

the Librarian of Congress upon the recommendation of the Register of Copyrights. Section 1201(a)(1)(D) provides that "The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking conducted under subparagraph (C), that noninfringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3-year period."

The Register of Copyrights is conducting the fourth of these triennial rulemaking proceedings and is in the final stages of making her recommendation to the Librarian of Congress. The rulemaking conducted in 2006 identified six classes of works to be subject to exemption from the prohibition on circumvention for the period beginning November 27, 2006, and ending October 27, 2009. Because the Register will not be able to present her recommendation to the Librarian of Congress before October 27, it is necessary to extend the effective dates of the existing regulation identifying those classes of works until the time that the Librarian acts upon the recommendation of the Register. It is anticipated that this extension will be in effect for no more than a few weeks.

Accordingly, the Register of Copyrights recommends to the Librarian of Congress that the existing regulation, codified at 37 CFR 201.40(b), be amended on an interim basis to strike the reference to the October 27, 2009, termination date for the list of classes of works identified in the regulation.

The Librarian of Congress accepts the recommendation of the Register of Copyrights and adopts the following interim rule.

List of Subjects in 37 CFR Part 201

Cable television, Copyright, Exemptions to prohibition against circumvention, Literary works, Recordings, Satellites.

Dated: October 20, 2009.

Marybeth Peters,
Register of Copyrights.

Interim Regulation

■ For the reasons set forth in the preamble, 37 CFR part 201 is amended as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.40 [Amended]

■ 2. Section 201.40 (b) introductory text is amended by removing "from November 27, 2006, through October 27, 2009," and adding in its place "commencing November 27, 2006."

Dated: October 22, 2009.

James H. Billington,
Librarian of Congress.

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POSTAL SERVICE

39 CFR Part 20

Return Address Requirement —Outbound International Commercial Bulk Mailings

AGENCY: Postal Service™.

ACTION: Final rule with comment period.

SUMMARY: The Postal Service is revising the *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM®) to require that mailpieces prepared as a commercial bulk mailing must bear a complete U.S. return address.

DATES: *Effective date:* January 4, 2010.

Comment date: Mail or deliver written comments until December 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 "Return Address Requirement—Outbound International Commercial Bulk Mailings." Faxed comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Rick Klutts at 813-877-0372.

SUPPLEMENTARY INFORMATION: The Postal Service is making this change to be consistent with the amended regulations of the Universal Postal Union (UPU) Proposal 25.123.2 that revises Article RL 123, Paragraph 10 of the UPU Letter Post Regulations. This revision will codify that mailpieces prepared as a commercial bulk mailing must bear a complete return address in the country of origin of the mail. For this purpose, a "bulk mailing" is any International Priority Airmail™ (IPA®) or

International Surface Air Lift® (ISAL®) mailing, or any other mailing paid with an advance deposit account presented to the USPS for weighing and acceptance.

The Postal Service hereby adopts the following changes to *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

■ Accordingly, 39 CFR part 20 is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3622, 3632, and 3633.

■ 2. Revise the following sections of Mailing Standards of the United States Postal Service, International Mail Manual (IMM), as follows:

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

1 International Mail Services

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120 Preparation for Mailing

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122 Addressing

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122.2 Return Address

[Revise 122.2 as follows:]

Due to heightened security, many foreign postal administrations require complete sender and addressee information in roman letters and arabic numerals on postal items. The complete address of the sender, including ZIP Code and country of origin, should be shown in the upper left corner of the address side of the envelope, card, flat, or package. Only one return address may be used, and it must be located so that it does not affect either the clarity of the address of destination or the application of service labels and notations (postmarks, etc.). Unregistered items bearing a return address in another country are accepted only at the sender's risk. In the case of bulk mailings, all mailpieces must bear a complete U.S. return address. For the purpose of this section, a "bulk mailing" is any IPA or ISAL mailing, or any other mailing paid with an advance

deposit account presented to the USPS for weighing and acceptance.

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2 Conditions for Mailing

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290 Commercial Services

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292 International Priority Airmail (IPA) Service

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292.4 Mail Preparation

[Revise the title and introductory sentence in 292.41 as follows:]

292.41 Addressing and Return Address

IPA mailpieces are subject to the addressing requirements contained in 122, including the requirement of a complete U.S. return address.

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293 International Surface Air Lift (ISAL) Service

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293.4 Mail Preparation

[Revise the title and introductory sentence in 293.41 as follows:]

293.41 Addressing and Return Address

ISAL mailpieces are subject to the addressing requirements contained in 122, including the requirement of a complete U.S. return address.

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We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,
Chief Counsel.

[FR Doc. E9-25461 Filed 10-26-09; 8:45 am]
BILLING CODE 7710-12-P

POSTAL SERVICE

39 CFR Part 111

New Move Update Assessment Procedures for January 2010 for Automation and Presort First-Class Mail and All Standard Mail Items

AGENCY: Postal Service™.
ACTION: Final rule.

SUMMARY: The Postal Service is filing with the Postal Regulatory Commission a notice of revisions to policies and procedures for determining postage adjustments for mailings of First-Class Mail® and Standard Mail® pieces that are determined to contain a large

number of address inaccuracies. Consistent with the Commission filing, this notice and final rule provides revised mailing standards and procedures for administering the Move Update standards.

DATES: Effective January 4, 2010.
FOR FURTHER INFORMATION CONTACT: Bill Chatfield, 202-268-7278.

SUPPLEMENTARY INFORMATION: The Postal Service previously published a final rule regarding several changes to mailing standards in support of the May 11, 2009 price change, in the **Federal Register** on April 6, 2009, and stated: * * * “Beginning in January 2010, we establish a charge for Standard Mail mailings not meeting Move Update standards of 7 cents per piece, in addition to the applicable Standard Mail postage.” The notice and final rule published today discusses tolerances for determining when the number of change-of-address inaccuracies in a mailing requires additional postage assessments at the time of acceptance, and also discusses how the error rate and additional postage assessment will be calculated for First-Class Mail and Standard Mail items at the time of acceptance.

This assessment approach is not designed to permit customers to substitute payment of the Move Update Assessment Charge for the implementation of appropriate processes that meet the requirements of the Move Update standard. It is designed to facilitate the acceptance of mail in the event that a Performance Based Verification (PBV) process determines that a sample of the mailing has an error rate above a tolerance specified by the Postal Service. If customers do not certify that they meet the Move Update requirement or are determined not to have met this requirement, they are subject to single-piece First-Class Mail prices on all pieces in the mailing.

We provide additional background and an explanation of the Move Update standards and new procedures, followed by changes to the mailing standards in *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®).

Background

The Move Update standard requires periodic matching of a mailer’s address records with customer-filed change-of-address (COA) orders received and maintained by the Postal Service. The mailer then is required to update the address on the mailpiece for any addressee with a COA on file. The goal is to reduce the number of mailpieces in

a mailing that require forwarding or return. Mailers who claim Presorted or automation prices for First-Class Mail or any Standard Mail prices must certify that they have updated the mailing addresses contained in the mailing within the 95-day period preceding the mailing date.

All deficient mailings of commercial First-Class Mail pieces have been subject to single-piece First-Class Mail prices for each piece in the mailing. In the absence of any action, the same consequence would have applied to Standard Mail mailings that Postal Service acceptance procedures determine to be deficient. This would have been a substantial increase in postage for Standard Mail pieces found to be deficient at acceptance.

To mitigate this effect, the Postal Service announced in 2008 that we would assess 7 cents per piece for all pieces in Standard Mail mailings with an error rate (pieces with a COA that were not updated/total pieces with COAs) greater than a tolerance established by the Postal Service. The assessment was initially intended for May 2009 implementation. However, in response to strong customer concerns, we deferred implementation until January 2010 via an announcement in our April 6, 2009 **Federal Register** notice.

Consistent with the treatment of Standard Mail, the Postal Service has now decided to apply a 7-cent per piece additional postage charge for First-Class Mail pieces determined by acceptance procedures to have an error rate of greater than 30 percent, effectively lowering the additional postage assessments for First-Class Mail pieces. In addition, for both First-Class Mail and Standard Mail, the additional postage charge would apply to the percentage of the mailing, above the Postal Service-established tolerance, determined by sampling to be in error.

Procedures

Performance-Based Verification procedures at acceptance allow the Postal Service to test a sample of the mailing and evaluate the effectiveness of a customer’s Move Update processes. The addresses in the verification sample are compared to the National Change of Address (NCOA) database. To determine the change of address accuracy in the sample, the PBV process will determine the number of pieces within the sample that should have been updated with COA information (A). The PBV process will then determine the number of pieces that were not properly updated (B). The PBV process will calculate the error rate in the sample by dividing B