

# Proposed Rules

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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

### Agriculture Marketing Service

#### 7 CFR Part 1216

[Document Number AMS-FV-08-0110; FV-08-704]

#### Peanut Promotion, Research, and Information Order; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of regulatory review and request for comments.

**SUMMARY:** This document announces the Agricultural Marketing Service's (AMS) review of the Peanut Promotion, Research, and Information Order (Order), conducted under the Commodity Promotion, Research, and Information Act of 1996 (Act), under the criteria contained in Section 610 of the Regulatory Flexibility Act (RFA).

**DATES:** Written comments on this document must be received by June 2, 2009.

**ADDRESSES:** Interested persons are invited to submit written comments on the Internet at: <http://www.regulations.gov> or to the Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture (Department), Room 0632-S, Stop 0244, 1400 Independence Avenue, SW., Washington, DC 20250-0244; facsimile: (202) 205-2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or it can be viewed at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Palmer, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0244, 1400 Independence Avenue, SW., Room 0632-S, Washington, DC 20250-0244;

telephone: (888) 720-9917; facsimile: (202) 205-2800; or electronic mail:

[Jeanette.Palmer@ams.usda.gov](mailto:Jeanette.Palmer@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411-7425) authorized the Peanut Promotion, Research, and Information Order (7 CFR part 1216) which is administered by the National Peanut Board, with oversight by the Department. The Order's objective is to carry out an effective, continuous, and coordinated program of promotion, research, and information designed to strengthen peanuts' competitive position, and to maintain and expand the domestic market for peanuts.

The Order became effective on July 30, 1999. The program is funded by a mandatory assessment on all peanut producers at the rate of one percent of the total value of all farmers stock peanuts. The first handler collects from each peanut producer and pays assessments to the Board on all peanuts handled. For peanuts placed under a marketing assistance loan with the Department's Commodity Credit Corporation, the Commodity Credit Corporation will deduct and remit to the Board, from the proceeds of the loan paid to the peanut producer, one percent of the loan value of the peanuts as determined by the warehouse receipt accompanying such peanuts.

The Order is administered by the National Peanut Board, which is composed of 11 producer members and their alternates: One member and alternate from each primary peanut producing State (Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia) and one at-large member and alternate collectively from the minor peanut producing States. The members and alternates are nominated by peanut producers or peanut producer groups. The producer and alternate members were appointed to the Board by the Secretary of Agriculture. All Board members serve a term of three years.

The AMS published in the **Federal Register** on March 24, 2006 (71 FR 14828), its plan to review certain regulations, including the Peanut Promotion, Research, and Information program, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612). Because

many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review. According to the schedule published in 2006, this notice and request for comments is made for the Order.

The purpose of the review is to determine whether the Order should be continued without change, amended, or rescinded (consistent with the objectives of the Act) to minimize the impacts on small entities. AMS will consider the following factors: (1) The continued need for the Order; (2) the nature of complaints or comments received from the public concerning the Order; (3) the complexity of the Order; (4) the extent to which the Order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local regulations; and (5) the length of time since the Order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the Order.

Written comments, views, opinions, and other information regarding the Order's impact on small businesses are invited.

**Authority:** 7 U.S.C. 7411-7425; 7 U.S.C. 7401.

Dated: March 30, 2009.

**Robert C. Keeney,**

*Acting Associate Administrator.*

[FR Doc. E9-7475 Filed 4-2-09; 8:45 am]

**BILLING CODE 3410-02-P**

## POSTAL SERVICE

### 39 CFR Part 111

#### Price Marking Requirements for Commercial Base and Commercial Plus Pricing

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes new price markings on Express Mail® and Priority Mail® pieces mailed at commercial base and commercial plus prices. The new markings are needed to fulfill our revenue reporting and revenue assurance requirements.

**DATES:** Submit comments on or before May 4, 2009.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza, SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at USPS Headquarters Library, 475 L'Enfant Plaza, SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. E-mail comments, containing the name and address of the commenter, may be sent to: *MailingStandards@usps.gov*, with a subject line of "CBP and CPP Markings Comments." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Monica Grein, 202-268-8411.

**SUPPLEMENTARY INFORMATION:**

The Postal Service proposes to revise the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to require price markings on Express Mail and Priority Mail pieces mailed at the commercial base or the commercial plus price. The new markings will help us determine which price was applied to these pieces, and verify that the pieces qualify for the price claimed. The markings must appear on pieces paid by any means except permit imprint or Express Mail Corporate Account.

Under our proposal, mailers must print—or produce as part of the meter imprint or PC Postage® indicia—"Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice" for pieces paid at the Commercial Base price, and "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice" for pieces paid at the Commercial Plus price. The appropriate marking must appear directly above, directly below, or to the left of the postage.

We propose to allow mailers 90 days after the publication date of the final rule to comply with the new standards, to afford mailers time to exhaust any label stock and reprogram systems.

Although we are exempt from the notice and comment requirements 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 comments on the following proposed revision to the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

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

**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, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

\* \* \* \* \*

**400 Commercial Parcels**

\* \* \* \* \*

**402 Elements on the Face of a Mailpiece**

\* \* \* \* \*

**2.0 Placement and Content of Markings**

[Renumber 2.1 through 2.5 as 2.2 through 2.6 and add new 2.1, *Express Mail and Priority Mail Markings*, as follows:]

**2.1 Express Mail and Priority Mail Markings**

Except for pieces paid using permit imprint or an Express Mail Corporate Account, Express Mail and Priority Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

\* \* \* \* \*

**410 Express Mail**

\* \* \* \* \*

**415 Mail Preparation**

[Reorganize and revise section 1.0 by adding a new 1.2 as follows:]

**1.0 General Information for Mail Preparation**

**1.1 Express Mail Packaging Provided by the USPS**

Express Mail packaging provided by the USPS must be used only for Express

Mail. Regardless of how the packaging is reconfigured or how markings may be obliterated, any material mailed in USPS-provided Express Mail packaging is charged the appropriate Express Mail price.

**1.2 Price Marking**

Except for pieces paid using an Express Mail Corporate Account, Express Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

\* \* \* \* \*

**420 Priority Mail**

\* \* \* \* \*

**425 Mail Preparation**

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**2.0 Marking**

[Reorganize and revise section 2.0 as follows:]

**2.1 Product Marking**

The marking "Priority Mail" must be placed prominently on the address side of each piece of Priority Mail.

**2.2 Price Marking**

Except for pieces paid using permit imprint, Priority Mail pieces claiming the commercial base or commercial plus price must bear the appropriate price marking, printed on the piece or produced as part of the meter imprint or PC Postage indicia. Place the marking directly above, directly below, or to the left of the postage. Markings are as follows:

a. "Commercial Base Price," "Commercial Base Pricing," or "ComBasPrice."

b. "Commercial Plus Price," "Commercial Plus Pricing," or "ComPlsPrice."

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

**Stanley F. Mires,**  
*Attorney, Legislative.*

[FR Doc. E9-7479 Filed 4-2-09; 8:45 am]

**BILLING CODE 7710-12-P**