

require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants.

(F) Consistent with the legislative purpose of the Privacy Act of 1974, the Air Force will grant access to nonexempt material in the records being maintained. Disclosure will be governed by Air Force's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal or civil violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

Dated: August 14, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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POSTAL SERVICE

39 CFR Part 111

Optional Increase in Minimum Number of Pieces Required for Preparation of 5-Digit Packages of Standard Mail Flats

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth *Domestic Mail Manual* (DMM) standards adopted by the Postal Service to allow mailers to select a number from 10 to 17 as the minimum number of pieces at which 5-digit packages may be prepared in a Standard Mail job of flat-size pieces (DMM C050.3.0) that are not more than 3/4-inch thick. Currently mailers must prepare 5-digit packages whenever there are 10 or more pieces to a 5-digit ZIP Code destination.

EFFECTIVE DATE: September 5, 2002.

FOR FURTHER INFORMATION CONTACT: Cheryl Beller (703) 292-3747; or Patricia Bennett (703) 292-3639.

SUPPLEMENTARY INFORMATION: Under these new standards, mailers can select a minimum number of pieces greater than 10 at which 5-digit packages of automation rate and Presorted rate

Standard Mail flat-size pieces not more than 3/4-inch thick, including co-packaged pieces (DMM M950), are prepared within a mailing job. Mailers must use a consistent minimum for 5-digit packages throughout a mailing job. The minimum may not be set higher than 17 pieces, which means that whenever there are 17 or more pieces to a 5-digit ZIP Code destination, those pieces must be prepared in 5-digit packages. The preparation standards for other package levels and for containers are unchanged, and mailers must continue to prepare 3-digit and area distribution center (ADC) packages whenever there are 10 or more pieces to those destinations. Pieces now prepared in 5-digit packages using the current 10-piece minimum will move either to an existing 3-digit package or be consolidated into fewer new 3-digit packages when a higher minimum of 11 to 17 pieces is selected. In either case, the overall number of packages prepared by mailers and processed by the Postal Service should decrease. For example, a 4-ounce catalog prepared in four 5-digit packages for the same 3-digit destination that each contain 10 pieces could be combined in one new 3-digit package (that weighs less than 20 pounds) under the new standards if the minimum 5-digit package size is set at 17.

Any movement of pieces from 5-digit packages to 3-digit packages that results from this new option will not impact postage paid by mailers or Postal Service revenues because Standard Mail flats are eligible for the 3/5 presort rates whether prepared in 5-digit or 3-digit packages. Pieces moving from small 5-digit packages to larger 3-digit packages would not be subject to any additional postage, and mailers are encouraged to set their 5-digit package minimum at 17 pieces to prepare fewer packages. However, anyone wanting to use the current 10-piece package minimum, or to set the minimum between 10 and 17, could do so. Mailers are reminded that the 3/5 Presorted rate for Standard Mail flats is applicable to 5-digit or 3-digit packages prepared in 5-digit or 3-digit sacks containing a minimum of 125 pieces or 15 pounds of pieces or placed on any level pallet. Automation rates are always based on the package presort level and the 3/5 automation rate applies to any pieces in 5-digit and 3-digit packages. It is possible that the selection of a higher 5-digit package minimum may improve the presort level of some pieces that would otherwise fall to a lower package level after all 5-digit packages are prepared. For example, after all 5-digit packages are prepared

using the current 10-piece package minimum, less than 10 pieces may remain for the 3-digit destination and the remaining pieces would be prepared in an ADC or mixed ADC package and be subject to the basic rate. When combined with pieces from one or more small 5-digit packages to the same 3-digit destination, these pieces could move to a 3-digit package and be subject to the 3/5 rates.

Because of the operational efficiencies that are expected for mailers and the Postal Service due to the creation and handling of fewer flats packages as a result of this new optional preparation, the Postal Service finds no need to solicit comments or to delay implementation.

Background

Exploratory modeling of piece, package, and container handling costs indicates that the appropriate minimum for 5-digit packages of Standard Mail flat-size pieces is clearly above 10 and could be increased to 17 pieces for flats likely to be processed on the automated flat sorting machine (AFSM) 100. The modeling, conducted by the Postal Service in conjunction with its product redesign efforts, indicates that changing the minimum package size for 5-digit packages is not likely to increase the Postal Service's combined package and piece handling costs. It also suggests that the net gain from reduced package handling using the 17-piece minimum will be greatest for pieces that weigh less than 6 ounces and somewhat less for heavier pieces. Because of the 20-pound maximum package weight (DMM M020.1.8), the elimination of 5-digit packages of heavier pieces will result in the creation of an almost equal number of 3-digit packages and the costs for additional piece handlings will not be offset by reduced package handling costs. As with any change of this type, the impact on a specific mailing will vary based on mail characteristics such as piece weight and presort density. However, it is expected that this optional change should help to reduce overall Postal Service processing costs as well as mailer production costs, and that it should not have any negative impact on service for pieces that move from 5-digit to 3-digit packages.

The expected benefits of this change are based, in large part, on productivities and piece processing efficiencies of the AFSM 100, which can process pieces up to 3/4-inch thick. Pieces greater than 3/4-inch thick may be processed on the FSM 1000, on the small parcel and bundle sorter (SPBS), or manually, all at lower productivities than if processed on the AFSM 100.

Furthermore, very little incoming secondary processing of pieces to carrier routes occurs on FSM 1000s, and it is more desirable to have mail prepared in 5-digit packages that can be sent directly to the delivery office for distribution to carrier routes. For this reason, the optional higher minimums are limited to flat-size pieces likely to receive AFSM 100 processing, and mailers must continue to use the current 10-piece minimum when preparing 5-digit packages of automation rate flat-size pieces greater than 3/4-inch thick.

Two important goals of product redesign are to align rates and preparation requirements with customer needs and capabilities, and to provide products that reduce combined Postal Service and customer costs and fit within the future postal operations environment. The Postal Service believes there are major opportunities to improve flats processing efficiency and that, in the mid-term (within approximately 2 to 5 years), these opportunities can be fully captured only by restructuring rate categories and the corresponding preparation requirements for flats. Although approximately 40 percent of Postal Service mail processing costs for Standard Mail flats are in package and container handling, there are currently few rate incentives to induce customers to package and containerize their mail in ways that reduce Postal Service costs. Beyond the minimums and maximums for packages and containers, there is very little guidance or flexibility for preparing packages and containers. In contrast, to reduce Postal Service piece handling costs, customers are offered a detailed structure of rate incentives for presorting, barcoding, and dropshipping. Implementation of a flexible minimum for 5-digit packages of Standard Mail flats is an attempt to provide guidance for preparing more efficient packages.

The Postal Service discussed the potential for implementing this change with software vendors and major flats printers and mailers at the Mailers Technical Advisory Committee (MTAC) Presort Optimization Work Group meeting in May 2002. Attendees were receptive and indicated that software revisions necessary to implement this preparation change would not be difficult. However, they also noted that the Postal Service would need to act quickly to formalize the changes and inform the mailing industry of their value in order to obtain the greatest benefit for the 2002 fall mailing season, when the Postal Service normally experiences a Standard Mail volume peak. If mailers take advantage of this

option quickly, the associated reduction in the volume of packages of flats could help the Postal Service avoid more costly manual processing that may occur during volume peaks.

Although mailers who want to select a higher 5-digit package minimum than 10 pieces will not be required to use Presort Accuracy Validation and Evaluation (PAVE)-certified software, PAVE tests are available for presort software vendors who will support this option.

Based on the expected efficiencies resulting from this change, the Postal Service plans to raise the minimum quantity for preparation of 5-digit packages of Standard Mail AFSM 100 flats from the current 10 pieces in conjunction with the next omnibus rate case.

The Postal Service is interested in receiving feedback about the volume shift in specific mailings from mailers who change their minimum package size. The following information may be sent to Cheryl Beller, Product Redesign, U.S. Postal Service, Room 4039, 1735 N Lynn St, Arlington, VA 22209-6360 (E-mail address: *cbeller1@email.usps.gov*): Total number of pieces in mailing; mailpiece weight; number of pieces prepared in 5-digit packages and the number of 5-digit packages; number of pieces prepared in 3-digit packages and the number of 3-digit packages; and the maximum package parameter (weight or number of pieces). If the maximum package size setting reflects a total package weight lower than 20 pounds, please indicate the maximum package height that correlates to the maximum package size. The number of pieces and number of packages (5-digit and 3-digit) should be shown using both the current 10-piece minimum and the new minimum selected for presort (from 11 and 17).

List of Subjects in 39 CFR Part 111

Postal Service.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the *Domestic Mail Manual* (DMM), which is incorporated by reference in the Code of Federal Regulations (CFR). See 39 CFR part 111.

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. Amend the *Domestic Mail Manual* (DMM) as follows:

Domestic Mail Manual (DMM)

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M Mail Preparation and Sortation

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M600 Standard Mail (Nonautomation)

M610 Presorted Standard Mail

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4.0 FLAT-SIZE PIECES AND IRREGULAR PARCELS

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4.3 Package Preparation

Package size, preparation sequence, and labeling:

[Revise item a to read as follows:]

a. 5-digit:

(1) Flats: required with 17 pieces, optional with 10 to 16 pieces (use of a consistent minimum is required for a mailing job); red label D or optional endorsement line (OEL).

(2) Irregular Parcels: required (10-piece minimum); red label D or optional endorsement line (OEL).

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M800 All Automation Mail

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M820 Flat-Size Mail

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5.0 STANDARD MAIL

5.1 Package Preparation

Package size, preparation sequence, and labeling:

[Revise item a to read as follows:]

a. 5-digit:

(1) Packages containing pieces not more than 3/4-inch thick only: required with 17 pieces, optional with 10 to 16 pieces (use of a consistent minimum is required for a mailing job); red label D or optional endorsement line (OEL).

(2) Packages containing pieces with a thickness greater than 3/4-inch: required with 10 pieces; red label D or optional endorsement line (OEL).

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M900 Advanced Preparation Options for Flats

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M950 Co-Packaging Automation Rate and Presorted Rate Pieces

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3.0 STANDARD MAIL

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3.2 Package Preparation

Package size, preparation sequence, and labeling:

[Revise item a to read as follows:]

a. 5-digit:

(1) Packages containing pieces not more than 3/4-inch thick only: required with 17 pieces, optional with 10 to 16 pieces (use of a consistent minimum is required for a mailing job); red label D or optional endorsement line (OEL).

(2) Packages containing pieces with a thickness greater than 3/4-inch: required with 10 pieces; red label D or optional endorsement line (OEL).

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We will publish an appropriate amendment to 39 CFR 111.3 to reflect these changes.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02-21189 Filed 8-19-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL-7262-3]

Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking; delay of effective date.

SUMMARY: On June 24, 2002, EPA published a final rule entitled "Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area" (67 FR 42688). The effective date for the final rule was August 23, 2002. At the same time, EPA also published its proposal to delay the effective date of the determination and reclassification until October 4, 2002. The 30-day comment period on our June 24, 2002, proposal to extend the effective date has ended and EPA received twenty-seven comment letters of which twenty-six comment letters expressed support for the delayed effective date. Today EPA is finalizing the modification of the effective date of our June 24, 2002, rule from August 23, 2002, until October 4, 2002. Section 553(d) of the Administrative Procedure Act generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. However, if an Agency identifies a good cause, section 553(d)(3) allows a rule to take effect earlier, provided that the Agency

publishes its reasoning in the final rule. EPA is making this action effective immediately because the effective date of the underlying nonattainment determination and reclassification is imminent, and delaying the effective date of this action would negate the purpose of this rule. In addition, EPA finds good cause for making this action effective immediately because it relieves a restriction that would otherwise go into effect.

DATES: As of August 20, 2002, the effective date of the final rule amending 40 CFR part 81 published at 67 FR 42688, June 24, 2002, is delayed for six weeks, from August 23, 2002, to a new effective date of October 4, 2002. The amendment to 40 CFR part 81 in this final rule is effective October 4, 2002.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733; and the Louisiana Department of Environmental Quality (LDEQ), 7920 Bluebonnet Boulevard, Baton Rouge, Louisiana 70884. Please contact the appropriate office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Maria L. Martinez, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-2230.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we, us, or our" is used, we mean EPA. Throughout this document, whenever "Baton Rouge Area," "Baton Rouge Nonattainment Area," or "Baton Rouge Ozone Nonattainment Area" is used, we mean the area which includes the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge in the State of Louisiana.

Background

In a Judgment entered on March 7, 2002, the United States District Court for the Middle District of Louisiana, ordered EPA to determine, by June 5, 2002, whether the Baton Rouge area had attained the applicable ozone standard under the Clean Air Act (hereinafter referred to as the CAA or Act). *Louisiana Environmental Action Network (LEAN) v. Whitman*, 00-879-A. The Court also ordered EPA to publish in the **Federal Register** a notice of a final action reflecting both the determination and any reclassification of the area required as a result of the determination. The Court also held that it was not acting to restrict the effective date that EPA selects for its action. See

the Court's February 27, 2002, Ruling.¹ EPA published its determination on June 24, 2002, in response to the Court's order.

On June 24, 2002, EPA concurrently published its proposal to delay the effective date of the determination and reclassification from August 23, 2002, until October 4, 2002 (67 FR 42697). EPA has determined that the delay of the effective date of the determination of nonattainment and reclassification is necessary to allow regulated entities in the Baton Rouge area time to prepare for the new requirements that are applicable to severe nonattainment areas. In the June 24, 2002, proposal, EPA noted that on the effective date of the reclassification to severe, the major stationary source threshold for the Baton Rouge area will be reduced from 50 tons of emissions on an annual basis to 25 tons. Thus a number of facilities with volatile organic compounds (VOCs) or nitrogen oxide (NO_x) emission levels between 25 and 50 tons per year may become subject to major source requirements for the first time.² Extending the effective date of our June 24, 2002, determination to October 4, 2002, will provide adequate time for the facilities affected by the reclassification to comply with the new technical requirements. EPA has determined that sources possibly subject to these new requirements should have additional time to prepare for the impact of these requirements. EPA's decision to extend the effective date for this reason is supported by a number of commenters.

In addition, as EPA stated in its June 24, 2002, proposal, we will continue to work on completing a separate rulemaking on the issue of whether the Baton Rouge area should be granted an extension of its attainment date pursuant to EPA's "Guidance on Extension of Air Quality Attainment Dates for Downwind Transport Areas" **Federal Register** document (64 FR 14441, March 25, 1999) (hereinafter referred to as EPA's extension policy), and remain classified as a serious nonattainment area. By taking this final action to extend the effective date for the nonattainment determination, EPA is in a position to take final action on the proposal to extend the attainment date for the Baton Rouge area before the nonattainment determination becomes effective. Section 181(b)(2)(A) of the Act

¹ For additional information on other court rulings on the issue of an effective date for such action, see, *Sierra Club v. Browner*, 130 F. Supp. 2d 78 (D.D.C. 2001), *aff'd.*, 285 F. 3d 63 (D.C. Cir. 2002).

² See section 182(d) in conjunction with section 182(f) of the Act for the severe area major source thresholds for these pollutants.