

between Lake Nicolet Lighted Buoy 80 (LLNR 13465) and West Neebish Channel Light 9 (LLNR 13715), downbound. The West Neebish Channel Light 9 checkpoint has been added to extend the reduced speed limit area past Winter Point, thereby protecting the sensitive environment between Winter Point and West Neebish Channel Light 9. Speed limits apply to the average speed between established reporting points.

Drafting Information

The drafters of this regulation are Lieutenant J.G. Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation & Waterways Management Branch, and Lieutenant and Karen E. Lloyd, Project Attorney, Ninth Coast Guard District Legal Office.

Federalism Implications

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

Environment

A recent environmental impact study by the United States Army Corps of Engineers indicated that March 21 is the optimal opening date. [see U.S. Army Corps of Engineers Draft Environmental Impact Statement, Opening Operations of the Lock Facilities on March 21 (February 1993), Supplement III to the Final Environmental Impact Statement, Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan (July 1977)]. The same study by the Corps of Engineers indicates that there is not significant impact on fish populations due to movement of large commercial vessels through the ice. However, the Michigan Department of Natural Resources asserts that there may be such an impact during the early period of March 21 to April 1.

The Ninth Coast Guard District has adopted the U.S. Army Corps of Engineers EIS, EIS Supplements, and EIS studies on Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan. In addition, the Coast Guard is preparing a supplement for the 1974 Ninth Coast Guard District EIS regarding icebreaking activity on the Great Lakes.

Economic Assessment and Certification

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 33 CFR Part 162

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

Regulations

In consideration of the foregoing, the Coast Guard temporarily amends Part 162 of Title 33, Code of Federal Regulations, as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for 33 CFR Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. From February 9, 1995 through April 15, 1995, paragraph (g) in § 162.117 is suspended and a new paragraph (i) is added to read as follows:

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

(i) *Speed rules.* The following speed limits indicate the average speed over the ground between reporting points:

The speed limit between	Speed limit	
	Miles/hr	Knots
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Evers Point	10	8.7
Evers Point and Reed Point	7	6.0
Reed Point and Lake Nicolet Lighted Buoy 62	8	7.0
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	10	8.7

The speed limit between	Speed limit	
	Miles/hr	Knots
Lake Nicolet Lighted Buoy 80 and Munuscong Lake Light 9 (downbound, West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Six Mile Point Ranger Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

Dated: February 9, 1995.

Thomas A. Trosvig,

Captain, U.S. Coast Guard Commanding Officer, VTS St. Marys River.

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POSTAL SERVICE

39 CFR Part 111

Contents of Second-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: On July 20, 1994, the Postal Service published a proposed rule for public comment in the **Federal Register** (59 FR 37011-37018) that would revise the current standards in the Domestic Mail Manual (DMM) on materials eligible for mailing at second-class rates with authorized second-class publications. This final rule adopts most of the proposed changes to the standards governing the contents and characteristics of second-class mail.

The final rule adopts the proposed objective criteria for determining which materials may be mailed at second-class rates, revises the regulations on pages with "novel characteristics," and liberalizes the standards governing the mailing of products and product samples. The final rule adds instructions specifying how advertising content is measured and a new definition of public service announcements. The Postal Service has decided not to adopt the proposal to remove the current advertising

limitation on loose supplements to bound publications.

EFFECTIVE DATE: March 27, 1995.

FOR FURTHER INFORMATION CONTACT: Jerome M. Lease, (202) 268-5188, or Alixe M. Johnson, (312) 765-5487.

SUPPLEMENTARY INFORMATION: The proposed rule discussed in detail efforts on the part of the Postal Service in recent years to adopt standards that satisfy and protect the interests of both the mailing public and the Postal Service regarding the mailing of additional materials, such as supplements, at second-class rates. Changes in technology, such as a publisher's ability to enclose a publication with supplemental materials in a polybag, have led to a renewed debate over the limits to which the standards should allow loose pieces, such as advertising supplements, to be mailed with a publication at second-class rates. Difficulty in consistent interpretation of the current standards has been a major concern for the Postal Service. This difficulty has required the need for additional Postal Service resources for training and mail acceptance and has compromised the ability of the Postal Service to consistently collect the correct postage on second-class mail.

At the behest of the second-class mailing industry, the Postal Service agreed to review the standards governing the contents of second-class mail and solicit public comment on proposed changes. As a result, the Postal Service published the proposed rule on July 20, 1994.

The comment period ended on September 19, 1994, and 27 written comments were received from interested associations, publishers, and individuals. Having given thorough consideration to these comments, the Postal Service is now publishing its final rule. This final rule completely reorganizes and renumbers DMM C200, using a format with four main headings (as described in the proposed rule): 1.0 Permissible Mailpiece Components, 2.0 Impermissible Mailpiece Components, 3.0 Mailpiece Construction, and 4.0 Printed Features. Following this new format, each section and the comments applicable to that section are summarized and discussed below. Affected sections of modules A, E, and P of the DMM are also listed and discussed in detail.

Not specifically discussed below is one comment received that stated general acceptance of the entire proposal. In addition, one comment was received requesting that the Postal Service amend the mailing standards

governing carrier route second-class mail. This comment is outside the scope of this rulemaking and is not addressed in the final rule. One commenter noted an error in proposed C200.4.3 referring to an exception in C200.1.4d although no subsection C200.1.4d was shown in the proposal. This omission is corrected in the final rule.

Discussion of Comments

Additional Standards for Second-Class Mail (A010.7.0)

1. Preparation (A010.7.1)

This section, which provides the basic standards for addressing second-class mail, is moved intact from current A200.1.1. No comments were received. The proposal is adopted.

2. Address Labels (A010.7.2)

Current text from A200.1.2 forms this new section. No comments were received. The proposal is adopted.

3. Address Placement (A010.7.3)

Current A200.1.3 is also relocated to these general standards for addressing second-class mail. The section is revised for clarity. No comments were received. The proposal is adopted.

4. Return Address (A010.7.4)

Instructions on mail requiring a return address when it is endorsed "Return Postage Guaranteed" are relocated from current A200.1.4. No comments were received. The proposal is adopted.

Permissible Mailpiece Components (C200.1.0)

5. Pages (C200.1.1)

One commenter expressed concern over the proposed language that states, in part, "no page may have dimensions (when folded, if folded) that exceed the dimensions of the cover of the publication." This commenter was concerned about covers that are slightly shorter than the full dimensions of the publication. The Postal Service believes that this commenter's concern has merit. The Postal Service has removed the reference to the cover of the publication. The pertinent phrase now reads "that exceed the dimensions of the publication." Three commenters remarked favorably on proposed language that would allow small amounts of fastening material such as grommets, string, or rubber bands when used to assemble a page. No negative comments were received. The proposed language is adopted with the revision noted above.

6. Parts and Sections (C200.1.2)

Although no substantive change concerning parts or sections was proposed, four commenters offered remarks on the reorganized language that carries forward the standards governing parts and sections. These commenters suggested that the language providing that "parts or sections produced by someone other than the publisher may not be mailed at second-class rates if these parts or sections are prepared by or for advertisers or if they are provided to the publisher free or at a nominal charge" is unnecessary and/or confusing and should be eliminated. This language essentially prohibits parts or sections produced for advertising purposes. Such parts or sections have historically been restricted from second-class eligibility and that restriction remains in place. The Postal Service believes that the language in question is useful in making it clear that pieces that are not eligible as supplements may not be prepared as parts or sections in order to qualify for mailing at second-class rates. The language is also useful in providing a clear distinction between parts and sections and other components such as supplements. The proposed language is adopted with a minor revision providing that any postal official, not just the rates and classification service centers, may request publishers to submit contracts entered into with producers of parts or sections.

7. Enclosures at First- or Third-Class Rates (C200.1.3)

This section clarifies the standards governing enclosures at First- or third-class rates. No comments were received. The proposal is adopted.

8. Enclosures at Second-Class Rates (C200.1.4)

Three commenters favored the proposed language clarifying that permissible enclosures allowable at second-class rates are not counted when determining the percentage of advertising in a second-class publication, but instead are included in the total weight of the publication reported on the mailing statement, either PS Form 3541-R or PS Form 3541-N. Another commenter suggested that the section allowing a receipt or request for a subscription to be accompanied by a single sheet of printed matter containing information related exclusively to it (proposed C200.1.4b) be revised to permit two separate sheets rather than one. The revision to DMM language that allowed for a separate single sheet was in

response to industry requests for production flexibility, particularly to allow extended forms to be divided into two separate sheets (e.g., order form and related promotional information). See Postal Bulletin 21848 (August 19, 1993). The Postal Service believes that it is inconsistent with the limited nature of loose enclosures to consider allowing any additional material as enclosures. The section is adopted as proposed.

9. Supplements (C200.1.5)

The proposed rule explained in detail the concerns expressed by many publishers over a course of several years regarding the mailing standard requiring that 25% nonadvertising content be included in all loose supplements to bound second-class publications. Publishers have asserted that this requirement is a burden to the industry and unnecessarily restricts publishers from including desired advertising and other supplemental materials with the host publication. At the urging of those publishers, the Postal Service agreed to propose, for public comment, elimination of the 25% nonadvertising requirement for loose supplements to bound second-class publications. Two commenters offered historical reviews of the regulations concerning second-class supplements to support their position that relaxing the current standard would damage the integrity of second-class mail. These commenters were joined by eight other commenters who also opposed eliminating the 25% nonadvertising requirement. Most often the reason given was that the elimination of this requirement could diminish the distinction between second-class and other classes of mail and eliminate the preferential rate treatment accorded to second-class mail. In one commenter's opinion, postal operations would also be negatively impacted because more publishers would use polywrapping.

On the other hand, seven commenters offered support for the elimination of the 25% nonadvertising requirement, although some expressed concern about the continued viability of second-class mail if safeguards are not taken to monitor second-class mailings strictly to ensure that typical third-class matter not be allowed to be mailed at second-class rates. For the most part, these seven commenters viewed the elimination of the 25% nonadvertising requirement as an improvement and believed that the overall limit on advertising is adequate to protect the integrity of second-class mail.

The comments received on the elimination of the 25% nonadvertising requirement indicate that there is no

consensus within the second-class industry on this proposal. Based on this lack of consensus, the Postal Service has concluded that there is insufficient support for a change to the existing standards at this time. Thus, the Postal Service will retain the 25% nonadvertising requirement for loose supplements to bound second-class publications.

Eight commenters supported the retention of the "Supplement to" endorsement requirement as a safeguard against the inclusion of third-class material being carried as a supplement. One commenter favored the complete elimination of the "Supplement to" endorsement. The Postal Service believes that it is necessary to retain the "Supplement to" requirement as an indication that the material was designed for inclusion with the publication. Therefore, this part of the rule is adopted as proposed. Six commenters requested that the Postal Service clarify that supplements to unbound publications do not require the endorsement "Supplement to" unless the supplement is included loose outside the publication. This final rule does so.

Three commenters expressed a concern that the proposed definition of supplements would exclude from second-class eligibility special supplemental advertising materials that are bound into a second-class publication. The Postal Service considers such an advertisement to be an integral part of the publication. It is not a "supplement" within the meaning of this section. Six other commenters requested that the Postal Service better define the term "supplement" to avoid any misunderstanding over its use. Although, as indicated, some publishers use the term "supplement" to refer to items that are either bound into a bound publication or included loose with a bound publication, the Postal Service considers the definition in the proposal to be less confusing than prior definitions and a more accurate description of what is acceptable as a supplement. The proposed definition is adopted in the final rule.

One commenter disagreed with the requirement that the external dimensions of a supplement (its length and height) may not exceed the dimensions of the host publication. The commenter suggested that this restriction be dropped if the publication and its supplement or supplements are polybagged. The Postal Service considers the height and length restriction on supplements to be a necessary requirement to aid in recognizing the second-class piece as

the host piece to ensure proper handling as a time-value publication. Additionally, this restriction promotes the production of a mailpiece (i.e., host and supplement) that is easier to process. The proposal is adopted.

10. Covers (C200.1.6)

No comments were received concerning the proposed language in this section. The proposal is adopted.

11. Mailing Wrappers (C200.1.7)

One commenter suggested that the definition of a wrapper include the words "partial wrapper," consistent with the use of this term elsewhere in these standards (see C200.3.4). The Postal Service agrees. This wording is added and the proposal is adopted.

12. Attachments (C200.1.8)

The rule as proposed in C200.1.8a allows for stickers of any size and shape to be attached to the cover, protective cover, or mailing wrapper if no portion of the publication name is obscured. One commenter requested that this reference to stickers as attachments be clarified to state that stickers attached to a page using any manufacturing process are allowable. The Postal Service believes that the suggested reference to "any manufacturing process" is too broad and all inclusive and that the proposed language is sufficiently clear and accommodating. No other comments were received. This section is adopted as proposed.

13. Printed Additions (C200.1.9)

This section consolidates the list of words, characters, figures, and phrases that may be added to a copy of a second-class publication after it is printed or placed on the protective cover or mailing wrapper. No comments were received. The proposal is adopted.

14. Label Carriers (C200.1.10)

One commenter suggested that a label carrier should be permitted with publications enclosed within polywrap or a partial wrapper (such as a sleeve). The Postal Service believes that there is merit in this suggestion and has amended this section accordingly in the final rule.

Impermissible Components (C200.2.0)

15. General Standard (C200.2.1)

This section describes materials not eligible for second-class rates. No comments were received. The proposal is adopted.

16. Prohibited Matter (C200.2.2)

This section describes those materials that are prohibited from being mailed at

second-class rates whether as a loose supplement, as a bound-in "preprint," or as a run-of-press (ROP) page. One commenter stated that the prohibitions should be applicable to loose supplements only and not to preprints or ROP pages. The Postal Service considers that, by definition, certain materials are not eligible to be mailed at second-class rates. Further, the Postal Service does not find the manner in which matter would be incorporated in a host publication (e.g., as a loose supplement or bound-in advertisement) to be a relevant factor in determining second-class eligibility. The Postal Service believes that the listed elements for prohibited matter should apply to all material offered for entry at the second-class rates.

It was further suggested by a commenter that a USPS number be added to the list of prohibited matter. Although separate second-class publications may be combined under certain specified conditions, the Postal Service believed that it was understood that a second-class publication could not be mailed as a supplement. Seeing some merit in this suggestion, the Postal Service has added a USPS number to the list of prohibited matter (see C200.2.2e) to clarify this point.

Two commenters strongly favored the Postal Service's new list of objective criteria for defining those independent publications that are ineligible to be mailed at second-class rates. One commenter stated that the list of prohibited items does not go far enough to ensure that prohibited independent publications not be allowed to mail at second-class rates, and suggested that the standards be revised to retain a specific prohibition against "independent publications" and to treat the list of components as creating a strong presumption that the item is (or is not) an independent publication. The commenter also suggested that the list be expanded to include a separate table of contents, pagination, and masthead as indicators of a publication's possible independence. Eliminating the confusion surrounding what constitutes an independent publication is a major objective of this rulemaking. The Postal Service believes that the proposed rule as written serves to eliminate such confusion and that it is not necessary to adopt requirements more stringent than those in the proposed rule, especially because the 25% nonadvertising requirement for loose supplements to a bound publication has been retained. Therefore, except for the aforementioned amendment, the proposal is adopted.

17. Products (C200.2.3)

The following proposed language concerning products drew numerous comments: "Printed pages, including oversized pages and calendars, are not considered products if they are not separately distributed or offered for sale, bear the name of the host publication and the issue date, and relate to other advertising or nonadvertising content of the host publication." Five commenters objected to this language as being both too vague and too stringent (except for the prohibition against such pages as calendars being offered for sale). Seven commenters were in favor of the Postal Service's position that noncommercially available oversized pages and calendars be permitted to be mailed at second-class rates. The Postal Service intended this proposed revision to allow pages (specifically pages prepared as posters) and calendars that are not commercially sold or offered for sale by the publisher to be included in publications mailed at the second-class rates. The requirement for including the host publication name, issue date, and the relation of the page or calendar to other advertising or nonadvertising content of the host publication was intended to demonstrate the piece's relationship to the host piece, thereby reinforcing its acceptability. To minimize the likelihood of misinterpretation, however, the Postal Service has reworded portions of this section for greater clarity.

One commenter suggested that publishers should be allowed to sell their own reprints and other reader service items to their subscribers without paying a "postage penalty." The Postal Service does not believe that it is appropriate to allow publishers to obtain preferential second-class rates for material that is also designed for separate sale. This view is consistent with the exclusion from eligibility for second-class rates of items bearing a separate price (see C200.2.2a). Three commenters suggested that the word "Poster" be included. The Postal Service does not wish to limit oversized pages to posters because other items (e.g., maps, wall charts, and patterns) will also be acceptable at second-class rates if not commercially available or offered for sale.

18. Fourth-Class Mail (C200.2.4)

One commenter suggested that this section be revised to allow second-class matter to be mailed with fourth-class matter at fourth-class rates. However, the proposed section pertains to what may be mailed at second-class rates. The comment goes beyond the scope of this

rulemaking. No other comments concerning this portion of the proposal were received. The proposal is adopted as written.

19. Nonprinted Sheets (C200.2.5)

This section makes clear that any matter not formed of printed sheets (except for small amounts of fastening material such as grommets, string, or rubber bands needed to assemble the page [see C200.1.1b]) is not eligible for second-class rates. No comments were received. The proposal is adopted.

Mailpiece Construction (C200.3.0)

20. Bound/Unbound (C200.3.1)

This section defines bound and unbound publications for the purposes of second-class mail. No comments were received. The proposal is adopted.

21. Physical Size (C200.3.2)

This section explains that publications claimed at certain rates may need to comply with other DMM standards regarding size or weight. Additionally, it provides that requester publications must contain at least 24 pages per issue. No comments were received. The proposal is adopted.

22. Without Wrapper (C200.3.3)

One commenter suggested that the tolerance for protective covers (i.e., $\frac{3}{4}$ inch of the edge opposite the fold or binding) in C200.3.5 be allowed for attachments to covers as well. The Postal Service agrees that the standards governing protective covers and attachments to covers should be consistent and has added language to permit acceptable attachments to covers (as outlined in C200.1.8b) that come within $\frac{3}{4}$ inch opposite the fold or binding to be mailed without a wrapper. The proposal is adopted with this clarification.

23. With Wrapper (C200.3.4)

No comments were received concerning the proposed language in this section. The proposal is adopted.

24. Protective Cover (C200.3.5)

Two commenters supported the proposed language in C200.3.5, which would allow a protective cover to be up to $\frac{3}{4}$ inch shorter than the cover of the edge opposite the fold or binding. No negative comments were received. The proposal is adopted.

25. APO/FPO Copies (C200.3.6)

This section requires that any single copy of an unbound publication that includes any enclosures, supplements, or more than one part or section and that is mailed to an APO/FPO address

to be completely enclosed in a wrapper. No comments were received. The proposal is adopted.

26. Sealing (C200.3.7)

This section explains that second-class mail must be prepared so that it can be easily examined. No comments were received. The proposal is adopted.

Printed Features (C200.4.0)

27. Publication Name; Notices (C200.4.1)

This section details how and where the publication name and any notices must be displayed on the publication and any protective cover or mailing wrapper. No comments were received. The proposal is adopted.

28. Endorsements (C200.4.2)

This section pertains to endorsement placement on second-class mailing wrappers. No comments were received. The proposal is adopted.

29. Advertising (C200.4.3)

This section explains that, regardless of location, an advertisement must be prepared as an integral part of the publication. This section also details acceptable preparation standards for advertisements. No comments were received. The proposal is adopted.

30. Marking of Paid Reading Matter (18 U.S.C. 1734) (C200.4.4)

This section on the marking of paid reading matter is carried word for word from the current DMM. No comments were received. The proposal is adopted.

Standards Applicable to All Second-Class Mail (E211)

31. Printed Sheets (E211.3.0)

Two commenters opposed the revision to this section, with one commenter suggesting that the additional language would "limit the types of publications included within 'printed sheet' and would exclude publications printed on computer-readable plastic or metal sheets from second-class eligibility." The language in E211.3.0 was not revised, but taken word for word from current module C, Characteristics and Content, of the DMM. The Postal Service did not propose to make any change in its policy or interpretation concerning what constitutes a printed sheet. Rather, the proposal was solely intended to move this provision to a more appropriate position in module E, Eligibility. Four commenters suggested that the section be revised to include "plastic" to describe permissible sheets mailed at second-class rates, and one commenter

suggested that the section be revised to include "a small swatch of cloth, fabric, wallpaper, or plastic." The current language does not exclude materials such as plastic, and the Postal Service believes that retention of the words "or other similar materials" is preferable to an attempt to set forth a complete list of eligible materials. The language is adopted as proposed.

32. Contents (E211.7.3)

Five commenters suggested that this section be revised to include "buyers' guides" as permissible contents to issues of a second-class publication. The Postal Service believes that this is a reasonable suggestion and has revised the wording accordingly. The proposal is adopted with this change.

33. Back Numbers and Reprints (E211.9.0)

This section rewords for clarity current DMM requirements governing back numbers and reprints. No comments were received. The proposal is adopted.

34. Public Service (E211.11.2)

One comment was received concerning the Postal Service's proposed definition of what constitutes a public service announcement, expressing the concern that material on behalf of advertisers might be published as part of a public service announcement. The Postal Service's definition of advertising states, in part, "articles, items, and notices in the form of reading matter inserted by custom or understanding that textual matter is to be inserted for the advertiser or the advertiser's products in the publication in which a display advertisement appears is 'advertising.'" The Postal Service believes that this provision is adequate to protect against the commenter's concerns. Therefore, the definition as proposed is adopted.

Mixed Classes (P070)

35. Enclosures in Second-Class Publications (P070.2.0)

This section contains the general rule for postage payment on enclosures in second-class mail. Current P070.2.4, which contains instructions on how to mark mail including First- or third-class enclosures, is moved from module P, Postage and Payment Methods, to the revised module C (see C200.2.8b). No comments were received. The proposal is adopted.

36. Computing Permit Imprint Postage (P070.2.8)

This section clarifies the procedures to follow when computing permit

imprint postage. No comments were received. The proposal is adopted.

Basic Information (P200.1.0)

37. Measuring Advertising (P200.1.7)

One commenter asserted that this section is "self-contradictory" because some advertising space (e.g., columns as well as borders) is required to be counted twice under these instructions. The proposed standard does not require that advertising be counted twice. Consistent with past practice, this provision provides that the publisher must use the same method to compute the advertising/nonadvertising percentage (e.g., column inches, square inches, or pages) consistently throughout the measurement process. Instructions concerning the measurement of portions of a page or blank borders are only meant to ensure that if an advertising rate is paid for the material, it must be included in the advertising percentage. For example, if an advertiser who pays for a full page of advertising to be measured in column inches chooses to produce a small advertisement surrounded by blank space on a full page that contains 27 column inches, the entire 27 column inches must be claimed at the advertising rate even though a majority of the page is blank space. The Postal Service believes, therefore, that the standard as proposed should be adopted.

Two commenters found the final sentence confusing in the section that reads "[w]hen two or more sheets or parts thereof are glued together, the surface area of each sheet (front and back) is included when measuring the advertising or nonadvertising portion." The Postal Service agrees with this assessment and has changed the language to read "[w]hen two or more sheets are permanently glued together to form a single sheet, the surface area of the resulting sheet (front and back) is included when measuring the advertising or nonadvertising portion." The proposal is adopted with this minor clarification.

List of Subjects in 39 CFR Part 111

Postal Service.

In view of the considerations discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111.1).

PART 111—[AMENDED]

1. The authority citation for 39 CFR 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, 3626, 5001.

2. Renumber existing Domestic Mail Manual A200.1.0 (including Exhibit 1.3) as A010.7.0; renumber subsections accordingly and revise as shown below; delete remainder of existing A200.

A010 General Information

* * * * *

7.0 ADDITIONAL STANDARDS FOR SECOND-CLASS MAIL

7.1 Preparation

[Insert text of existing A200.1.1.]

7.2 Address Labels

[Insert text of existing A200.1.2.]

7.3 Address Placement

The delivery address must be clearly visible on or through the outside of the mailpiece, whether placed on a label or directly on the host publication, a component, or the mailing wrapper. If placed on the mailing wrapper, the address must be on a flat side, not on a fold (see Exhibit 7.3). If a polybag is used, the address must not appear on a component that rotates within the bag, and the address must remain visible throughout the addressed component's range of motion.

7.4 Return Address

The return address must appear on any mailing wrapper that is endorsed "Return Postage Guaranteed."

3. Replace current Domestic Mail Manual C200, Second-Class Mail, with the following:

C200 Second-Class Mail

1.0 PERMISSIBLE MAILPIECE COMPONENTS

1.1 Pages

Pages are the printed sheets forming the publication or one of the mailpiece's components, bearing advertising, nonadvertising, or both, including pages having textual and graphic matter (see E211), blank spaces for writing or marking, and material to be completed or used by the reader. A minor portion of the pages in a second-class mailpiece may have unusual characteristics, such as a different size, shape, or construction, or portions that may be wholly or partially separable; and pages prepared for folding out. No page may have dimensions (when folded, if folded) that exceed the dimensions of the publication. Pages are also subject to these standards:

a. A detachable coupon, application, or order form must relate directly to advertising or nonadvertising matter

printed on the page of which it is a part or to which it is attached.

b. Multilayer pages (including pages formed by sheets glued together and pages that have unusual shapes, such as cutouts, movable flaps, or "pop-ups") may include small amounts of fastening material such as grommets, string, or rubber bands as needed to assemble the page. Multilayer pages may also be formed as pouches or pockets but may contain only permissible loose enclosures (see 1.4) or other securely affixed permissible components.

c. Multiple pages may be held together by staples or other means separate from and in addition to the regular binding of the publication.

d. Oversized pages may be used for illustrations, charts, maps, and other advertising and nonadvertising content.

1.2 Parts and Sections

Parts and sections are pages (subject to 1.1) that are physically separate subdivisions of the publication, as identified by the publisher. Each part or section must show the publication name, and the number of parts or sections in the issue must be stated on the cover of the first part or section. Parts or sections produced by someone other than the publisher may not be mailed at second-class rates if these parts or sections are prepared by or for advertisers or if they are provided to the publisher free or at a nominal charge. On request, publishers must submit contracts entered into with producers of parts or sections.

1.3 Enclosures at First- or Third-Class Rates

Matter to be paid at the applicable First- or third-class rate may be enclosed in a second-class mailpiece subject to these conditions:

a. The total weight of all enclosed third-class matter must be less than 16 ounces.

b. Postage and fee payment is subject to P070. A permit imprint that may appear on a First- or third-class enclosure must not be visible when the mailpiece is prepared for mailing except as provided under P070.

c. When enclosing nonincidental First- or any third-class mail, combination envelopes or containers with separate parts for the two classes of mail may be used. If both the sender's and addressee's names and addresses are not on both pieces, the sender's name and address must be placed on one piece and the addressee's name and address on the other. Combination containers with inseparable parts may bear the names and addresses on only one part.

d. The applicable "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" marking must be placed on or in the host publication if it contains a nonincidental First- or any third-class enclosure. If placed on the outer wrapper, polybag, envelope, or cover of the host publication, the marking must be set in type no smaller than any used in the required "POSTMASTER: Send change of address * * *" statement. If placed in the identification statement, the marking must meet the applicable standards. The marking must not be on or in copies not accompanied by a First- or third-class enclosure unless additional information is provided under the applicable postage payment standards in P070.

1.4 Enclosures at Second-Class Rates

Only the following material may be included loose as an enclosure in a second-class mailpiece and be paid at second-class rates, subject to the corresponding conditions:

a. An incidental First-Class piece must be closely related but secondary to the second-class publication with which it is enclosed and must consist of matter that, if mailed separately, would require First-Class postage. Examples of an incidental First-Class enclosure are a bill for the publication, a statement of account for past publication purchases, or a personal message or greeting included with the publication.

b. A receipt, request, or order for a subscription may be printed or written; prepared as a card or envelope, including business reply, or as a combination form for the host and one or more second-class publications issued by the same publisher; arranged to include a coin receptacle; and inserted in an envelope within the publication. The receipt or request may be part of or accompanied by a single sheet of printed matter containing information related exclusively to a receipt or request or order for a subscription to the host second-class publication (or a combination of the host and other second-class publications of the same publisher) if that printed matter does not advertise, promote, or offer for sale other products or services.

c. A card or form for the recipient's use in providing address correction information to the publisher may be printed or written; prepared as a card or envelope, including business reply, or as a combination form for two or more second-class publications issued by the same publisher; inserted in an envelope that is attached to, bound in, or loose within the publication; or prepared as a detachable part of another permissible enclosure.

d. Enclosures listed in 1.4b and 1.4c are not counted when determining the percentage of advertising in the publication, but they are included in the total weight of the publication reported on the mailing statement. If the publication otherwise consists entirely of nonadvertising matter, an incidental First-Class enclosure as described in 1.4a may be treated as nonadvertising matter. In all other cases, an incidental First-Class enclosure is considered part of the advertising portion of the publication.

1.5 Supplements

A supplement is one or more pages (subject to 1.1) formed by one or more printed sheets that are not bound into a publication. A supplement may be devoted to a single topic and may contain material different from that in the host publication. The external dimensions of a supplement (i.e., its length and height) may not exceed those of the host publication. Supplements are also subject to these conditions as applicable:

- a. A loose supplement to a bound second-class publication must contain at least 25% nonadvertising matter and bear the endorsement "Supplement to" followed by the name of the publication or the publisher. A bound publication with one or more supplements must be enclosed in a wrapper under 3.4. If a supplement to a bound publication is formed of more than one sheet, all sheets making up the supplement must be bound together.
- b. A supplement to an unbound publication must be combined with and inserted within the publication under 3.3. If the supplement is included loose outside the unbound publication, the publication and its supplement must be enclosed in a wrapper or envelope under 3.4 and the supplement must bear the endorsement "Supplement to" followed by the name of the publication or publisher.

1.6 Covers

A cover may be placed on the outside of a second-class publication. A protective cover is an additional cover placed around the outside of a publication; preparation is subject to 3.5. Advertising, nonadvertising, or both may be printed on the cover or protective cover. The cover and protective cover on a publication are included when measuring advertising percentage. Nothing may be attached to the cover or protective cover except as permitted under 1.8.

1.7 Mailing Wrappers

A mailing wrapper is an envelope, sleeve, partial wrapper, or polywrap used to enclose the mailpiece. Advertising may be printed on the mailing wrapper and is included when measuring advertising percentage. Nothing may be attached to the mailing wrapper except as permitted under 1.8.

1.8 Attachments

The following may be attached to a page, cover, protective cover, or mailing wrapper of a publication:

- a. Stickers of any size and shape. If stickers are attached to the cover, protective cover, or mailing wrapper, no portion of the publication name may be obscured.
- b. Material allowed as a loose enclosure described in 1.3 or 1.4. When nonincidental First- and/or any third-class enclosures (see 1.3) are attached, the marking "First-Class" or "Letter Enclosed" must be on a First-Class attachment; "Third-Class," on a third-class attachment.

1.9 Printed Additions

Only the following may be printed on a copy of a second-class publication after it is printed or placed on its cover, protective cover, or mailing wrapper:

- a. The name and address of the intended recipient or of the publisher or sender.
- b. The printed title of the publication and its place of publication.
- c. The expiration date of the subscription.
- d. Requests for address-correction information from the addressee.
- e. The words "Sample Copy" (on a sample), "Marked Copy" (when the copy contains a marked item or article), or "Return Postage Guaranteed" (when the copy is to be returned to the sender if undeliverable as addressed).
- f. The number of copies enclosed (on the outside of a package) or a package count (e.g., "2 of 4") (on a package wrapper).
- g. Corrections of typographical errors or a mark, except by written or printed words, to call attention to a word or passage.
- h. Printed messages not required to be mailed as First-Class Mail or Express Mail.

1.10 Label Carriers

A label carrier is a single unfolded, uncreased sheet of card or paper stock, securely affixed to the cover of the publication or large enough so that it does not rotate inside the wrapper (as defined in 1.7) or cover the publication title (if placed over the front cover), that is used to carry the delivery address for

the mailpiece, subject to these conditions:

- a. The label carrier must bear the title of the second-class publication; the 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); and the address to which the mailpiece can be returned if undeliverable (if endorsed "Return Postage Guaranteed").
- b. If the address remains clearly visible, the label carrier may also bear a request for address correction from the addressee; information for requesting or subscribing to the publication; or a subscription or request form.
- c. As applicable, the label carrier may show the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" or the permit imprint used to pay postage for the First- or third-class enclosure if that permit imprint is below the second-class imprint or the endorsement "Second-Class."

d. Other printed information, whether advertising or nonadvertising, is permitted only on the back of the label carrier and is subject to measurement and postage payment accordingly. A single line of text calling attention to information on the reverse may be placed on the front of the label carrier. If any information on the reverse of the label carrier is advertising, the line of text on the front is also treated as advertising.

2.0 IMPERMISSIBLE COMPONENTS

2.1 General Standard

Regardless of preparation or characteristics, or whether otherwise meeting the standards in 1.0, the materials described in 2.2 through 2.5 are not eligible for second-class rates.

2.2 Prohibited Matter

Material that contains any one of the following printed items or that is referred to in a component of the second-class mailpiece (by the use of one of these items) is ineligible to be mailed at second-class rates:

- a. A separate price or subscription instructions different from those of the host publication.
- b. The word "Catalog."
- c. A First-, third-, or fourth-class permit imprint.
- d. An ISBN (International Standard Book Number).
- e. An ISSN (International Standard Serial Number) or USPS number different from that of the host publication.

2.3 Products

Products may not be mailed at second-class rates. Examples include stationery (such as pads of paper or blank printed forms); cassettes; floppy disks; merchandise; envelopes containing enclosures, other than receipts, orders for subscriptions, and incidental First-Class matter; and wall, desk, and blank calendars. Printed pages, including oversized pages and calendars, are not considered products if they are not offered for sale.

2.4 Fourth-Class Mail

Fourth-class mail may not be combined with a second-class publication.

2.5 Nonprinted Sheets

Any matter not formed of printed sheets (except as permitted under 1.1b) is not eligible for second-class rates.

3.0 MAILPIECE CONSTRUCTION

3.1 Bound/Unbound

Publications may be prepared in either a bound or unbound form, with or without wrappers unless required by 3.6. A bound publication is a publication in which pages are securely held together by two or more staples, spiral binding, glue, stitching, or other permanent fastening. All other publications are unbound, including folded multisheet and single-sheet publications and those in which pages are loose and collated ("nested") or in which pages are held together by a single staple.

3.2 Physical Size

Standards for size or weight may apply to publications claimed at certain rates. Requester publications must contain at least 24 pages per issue.

3.3 Without Wrapper

When the mailpiece does not have a mailing wrapper, all the components of an unbound publication must be combined with and inserted inside the publication.

Only enclosures mailable at second-class rates under 1.4 may be included loose inside a bound unwrapped publication. An enclosure under 1.3 or 1.4 may be securely attached on the outside of an unwrapped publication along the bound edge if it does not exceed any dimension of the cover of the publication and comes within 3/4 inch of the edge opposite the fold or binding.

3.4 With Wrapper

Except as provided in 1.5, when the mailpiece is completely enclosed in a mailing wrapper, there are no

restrictions on where the components may be located within that wrapper. When a sleeve or other partial wrapper is used, the components must be secured so that they do not fall out during handling. Bound publications carrying loose supplements or prepared in physically separate parts or sections must be either completely enclosed in an envelope, plastic wrapper (polybag), or paper wrapper or inserted within a sleeve so that the component parts do not become separated while in the mail.

3.5 Protective Cover

If the mailpiece is not completely enclosed in a mailing wrapper, any protective cover must cover both the front and back of the host publication and extend to within at least 3/4 inch of the edge opposite the fold or binding. If the host publication is bound, the protective cover must be permanently attached to the publication.

3.6 APO/FPO Copies

Any single copy of an unbound publication that includes any enclosures, supplements, or more than one part or section and that is mailed to an APO/FPO address must be completely enclosed in a mailing wrapper.

3.7 Sealing

Second-class mail must be prepared so that it can be easily examined. The mailing of publications at second-class postage rates represents consent by the sender to USPS inspection of the contents whether loose or inserted in envelopes, wrappers, or other covers. Mailers who want to ensure that publications are not opened for postal inspection must pay First-Class rates and mark such mail accordingly.

4.0 PRINTED FEATURES

4.1 Publication Name; Notices

The publication name must be displayed prominently on the publication, and the name must be visible through or displayed prominently on any protective cover or mailing wrapper. The publication name, followed immediately by the USPS publication number (or ISSN if one has been assigned), and the mailing address to which undeliverable copies or change-of-address notices are to be sent may be shown in the upper left corner of the address side of a mailing wrapper or directly on the outside of the host publication if it can be read when the mailing wrapper is in place. The publication number includes an alpha prefix and is to be within parentheses, e.g., THE NATIONAL WEEKLY (ISSN

9876-543X) or THE COMMUNITY (USPS 123-456).

4.2 Endorsements

Mailing wrappers that completely enclose the host publication must bear the words "Second-Class" in the upper right corner of the address area. If a clear plastic wrapper is used, those words may appear anywhere on the address side of the wrapper or the topmost item inside.

4.3 Advertising

Advertising (as defined in E211) may be printed on the pages of any component of a publication, subject to the corresponding standards. Regardless of location, an advertisement must be prepared as an integral part of the publication. Except for advertisements in supplements and on printed matter included as part of a receipt or order (or request) for a subscription, all advertisements in a bound publication must be permanently attached. Except as provided in 1.4d, all advertising must be included in the advertising portion of the issue measured under P200. Different advertising may occupy the same space in different editions of the same issue.

4.4 Marking of Paid Reading Matter (18 USC 1734)

If a valuable consideration is paid, accepted, or promised for the publication or any editorial or other reading matter in a second-class publication, that matter must be plainly marked "advertisement" by the publisher. When a single item of paid editorial or other reading matter occupies more than one page, it need only be marked "advertisement" on the first page. The word "advertisement" may be included in a statement that explains why the material is marked "advertisement." Such a statement must be prominent on the first page of the material and the word "advertisement" in the statement must be in bold or italicized print or otherwise emphasized so that it can be plainly seen. Editors or publishers who print such matter without plainly marking it "advertisement" are subject to a fine of not more than \$500.

4. Revise Domestic Mail Manual E211, Standards Applicable to All Second-Class Mail, to read as follows:

E211 Standards Applicable to All Second-Class Mail

* * * * *

3.0 PRINTED SHEETS

[Insert the following after the first sentence:]

*** Sheets may be die cut or deckle-edged and may be made of paper, cellophane, foil, or other similar materials. ***

* * * * *

7.0 ISSUES

* * * * *

7.3 Contents

Issues may include annual reports, directories, buyers' guides, lists, and similar material prepared as part of the contents if copies of these issues bear the publication name and are included in the regular subscription price.

* * * * *

9.0 BACK NUMBERS AND REPRINTS

[Combine 9.1 and 9.2; revise as follows:]

Second-class rates may be paid on mailings of back issues (if the publication's second-class entry is in effect). Reprint copies of daily publications printed within 1 week of the issue date and reprint copies of other than daily publications printed before the next issue is printed are also mailable at second-class rates. Other mailings of reprint or back issues, including permanently bound reprint or back issues, are subject to the applicable First-, third-, or fourth-class rates.

* * * * *

11.0 ADVERTISING STANDARDS

* * * * *

11.2 Public Service

Public service announcements are announcements for which no valuable consideration is received by the publisher, which do not include any matter related to the business interests of the publisher, and which promote programs, activities, or services of federal, state, or local governments or of nonprofit organizations, or matters generally regarded as in the public interest. Public service announcements are not treated as advertising.

* * * * *

5. Revise Domestic Mail Manual P070, Mixed Classes, to read as follows:

P070 Mixed Classes

* * * * *

2.0 ENCLOSURES IN SECOND-CLASS PUBLICATIONS

* * * * *

[Delete existing 2.4; renumber succeeding sections accordingly.]

* * * * *

2.8 Computing Permit Imprint Postage

[Renumber as 2.7 and insert the following after the first sentence:]

*** The enclosure is eligible for the rate for its class of mail that is most

comparable to the presort and destination discounts that apply to the second-class host piece. For example, a third-class enclosure is eligible for the SCF entry discount if the publication is deposited at the destinating SCF. When more than one enclosure of the same class of mail is enclosed with a publication, the enclosures are treated as a single enclosure for computing postage. ***

* * * * *

6. In Domestic Mail Manual P200, Second-Class Mail, renumber current 1.7 through 1.11 as 1.8 through 1.12, respectively; delete current 2.3; renumber 2.4 and 2.5 as 2.3 and 2.4, respectively; add new 1.7 to read as follows:

P200 Second-Class Mail

1.0 BASIC INFORMATION

* * * * *

1.7 Measuring Advertising

The total advertising and nonadvertising portions may be determined by column inches, square inches, pages, or by another recognized unit of measure if the same unit of measure is used for both portions. One full page of advertising must equal one full page of nonadvertising regardless of the amount of blank space between each advertisement or nonadvertising article on a page. If measured in column inches, nonadvertising inches are determined by subtracting the total measured advertising inches from the total column inches of the publication. A blank page, portion of a page, or blank border or margin is counted as advertising if consideration was received for the whole page, the blank portion, or the blank border or margin. The border of a page is otherwise considered neither advertising nor nonadvertising and is not measured, but it is included in the total weight of the publication for purposes of postage calculation. When measuring nonrectangular sheets, the measurement is based on the smallest rectangle that could contain the irregular sheet; exact measurement is not attempted. When two or more sheets are permanently glued together to form a single sheet, the surface area of the resulting sheet (front and back) is included when measuring the advertising or nonadvertising portion.

* * * * *

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published in the

Federal Register as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95-4333 Filed 2-22-95; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

OMB Approvals Under the Paperwork Reduction Act

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 1 to 51, revised as of July 1, 1994, in § 9.1, in the Standards of Performance for New Stationary Sources table, the OMB control number for the entry "60.703-60.705" is corrected to read "2060-0269".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43-CFR Public Land Order 7116

[AK-932-1430-01; AA-58374]

Public Land Order No. 7104, Correction; Partial Revocation of Executive Order dated October 8, 1914, as Modified; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct an error in the legal description in Public Land Order No. 7104.

EFFECTIVE DATE: February 23, 1995.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

The legal description, as stated in Public Land Order No. 7104, 59 FR 62609, December 6, 1994, is hereby corrected to show the lands following the word "except" are now being revoked. The changes are as follows:

On page 62609, third column, delete lines 4 through 8. In line 9, delete the words "discharge; except" and in line 16, delete the word "except".