 ounces) or less, go to Part A on the reverse of this form.
- For mailings of letter-size pieces (DMM 128) other than cards weighing more than .1563 pound (2.5 ounces) but not more than .625 pound (10 ounces), go to Part B on the reverse of this form.
- For mailings of non letter-size pieces (DMM 128) other than cards weighing not more than .625 pound (10 ounces), go to Part C on the reverse of this form.
- For mailings of postal cards and postcards (DMM 128), go to Part D on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$

Additional Postage Payment (State reasons for Additional Postage)	No. Pieces	Rate/Piece $. —	= $

Postage Affixed at (Check one) (DMM 382.4)
☐ Correct Rate ☐ Lowest Rate (Affix balance to this form) ☐ Neither

Total Postage ⟶ $

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiences.)

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that *all* information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight — . — — — — pounds	Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason

Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled	Date Mailer Notified	Contact	By (Initials)

I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.

Round Stamp (Required)

Signature of Weigher	Time AM / PM

PS Form 3600-PC, January 1991

Financial Document – Forward to Finance Office

Form 3600-PC — First-Class Other than Priority Mail — Postage Affixed

Postage Computation

Presort/Automation Discounts	Net Rate	Count (Pcs)	Charge
Letter – .1563 lb. (2.5 Oz.) or Less			
ZIP + 4 Barcoded (5-Digit)	_____	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (3-Digit)	_____	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (Nonpresorted)	_____	× _____ pcs.	= $ _____
ZIP + 4 Presort	_____	× _____ pcs.	= $ _____
ZIP + 4 (Nonpresorted)	_____	× _____ pcs.	= $ _____
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____
Nonstandard Surcharge (If Applicable)			
Presorted and Carrier Route	.05	× _____ pcs.	= $ _____
Single-Piece Rate	.10	× _____ pcs.	= $ _____
Total – Part A (Carry to front of form)			$ _____

Presort/Automation Discounts	Net Rate	Count (Pcs)	Charge
Letter – More than .1563 lb. (2.5 Oz.) But not more than .625 lb. (10 Oz.)			
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____
Total – Part B (Carry to front of form)			$ _____

Nonletter – .625 lb. (10 Oz.) or Less			
Carrier Route	_____	× _____ pcs.	= $ _____
Presorted First-Class	_____	× _____ pcs.	= $ _____
Single-Piece Rate	_____	× _____ pcs.	= $ _____
Nonstandard Surcharge (If Applicable)			
Presorted and Carrier Route	.05	× _____ pcs.	= $ _____
Single-Piece Rate	.10	× _____ pcs.	= $ _____
Total – Part C (Carry to front of form)			$ _____

Postal Cards and Post Cards			
ZIP + 4 Barcoded (5-Digit)	.163	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (3-Digit)	.168	× _____ pcs.	= $ _____
ZIP + 4 Barcoded (Nonpresorted)	.180	× _____ pcs.	= $ _____
ZIP + 4 Presort	.173	× _____ pcs.	= $ _____
ZIP + 4 (Nonpresorted)	.190	× _____ pcs.	= $ _____
Carrier Route	.165	× _____ pcs.	= $ _____
Presorted First-Class	.180	× _____ pcs.	= $ _____
Single-Piece Rate	.200	× _____ pcs.	= $ _____
Total – Part D (Carry to front of form)			$ _____

PS Form 3600-PC, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Permit Imprints
Third-Class Mail (Regular Rates Only)

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels	USPS Authorized Mailing ID Code(s)
Permit No.	Federal Agency Cost Code	Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece ___ . ___ ___ ___ ___ pounds		
		Total Pieces in Mailing	Total Weight of Mailing	Sacking Based on ☐ 125 pcs. ☐ 15 lbs. ☐ Both (DMM 641)
Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)		Name and Address of Mailing Agent* (If other than the permit holder)		Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded at ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. BMC _____

Postage Computation

- For bulk mailings of letter-size pieces (see DMM 128) weighing .1563 lb. (2.5 oz.) or less, go to Part A on the reverse of this form.
- For bulk mailings of letter-size pieces (see DMM 128) weighing more than .1563 lb. (2.5 oz.) but not more than .2104 lb. (3.3669 oz.) go to Part B on the reverse of this form.
- For bulk mailings of non letter-size pieces (see DMM 128) weighing not more than .2104 lb. (3.3669 oz.), go to Part C on the reverse of this form.
- For bulk mailings of all pieces (see DMM 128) weighing more than .2104 lb. (3.3669 oz.) but less than 1 lb. (16 oz.), go to Part D on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$

Single-Piece Rate ☐ or Additional Postage Payment (State reasons for Additional Postage)	No. Pieces	Rate/Piece $. ___ = $
Is applicable bulk per piece rate affixed to each piece? (Form 3602-PC required) ☐ Yes ☐ No	**Total Postage** ⟶	$

Certification

The signature of a mailer certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ . ___ ___ ___ ___ pounds		Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason	
Total Pieces	Total Weight		
Total Postage			
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled		Date Mailer Notified	Contact / By (Initials)

I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the necessary annual fee.

Signature of Weigher	Time AM PM	Round Stamp (Required)

PS Form **3602-R**, January 1991 — **Financial Document – Forward to Finance Office**

Form 3602-R — Third-Class Regular Rate — Permit Imprint

Postage Computation — Bulk Rates

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Letter - .1563 lb. (2.5 Oz.) or Less				
None	Saturation	.113	× _____ pcs.	= $ _____
	Carrier Route	.123	× _____ pcs.	= $ _____
	5-Digit Barcoded	.132	× _____ pcs.	= $ _____
	3-Digit Barcoded	.139	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.147	× _____ pcs.	= $ _____
	3/5-Digit Presort	.154	× _____ pcs.	= $ _____
	Basic Barcoded	.161	× _____ pcs.	= $ _____
	Basic ZIP + 4	.171	× _____ pcs.	= $ _____
	Basic	.185	× _____ pcs.	= $ _____
BMC Entry	Saturation	.101	× _____ pcs.	= $ _____
	Carrier Route	.111	× _____ pcs.	= $ _____
	5-Digit Barcoded	.120	× _____ pcs.	= $ _____
	3-Digit Barcoded	.127	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.135	× _____ pcs.	= $ _____
	3/5-Digit Presort	.142	× _____ pcs.	= $ _____
	Basic Barcoded	.149	× _____ pcs.	= $ _____
	Basic ZIP + 4	.159	× _____ pcs.	= $ _____
	Basic	.173	× _____ pcs.	= $ _____
SCF Entry	Saturation	.096	× _____ pcs.	= $ _____
	Carrier Route	.106	× _____ pcs.	= $ _____
	5-Digit Barcoded	.115	× _____ pcs.	= $ _____
	3-Digit Barcoded	.122	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.130	× _____ pcs.	= $ _____
	3/5-Digit Presort	.137	× _____ pcs.	= $ _____
	Basic Barcoded	.144	× _____ pcs.	= $ _____
	Basic ZIP + 4	.154	× _____ pcs.	= $ _____
	Basic	.168	× _____ pcs.	= $ _____
DDU Entry	Saturation	.091	× _____ pcs.	= $ _____
	Carrier Route	.101	× _____ pcs.	= $ _____
Total - Part A (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Letter - More than .1563 lb. (2.5 Oz.) But not more than .2104 lb. (3.3669 Oz.)				
None	Saturation	.113	× _____ pcs.	= $ _____
	Carrier Route	.123	× _____ pcs.	= $ _____
	3/5-Digit Presort	.154	× _____ pcs.	= $ _____
	Basic	.185	× _____ pcs.	= $ _____
BMC Entry	Saturation	.101	× _____ pcs.	= $ _____
	Carrier Route	.111	× _____ pcs.	= $ _____
	3/5-Digit Presort	.142	× _____ pcs.	= $ _____
	Basic	.173	× _____ pcs.	= $ _____
SCF Entry	Saturation	.096	× _____ pcs.	= $ _____
	Carrier Route	.106	× _____ pcs.	= $ _____
	3/5-Digit Presort	.137	× _____ pcs.	= $ _____
	Basic	.168	× _____ pcs.	= $ _____
DDU Entry	Saturation	.091	× _____ pcs.	= $ _____
	Carrier Route	.101	× _____ pcs.	= $ _____
Total - Part B (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Nonletter - .2104 lb. (3.3669 Oz.bs.) or Less				
None	Saturation	.113	× _____ pcs.	= $ _____
	Carrier Route	.134	× _____ pcs.	= $ _____
	3/5-Digit Presort	.175	× _____ pcs.	= $ _____
	Basic	.220	× _____ pcs.	= $ _____
BMC Entry	Saturation	.101	× _____ pcs.	= $ _____
	Carrier Route	.122	× _____ pcs.	= $ _____
	3/5-Digit Presort	.163	× _____ pcs.	= $ _____
	Basic	.208	× _____ pcs.	= $ _____
SCF Entry	Saturation	.096	× _____ pcs.	= $ _____
	Carrier Route	.117	× _____ pcs.	= $ _____
	3/5-Digit Presort	.158	× _____ pcs.	= $ _____
	Basic	.203	× _____ pcs.	= $ _____
DDU Entry	Saturation	.091	× _____ pcs.	= $ _____
	Carrier Route	.112	× _____ pcs.	= $ _____
Total - Part C (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
All Mail - More than .2104 lb. (3.3669 Oz.) But less than 1.0 lb. (16 Oz.)				
None	Saturation	.000	× _____ pcs.	= $ _____
	plus	.537	× _____ lbs.	= $ _____
	Carrier Route	.021	× _____ pcs.	= $ _____
	plus	.537	× _____ lbs.	= $ _____
	3/5-Digit Presort	.062	× _____ pcs.	= $ _____
	plus	.537	× _____ lbs.	= $ _____
	Basic	.107	× _____ pcs.	= $ _____
	plus	.537	× _____ lbs.	= $ _____
BMC Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.479	× _____ lbs.	= $ _____
	Carrier Route	.021	× _____ pcs.	= $ _____
	plus	.479	× _____ lbs.	= $ _____
	3/5-Digit Presort	.062	× _____ pcs.	= $ _____
	plus	.479	× _____ lbs.	= $ _____
	Basic	.107	× _____ pcs.	= $ _____
	plus	.479	× _____ lbs.	= $ _____
SCF Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.456	× _____ lbs.	= $ _____
	Carrier Route	.021	× _____ pcs.	= $ _____
	plus	.456	× _____ lbs.	= $ _____
	3/5-Digit Presort	.062	× _____ pcs.	= $ _____
	plus	.456	× _____ lbs.	= $ _____
	Basic	.107	× _____ pcs.	= $ _____
	plus	.456	× _____ lbs.	= $ _____
DDU Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.433	× _____ lbs.	= $ _____
	Carrier Route	.021	× _____ pcs.	= $ _____
	plus	.433	× _____ lbs.	= $ _____
Total - Part D (Carry to front of form)				$ _____

PS Form 3602-R, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Permit Imprints
Third-Class Mail (Nonprofit Rates Only)

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels	USPS Authorized Mailing ID Code(s)
Permit No.		Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece ___ . ___ ___ ___ ___ pounds		
Authorized to use nonprofit rates? (DMM 625)* ☐ Yes ☐ No		Total Pieces in Mailing	Total Weight of Mailing	Sacking Based on ☐ 125 pcs. ☐ 15 lbs. ☐ Both (DMM 641)
Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)		Name and Address of Mailing Agent* (If other than the permit holder)		Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded at ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP ☐ Orig. ☐ Dest. SCF 3D ZIP ☐ Orig. ☐ Dest. BMC
Authorized to use nonprofit rates? (DMM 625)* ☐ Yes ☐ No				

Postage Computation

- For bulk mailings of letter-size pieces (see DMM 128) weighing .1563 lb. (2.5 oz.) or less, go to Part A on the reverse of this form.
- For bulk mailings of letter-size pieces (see DMM 128) weighing more than .1563 lb. (2.5 oz.) but not more than .2115 lb. (3.3837 oz.), go to Part B on the reverse of this form.
- For bulk mailings of non letter-size pieces (see DMM 128) weighing not more than .2115 lb. (3.3837 oz.), go to Part C on the reverse of this form.
- For bulk mailings of all pieces (see DMM 128) weighing more than .2115 lb. (3.3837 oz.) but less than 1 lb. (16 oz.), go to Part D on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$

Single Piece Rate ☐ or Additional Postage Payment (State reasons for Additional Postage)	No. Pieces	Rate/Piece $. ___ = $
Is applicable bulk per piece rate affixed to each piece? (Form 3602-PC required) ☐ Yes ☐ No	**Total Postage** ⟶	$

Certification

*The signature of a mailer certifies that: (1) the mailing does not violate DMM 625; (2) only the mailer's matter is being mailed; (3) this is not a cooperative mailing with other persons or organizations that are not authorized to mail at special bulk third-class rates at this office; (4) this mailing has not been undertaken by the mailer on behalf of or produced for another person or organization not authorized to mail at special bulk third-class rates at this office; and (5) it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing, whether due to a finding that the mailing is cooperative or for other reasons. (If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the nonprofit mailer, and that both the nonprofit mailer and the agent will be liable for and agree to pay any deficiencies.)

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ . ___ ___ ___ ___ pounds		Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason	
Total Pieces	Total Weight		
Total Postage			
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled		Date Mailer Notified / Contact	By (Initials)
I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and (4) payment of the required annual fee.			Round Stamp (Required)
Signature of Weigher		Time AM / PM	

PS Form **3602-N**, January 1991

Financial Document – Forward to Finance Office

Form 3602-N — Third-Class Nonprofit Rate — Permit Imprint

Postage Computation — Bulk Rates

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Letter – .1563 lb. (2.5 Oz.) or Less				
None	Saturation	.070	× _____ pcs.	= $ _____
	Carrier Route	.073	× _____ pcs.	= $ _____
	5-Digit Barcoded	.075	× _____ pcs.	= $ _____
	3-Digit Barcoded	.083	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.091	× _____ pcs.	= $ _____
	3/5-Digit Presort	.097	× _____ pcs.	= $ _____
	Basic Barcoded	.090	× _____ pcs.	= $ _____
	Basic ZIP + 4	.099	× _____ pcs.	= $ _____
	Basic	.110	× _____ pcs.	= $ _____
BMC Entry	Saturation	.058	× _____ pcs.	= $ _____
	Carrier Route	.061	× _____ pcs.	= $ _____
	5-Digit Barcoded	.063	× _____ pcs.	= $ _____
	3-Digit Barcoded	.071	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.079	× _____ pcs.	= $ _____
	3/5-Digit Presort	.085	× _____ pcs.	= $ _____
	Basic Barcoded	.078	× _____ pcs.	= $ _____
	Basic ZIP + 4	.087	× _____ pcs.	= $ _____
	Basic	.098	× _____ pcs.	= $ _____
SCF Entry	Saturation	.053	× _____ pcs.	= $ _____
	Carrier Route	.056	× _____ pcs.	= $ _____
	5-Digit Barcoded	.058	× _____ pcs.	= $ _____
	3-Digit Barcoded	.066	× _____ pcs.	= $ _____
	3/5-Digit ZIP + 4	.074	× _____ pcs.	= $ _____
	3/5-Digit Presort	.080	× _____ pcs.	= $ _____
	Basic Barcoded	.073	× _____ pcs.	= $ _____
	Basic ZIP + 4	.082	× _____ pcs.	= $ _____
	Basic	.093	× _____ pcs.	= $ _____
DDU Entry	Saturation	.048	× _____ pcs.	= $ _____
	Carrier Route	.051	× _____ pcs.	= $ _____
Total – Part A (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Letter – More than .1563 lb. (2.5 Oz.) But not more than .2115 lb. (3.3837 Oz.)				
None	Saturation	.070	× _____ pcs.	= $ _____
	Carrier Route	.073	× _____ pcs.	= $ _____
	3/5-Digit Presort	.097	× _____ pcs.	= $ _____
	Basic	.110	× _____ pcs.	= $ _____
BMC Entry	Saturation	.058	× _____ pcs.	= $ _____
	Carrier Route	.061	× _____ pcs.	= $ _____
	3/5-Digit Presort	.085	× _____ pcs.	= $ _____
	Basic	.098	× _____ pcs.	= $ _____
SCF Entry	Saturation	.053	× _____ pcs.	= $ _____
	Carrier Route	.056	× _____ pcs.	= $ _____
	3/5-Digit Presort	.080	× _____ pcs.	= $ _____
	Basic	.093	× _____ pcs.	= $ _____
DDU Entry	Saturation	.048	× _____ pcs.	= $ _____
	Carrier Route	.051	× _____ pcs.	= $ _____
Total – Part B (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
Nonletter – .2115 lb. (3.3837 Oz.) or Less				
None	Saturation	.070	× _____ pcs.	= $ _____
	Carrier Route	.080	× _____ pcs.	= $ _____
	3/5-Digit Presort	.111	× _____ pcs.	= $ _____
	Basic	.125	× _____ pcs.	= $ _____
BMC Entry	Saturation	.058	× _____ pcs.	= $ _____
	Carrier Route	.068	× _____ pcs.	= $ _____
	3/5-Digit Presort	.099	× _____ pcs.	= $ _____
	Basic	.113	× _____ pcs.	= $ _____
SCF Entry	Saturation	.053	× _____ pcs.	= $ _____
	Carrier Route	.063	× _____ pcs.	= $ _____
	3/5-Digit Presort	.094	× _____ pcs.	= $ _____
	Basic	.108	× _____ pcs.	= $ _____
DDU Entry	Saturation	.048	× _____ pcs.	= $ _____
	Carrier Route	.058	× _____ pcs.	= $ _____
Total – Part C (Carry to front of form)				$ _____

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
All Mail – More than .2115 lb. (3.3837 Oz.) But less than 1.0 lb. (16 Oz.)				
None	Saturation	.000	× _____ pcs.	= $ _____
	plus	.331	× _____ lbs.	= $ _____
	Carrier Route	.010	× _____ pcs.	= $ _____
	plus	.331	× _____ lbs.	= $ _____
	3/5-Digit Presort	.041	× _____ pcs.	= $ _____
	plus	.331	× _____ lbs.	= $ _____
	Basic	.055	× _____ pcs.	= $ _____
	plus	.331	× _____ lbs.	= $ _____
BMC Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.273	× _____ lbs.	= $ _____
	Carrier Route	.010	× _____ pcs.	= $ _____
	plus	.273	× _____ lbs.	= $ _____
	3/5-Digit Presort	.041	× _____ pcs.	= $ _____
	plus	.273	× _____ lbs.	= $ _____
	Basic	.055	× _____ pcs.	= $ _____
	plus	.273	× _____ lbs.	= $ _____
SCF Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.250	× _____ lbs.	= $ _____
	Carrier Route	.010	× _____ pcs.	= $ _____
	plus	.250	× _____ lbs.	= $ _____
	3/5-Digit Presort	.041	× _____ pcs.	= $ _____
	plus	.250	× _____ lbs.	= $ _____
	Basic	.055	× _____ pcs.	= $ _____
	plus	.250	× _____ lbs.	= $ _____
DDU Entry	Saturation	.000	× _____ pcs.	= $ _____
	plus	.227	× _____ lbs.	= $ _____
	Carrier Route	.010	× _____ pcs.	= $ _____
	plus	.227	× _____ lbs.	= $ _____
Total – Part D (Carry to front of form)				$ _____

PS Form 3602-N, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Meter or Precanceled Postage Affixed Bulk Third-Class Mail (Regular or Nonprofit Rates)

Method of Payment
☐ Meter Postage
☐ Precanceled Stamps

MAILER: Complete all items by typewriter, pen, or indelible pencil. Use Form 3606 if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels
Permit No.		Mailing Statement Seq. No.	
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.	
		No. Sacks / No. Trays	No. Pallets / No. Other
		Weight of a Single Piece ___ . ___ ___ ___ ___ pounds	
Authorized to use nonprofit rates? (DMM 625)* ☐ Yes ☐ No		Total Pieces in Mailing	Total Weight of Mailing
Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)		Name and Address of Mailing Agent* (If other than the permit holder)	
Authorized to use nonprofit rates? (DMM 625)* ☐ Yes ☐ No			

USPS Authorized Mailing ID Code(s)

Sacking Based on ☐ 125 pcs. ☐ 15 lbs. ☐ Both (DMM 641)

Check All That Apply (USPS Only)
☐ Centralized Postage Payment
☐ Plant Loaded at
☐ Drop Ship Entered at
☐ Orig. ☐ Dest. A/O ZIP _____
☐ Orig. ☐ Dest. SCF 3D ZIP _____
☐ Orig. ☐ Dest. BMC _____

Postage Computation

- For bulk mailings of letter-size pieces (see DMM 128) weighing .1563 lb. (2.5 oz.) or less, go to Part A on the reverse of this form.
- For bulk mailings of letter-size pieces (see DMM 128) weighing more than .1563 lb. (2.5 oz.) but not more than .2104 lb. (3.3669 oz.) (or .2115 lb. (3.3837 oz.) for nonprofit) go to Part B on the reverse of this form.
- For bulk mailings of non letter-size pieces (see DMM 128) weighing not more than .2104 lb. (3.3669 oz.) (or .2115 lb. (3.3837 oz.) for nonprofit), go to Part C on the reverse of this form.
- For bulk mailings of all pieces (see DMM 128) weighing more than .2104 lb. (3.3669 oz.) (or .2115 lb. (3.3837 oz.) for nonprofit) but less than 1 lb. (16 oz.), go to Part D on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$

Single-Piece Rate ☐ or Additional Postage Payment (State reasons for Additional Postage) — No. Pieces — Rate/Piece ¢ . ___ = $

Is additional bulk pound rate paid by permit imprint? (3602-R or N required) ☐ Y ☐ N

Postage affixed at (Check one) ☐ Correct Rate ☐ Lowest Rate ☐ Neither (DMM 661.324)

Total Postage ⟶ $

Certification

*The signature of a mailer certifies that: (1) the mailing does not violate DMM 625; (2) only the mailer's matter is being mailed; (3) this is not a cooperative mailing with other persons or organizations that are not authorized to mail at special bulk third-class rates at this office; (4) this mailing has not been undertaken by the mailer on behalf of or produced for another person or organization not authorized to mail at special bulk third-class rates at this office; and (5) it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing, whether due to a finding that the mailing is cooperative or for other reasons. (If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the nonprofit mailer, and that both the nonprofit mailer and the agent will be liable for and agree to pay any deficiencies.)

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred) — Telephone Number

USPS Use Only

Single Piece Weight ___ . ___ ___ ___ ___ pounds

Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No

If "Yes" Reason

Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled	Date Mailer Notified	Contact	By (Initials)

I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.

Round Stamp (Required)

Signature of Weigher — Time AM PM

PS Form 3602-PC, January 1991 — Financial Document – Forward to Finance Office

Form 3602-PC — Third-Class Regular or Nonprofit Rates — Postage Affixed

Postage Computation — Bulk Rates

Letter – .1563 lb. (2.5 Oz.) or less

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
None	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	5-Digit Barcoded		× _____ pcs. =	$ _____
	3-Digit Barcoded		× _____ pcs. =	$ _____
	3/5-Digit ZIP + 4		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic Barcoded		× _____ pcs. =	$ _____
	Basic ZIP + 4		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
BMC Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	5-Digit Barcoded		× _____ pcs. =	$ _____
	3-Digit Barcoded		× _____ pcs. =	$ _____
	3/5-Digit ZIP + 4		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic Barcoded		× _____ pcs. =	$ _____
	Basic ZIP + 4		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
SCF Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	5-Digit Barcoded		× _____ pcs. =	$ _____
	3-Digit Barcoded		× _____ pcs. =	$ _____
	3/5-Digit ZIP + 4		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic Barcoded		× _____ pcs. =	$ _____
	Basic ZIP + 4		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
DDU Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____

Total – Part A (Carry to front of form) $ _____

Letter – More than .1563 lb. (2.5 Oz.) but not more than .2104 lb. (3.3669 Oz.) (.2115 lb. (3.3837 Oz.) for nonprofit)

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
None	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
BMC Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
SCF Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
DDU Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____

Total – Part B (Carry to front of form) $ _____

Nonletter – .2104 lb. (3.3669 Oz.) or less (.2115 lb. (3.3837 Oz.) or less for nonprofit)

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
None	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
BMC Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
SCF Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
DDU Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____

Total – Part C (Carry to front of form) $ _____

All Mail – More than .2104 lb. (3.3669 Oz.) (.2115 lb. (3.3837 Oz.) for nonprofit) but less than 1.0 lb. (16 Oz.) Enter the applicable rate applied to each piece computed as described in DMM 611.242 →

Entry Discount (If Any)	Presort/Automation Discounts	Net Rate	Count (Pcs/Lbs)	Charge
None	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
BMC Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
SCF Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$
	3/5-Digit Presort		× _____ pcs. =	$ _____
	Basic		× _____ pcs. =	$ _____
DDU Entry	Saturation		× _____ pcs. =	$ _____
	Carrier Route		× _____ pcs. =	$ _____

Total – Part D (Carry to front of form) $ _____

PS Form 3602-PC, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Permit Imprints
Priority Mail and Zone-Rated Fourth-Class Mail

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels	USPS Authorized Mailing ID Code(s)
Permit No.	Federal Agency Cost Code	Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece — — . — — — — pounds		
		Total Pieces in Mailing	Total Weight of Mailing	If BPM, sacking based on (DMM 767) ☐ 10 pcs. ☐ 20 lbs. ☐ 1000 cu. in.
Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)		Name and Address of Mailing Agent (If other than the permit holder)		Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. BMC* _____

Postage Computation

- For bound printed matter go to **Part A** on the reverse of this form.
- For parcel post go to **Part B** on the reverse of this form. (Check if bulk parcel post) ⟶ ☐
- For destination BMC/ASF mail go to **Part C** on the reverse of this form.
- For Priority Mail go to **Part D** on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$
Parcel Post Nonmachinable Surcharge (Inter-BMC Parcel Post Only) — No. Pieces	$ 1.75 = $
Total Postage ⟶	$

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight — — . — — — — pounds		Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason		
Total Pieces	Total Weight			
Total Postage				
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled		Date Mailer Notified	Contact	By (Initials)

I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.

Round Stamp (Required)

Signature of Weigher	Time AM / PM

PS Form 3605-R, January 1991

Financial Document – Forward to Finance Office

Form 3605-R — Statement of Mailing with Permit Imprints Priority Mail and Zone-Rated Fourth-Class Mail

Bound Printed Matter

ZONES	SINGLE-PIECE RATE			BASIC BULK PIECE RATE			CARRIER ROUTE BULK PC RT			BULK BPM POUND RATE			Total Postage—Part A
	Number of Pieces ×	Rate =	Single-Piece Rate Postage	Number of Pieces ×	Rate =	Basic Piece Rate Charge	Number of Pieces ×	Rate =	Carrier Route Piece Rate Charge	Number of Pounds	Pound Rate	BPM Pound Rate Charge	
Local					$0.41			$0.355			$0.015		
1 & 2					$0.55			$0.495			$0.050		
3					$0.55			$0.495			$0.078		
4					$0.55			$0.495			$0.126		
5					$0.55			$0.495			$0.198		
6					$0.55			$0.495			$0.274		
7					$0.55			$0.495			$0.366		
8					$0.55			$0.495			$0.444		
TOTALS													

☐ Bulk Parcel Post

ZONES	INTER BMC PARCEL POST			INTRA BMC PARCEL POST			Total Postage—Part B
	Number of Pieces ×	Inter BMC Rate =	Inter BMC Postage	Number of Pieces ×	Intra BMC Rate =	Intra BMC Postage	
Local							
1 & 2							
3							
4							
5							
6							
7							
8							
TOTALS							

Destination BMC/ASF Mail

ZONES	Number of Pieces ×	Destination BMC/ASF Rate =	Total Postage Part C
1 & 2			
3			
4			
5			
TOTALS			

Priority Mail

ZONES	PRESORTED PRIORITY MAIL			RESIDUAL/SINGLE PIECE PRIORITY MAIL			Total Postage—Part D
	Number of Pieces ×	Presorted Priority Rate =	Presorted Priority Postage	Number of Pieces ×	Priority Rate =	Single-Piece Priority Postage	
Local							
1 & 2							
3							
4							
5							
6							
7							
8							
TOTALS							

PS Form 3605-R, January 1991 *(Reverse)*

UNITED STATES POSTAL SERVICE

Statement of Mailing with Meter Postage Affixed Priority Mail and Zone-Rated Fourth-Class Mail

MAILER: Complete all items by typewriter, pen, or indelible pencil. Use Form 3606 if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Letters ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels
Permit No.		Mailing Statement Seq. No	
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.	
		No. Sacks / No. Trays / No. Pallets / No. Other	
		Weight of a Single Piece ___ ___ . ___ ___ ___ ___ pounds	
		Total Pieces in Mailing / Total Weight of Mailing	If BPM, sacking based on (DMM 767) ☐ 10 lbs. ☐ 20 lbs. ☐ 1000 cu. in.
Name & Address of Individual or Organization for Which Mailing is Prepared (if other than the permit holder)		Name and Address of Mailing Agent (if other than the permit holder)	Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. BMC _____

Postage Computation

• For bound printed matter go to **Part A** on the reverse of this form.	Postage (From Reverse Side) ▶	Part A $.
• For bulk parcel post go to **Part B** on the reverse of this form.		Part B $
• For destination BMC/ASF mail go to **Part C** on the reverse of this form.		Part C $
• For Presorted Priority Mail go to **Part D** on the reverse of this form.		Part D $
Parcel Post Nonmachinable Surcharge (Inter-BMC Parcel Post Only)	No. Pieces	$ 1.75 = $
Total Postage ▶		$

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulators, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ ___ . ___ ___ ___ ___ pounds	Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason		
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled	Date Mailer Notified	Contact	By (Initials)
I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.			Round Stamp (Required)
Signature of Weigher	Time AM PM		

PS Form 3605-PC January 1991 — Financial Document – Forward to Finance Office

Form 3605-PC — Statement of Mailing with Meter Postage Affixed — Priority Mail and Zone-Rated Fourth-Class Mail

Bulk Bound Printed Matter

ZONES	BASIC BULK RATE			CARRIER ROUTE BULK RATE			Total Postage—Part A
	Number of Pieces	× Rate =	Basic Rate Charge	Number of Pieces	× Rate =	Carrier Route Rate Charge	
Local							
1 & 2							
3							
4							
5							
6							
7							
8							
TOTALS							

Bulk Parcel Post

ZONES	INTER BMC PARCEL POST			INTRA BMC PARCEL POST			Total Postage—Part B
	Number of Pieces	× Inter BMC Rate =	Inter BMC Postage	Number of Pieces	× Intra BMC Rate =	Intra BMC Postage	
Local							
1 & 2							
3							
4							
5							
6							
7							
8							
TOTALS							

Destination BMC/ASF Mail

ZONES	Number of Pieces	× Destination BMC/ASF Rate =	Total Postage—Part C
1 & 2			
3			
4			
5			
TOTALS			

Presorted Priority Mail

ZONES	PRESORTED PIECES			RESIDUAL PIECES			Total Postage—Part D
	Number of Pieces	× Presorted Priority Rate =	Presorted Priority Postage	Number of Pieces	× Single-Piece Priority Rate (or Additional Postage per piece) =	Single-Piece Priority (or Additional) Postage	
Local							
1 & 2							
3							
4							
5							
6							
7							
8							
TOTALS							

PS Form 3605-PC, January 1991 *(Reverse)*

Statement of Mailing with Permit Imprints
Special Fourth-Class and Library Rate Fourth-Class Mail

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels	USPS Authorized Mailing ID Code(s)
Permit No.	Federal Agency Cost Code	Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece ___ ___ . ___ ___ ___ ___ pounds		
		Total Pieces in Mailing	Total Weight of Mailing	Sacking Based on (DMM 767) ☐ 10 pcs. ☐ 20 lbs. ☐ 1000 cu. in.
Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)		Name and Address of Mailing Agent (If other than the permit holder)		Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP ____ ☐ Orig. ☐ Dest. SCF 3D ZIP ____ ☐ Orig. ☐ Dest. BMC ____

Postage Computation

• For special fourth-class mail go to **Part A** on the reverse of this form.	Postage (From Reverse Side) ▶	Part A	$
• For library rate mail go to **Part B** on the reverse of this form.		Part B	$
Total Postage ⟶			

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ ___ . ___ ___ ___ ___ pounds		Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason		
Total Pieces	Total Weight			
Total Postage				
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled		Date Mailer Notified	Contact	By (Initials)
I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.				Round Stamp (Required)
Signature of Weigher		Time AM PM		

PS Form **3608-R**, January 1991 — Financial Document – Forward to Finance Office

Form 3608-R — Special Fourth-Class and Library Rate Fourth-Class Mail Permit Imprint

A. Special Fourth-Class	Net Rate		Piece Count		Charge
Nonpresorted	$	×		=	$
Level A (5-digit) Presort		×		=	
Level B (BMC) Presort		×		=	
Total Part A (Carry to Front of Form)					$

B. Library Rate	Net Rate		Piece Count		Charge
Total Part B	$	×		=	$ (Carry to Front of Form)

Statement of Mailing with Meter Postage Affixed
Presorted Special Fourth-Class Rate Mail

MAILER: Complete all items by typewriter, pen, or indelible pencil. Use Form 3606 if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category (DMM 128) ☐ Machinable Parcels ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels
Permit No.		Mailing Statement Seq. No.	
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.	
		No. Sacks / No. Trays / No. Pallets / No. Other	
		Weight of a Single Piece ___ ___ . ___ ___ ___ ___ pounds	
		Total Pieces in Mailing	Total Weight of Mailing

USPS Authorized Mailing ID Code(s)

Sacking Based on (DMM 767) ☐ 10 pcs. ☐ 20 lbs. ☐ 1000 cu. in.

Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)	Name and Address of Mailing Agent (If other than the permit holder)

Check All That Apply (USPS Only)

☐ Centralized Postage Payment
☐ Plant Loaded to
☐ Drop Ship Entered at
☐ Orig. ☐ Dest. A/O ZIP _____
☐ Orig. ☐ Dest. SCF 3D ZIP _____
☐ Orig. ☐ Dest. BMC _____

Postage Computation

	Net Rate		Piece Count		Charge
Level A (5-digit) Presort		×		=	
Level B (BMC) Presort		×		=	
Total Postage →					$

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight ___ ___ . ___ ___ ___ ___ pounds	Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason		
Check One ☐ Verif. Not Scheduled ☐ Presort Verification Performed as Scheduled	Date Mailer Notified	Contact	By (Initials)
I CERTIFY that this mailing has been inspected concerning: (1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.			Round Stamp (Required)
Signature of Weigher	Time AM / PM		

PS Form 3608-PC, January 1991 — Financial Document – Forward to Finance Office

UNITED STATES POSTAL SERVICE

Statement of Mailing with Permit Imprints International Mail

Publishers Periodicals Must Be Reported on Form 3541-R or Form 3541-N

MAILER: Complete all items by typewriter, pen, or indelible pencil. Prepare in duplicate if you need a receipt.

Mailer's Information

Post Office of Mailing		Date	Processing Category ☐ Letters ☐ Flats ☐ Irregular Parcels ☐ Outside Parcels ☐ Machinable Parcels	USPS Authorized Mailing ID Code(s)
Permit No.	Federal Agency Cost Code	Mailing Statement Seq. No.		
Permit Holder's Name & Address (Include ZIP Code)	Telephone Number	Receipt No.		
		No. Sacks / No. Trays	No. Pallets / No. Other	
		Weight of a Single Piece — — . — — — — — pounds		
		Total Pieces in Mailing	Total Weight of Mailing	

Name & Address of Individual or Organization for Which Mailing is Prepared (If other than the permit holder)	Name and Address of Mailing Agent (If other than the permit holder)	Check All That Apply (USPS Only) ☐ Centralized Postage Payment ☐ Plant Loaded to ☐ Drop Ship Entered at ☐ Orig. ☐ Dest. A/O ZIP _____ ☐ Orig. ☐ Dest. SCF 3D ZIP _____ ☐ Orig. ☐ Dest. ADC _____

Postage Computation

- For mailings of postal cards, postcards, or aerogrammes (IMM 233), go to Part A on the reverse of this form.
- For mailings of letters or letter packages (IMM 233), go to Part B on the reverse of this form.
- For surface mailings of printed matter, books and sheet music (IMM 240), and small packets (IMM 263), go to Part C on the reverse of this form.
- For airmail mailings of printed matter (IMM 240), matter for the blind (IMM 250), and small packets (IMM 263), go to Part D on the reverse of this form.
- For mailings of M-Bags (IMM 245), go to Part E on the reverse of this form.

Postage (From Reverse Side) ▶

Part A	$
Part B	$
Part C	$
Part D	$
Part E	$
Total Postage ⟶	$

Certification

The signature of a mailer or its agent certifies that it will be liable for and agrees to pay, subject to appeals prescribed by postal laws and regulations, any revenue deficiencies assessed on this mailing. If this form is signed by an agent, the agent certifies that it is authorized to sign this statement, that the certification binds the agent and the mailer and both the mailer and the agent will be liable for and agree to pay any deficiencies.)

The submission of a false, fictitious or fraudulent statement may result in imprisonment of up to 5 years and a fine of up to $10,000 (18 USC 1001). In addition, a civil penalty of up to $5,000 and an additional assessment of twice the amount falsely claimed may be imposed (31 USC 3802).

I hereby certify that all information furnished on this form is accurate and truthful, and that this material presented qualifies for the rates of postage claimed.

Signature of Permit Holder or Agent (Both principal and agent are liable for any postage deficiency incurred)	Telephone Number

USPS Use Only

Single Piece Weight — — . — — — — — pounds	Are the figures at left adjusted from mailer's entries? ☐ Yes ☐ No If "Yes" Reason	
Total Pieces / Total Weight		
Total Postage		
	Date Mailer Notified / Contact	By (Initials)
I CERTIFY that this mailing has been inspected concerning: 1) eligibility for the rate of postage claimed; 2) proper preparation (and presort where required); 3) proper completion of the statement of mailing; and 4) payment of the required annual fee.		Round Stamp (Required)
Signature of Weigher	Time AM / PM	

PS Form 3651, January 1991

Financial Document – Forward to Finance Office

Form 3651 — Statement of Mailing with Permit Imprints — International Mail

	Category	Destination	Mode (A)ir (S)urface	Pcs./Lbs.	×	Rate	=	Postage	
A	Post Cards and Postal Cards	Mexico	A/S		×	$0.15	=		
		Canada	A/S		×	0.21	=		
		All Others	S		×	0.20	=		
		All Others	A		×	0.36	=		
	Aerogrammes	All	A		×	0.39	=		
	Total Part A – Carry to front of form.								
B	Letters and Letter Packages	Mexico	A/S		×		=		
		Canada	A/S		×		=		
		All Others	A		×		=		
		All Others	S		×		=		
	Total Part B – Carry to front of form.								
C	Printed Matter & Small Packets	Mexico	S		×		=		
		Canada	S		×		=		
		All Others	S		×		=		
	Books and Sheet Music	All	S		×		=		
	Total Part C – Carry to front of form.								
D	Printed Matter & Small Packets	Mexico	A		×		=		
		Canada	A		×		=		
		Group 1*	A		×		=		
		Group 2*	A		×		=		
		Group 3*	A		×		=		
	Matter for the Blind	Group 1*	A		×		=		
		Group 2*	A		×		=		
		Group 3*	A		×		=		
	Total Part D – Carry to front of form.								
E	M-Bag – Printed Matter	Canada	S		×	$0.96	=		
		All Others	S		×	1.20	=		
	M-Bag – Books, Sheet Music	Canada	S		×	0.72	=		
		All Others	S		×	0.72	=		
	M-Bag – Printed Matter, Books, Sheet Music,	Canada	A		×	0.99	=		
		Mexico	A		×	1.28	=		
		Group 1*	A		×	2.24	=		
		Group 2*	A		×	4.00	=		
		Group 3*	A		×	5.68	=		
	Total Part E – Carry to front of form.								

*Group 1 – Colombia, Venezuela, Central America, Caribbean Islands, Bahamas, Bermuda, St. Pierre and Miquelon. Also, from American Samoa to Western Samoa, and from Guam to Philippines.

*Group 2 – South America (ex. Colombia and Venezuela) Europe (ex. Estonia, Latvia, Lithuania, and USSR), North Africa (Morocco, Algeria, Tunisia, Libya, and Egypt)

*Group 3 – Estonia, Latvia, Lithuania, USSR, Asia, Australia, New Zealand, Pacific Ocean Islands, Africa (ex. North Africa), Indian Ocean Islands, the Middle East.

PS Form **3651**, January 1991 *(Reverse)*

[FR Doc. 90–29249 Filed 12–14–90; 8:45 am]
BILLING CODE 7710–12–C

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Note: The list of Public Laws for the second session of the 101st Congress has been completed and will resume when bills are enacted into law during the first session of the 102d Congress, which convenes on January 3, 1991.

A cumulative list of Public Laws for the second session was published in Part II of the **Federal Register** on December 10, 1990.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$11.00	Jan. 1, 1990
3 (1989 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1990
4	16.00	Jan. 1, 1990
5 Parts:		
1–699	15.00	Jan. 1, 1990
700–1199	13.00	Jan. 1, 1990
1200–End, 6 (6 Reserved)	17.00	Jan. 1, 1990
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0–26	15.00	Jan. 1, 1990
27–45	12.00	Jan. 1, 1990
46–51	17.00	Jan. 1, 1990
52	24.00	Jan. 1, 1990
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1900–1939	11.00	Jan. 1, 1990
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1950–1999	24.00	Jan. 1, 1990
2000–End	9.50	Jan. 1, 1990
8	14.00	Jan. 1, 1990
9 Parts:		
1–199	20.00	Jan. 1, 1990
200–End	18.00	Jan. 1, 1990
10 Parts:		
0–50	21.00	Jan. 1, 1990
51–199	17.00	Jan. 1, 1990
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400–499	21.00	Jan. 1, 1990
500–End	26.00	Jan. 1, 1990
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1–199	12.00	Jan. 1, 1990
200–219	12.00	Jan. 1, 1990
220–299	21.00	Jan. 1, 1990
300–499	19.00	Jan. 1, 1990
500–599	17.00	Jan. 1, 1990
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1–149	16.00	Apr. 1, 1990
150–279	16.00	Apr. 1, 1990
280–399	14.00	Apr. 1, 1990
400–End	9.50	Apr. 1, 1990
19 Parts:		
1–199	28.00	Apr. 1, 1990
200–End	9.50	Apr. 1, 1990
20 Parts:		
1–399	14.00	Apr. 1, 1990
400–499	25.00	Apr. 1, 1990
500–End	28.00	Apr. 1, 1990
21 Parts:		
1–99	13.00	Apr. 1, 1990
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200–299	5.50	Apr. 1, 1990
300–499	29.00	Apr. 1, 1990
500–599	21.00	Apr. 1, 1990
600–799	8.00	Apr. 1, 1990
800–1299	18.00	Apr. 1, 1990
1300–End	9.00	Apr. 1, 1990
22 Parts:		
1–299	24.00	Apr. 1, 1990
300–End	18.00	Apr. 1, 1990
23	17.00	Apr. 1, 1990
24 Parts:		
0–199	20.00	Apr. 1, 1990
200–499	30.00	Apr. 1, 1990
500–699	13.00	Apr. 1, 1990
700–1699	24.00	Apr. 1, 1990
1700–End	13.00	Apr. 1, 1990
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§§ 1.170–1.300	18.00	Apr. 1, 1990
§§ 1.301–1.400	17.00	Apr. 1, 1990
§§ 1.401–1.500	29.00	Apr. 1, 1990
§§ 1.501–1.640	16.00	[3] Apr. 1, 1989
§§ 1.641–1.850	19.00	Apr. 1, 1990
§§ 1.851–1.907	20.00	Apr. 1, 1990
§§ 1.908–1.1000	22.00	Apr. 1, 1990
§§ 1.1001–1.1400	18.00	Apr. 1, 1990
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500–599	6.00	Apr. 1, 1990
600–End	6.50	Apr. 1, 1990
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1–199	24.00	Apr. 1, 1990
200–End	14.00	Apr. 1, 1990
28	28.00	July 1, 1990

Title	Price	Revision Date
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0–99	18.00	July 1, 1990
100–499	8.00	July 1, 1990
500–899	26.00	July 1, 1990
900–1899	12.00	July 1, 1990
1900–1910 (§§ 1901.1 to 1910.999)	24.00	July 1, 1990
1910 (§§ 1910.1000 to end)	14.00	July 1, 1990
1911–1925	9.00	[4] July 1, 1989
1926	12.00	July 1, 1990
1927–End	25.00	July 1, 1990
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[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.