

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of applications <sup>1</sup>	Estimated increase in annual fees collected <sup>2</sup>
21. Nonimmigrant visa application and border crossing card processing fees:						
(a) Non-petition-based category (except E category) .....	\$140	\$131	\$9	7	5,499,494	\$49,495,446
(b) H, L, O, P, Q and R category .....	150	131	19	15	498,034	9,462,646
(c) E category .....	390	131	259	198	38,466	9,962,694
(d) K category .....	350	131	219	167	41,345	9,054,555
(e) Border crossing card—age 15 and over .....	140	131	9	7	673,128	6,058,152
(f) Border crossing card—under age 15 .....	14	13	1	8	224,376	224,376

<sup>1</sup> Based on FY2009 actuals.

<sup>2</sup> Using FY2009 actuals to generate projections.

Historically, nonimmigrant visa workload has increased year to year at approximately 5%. However, global economic conditions led to a 12.7% drop in demand in Fiscal Year 2009. We anticipate that with global economic recovery, demand will return to its historical pattern of growth after Fiscal Year 2010. With regard to the economic impact as a whole, the more than 92% of nonimmigrant visa applications that are not petition-based are sought by and paid for entirely by foreign national applicants. The revenue increases resulting from those fees should not be considered to have a direct cost impact on the domestic economy.

*Executive Order 13132*

This rule will not have substantial direct effects on the States, on the

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, Federalism, Aug. 4, 1999, the Department has determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. 64 FR 43255.

*Paperwork Reduction Act*

This rule does not impose any new or modify any existing reporting or record-keeping requirements.

**List of Subjects in 22 CFR Part 22**

Consular services, fees, passports and visas.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is proposed to be amended as follows:

**PART 22—[AMENDED]**

1. The authority citation for part 22 is amended to read as follows:

**Authority:** 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 4201, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

2. Revise § 22.1 Item 21 to read as follows:

**SCHEDULE OF FEES FOR CONSULAR SERVICES**

Item No.	Fee
<b>Nonimmigrant Visa Services</b>	
21. Nonimmigrant visa application and border crossing card processing fees (per person):	
(a) Non-petition-based nonimmigrant visa (except E category) .....	\$140
(b) H, L, O, P and R category nonimmigrant visa .....	150
(c) E category nonimmigrant visa .....	390
(d) K category nonimmigrant visa .....	350
(e) Border crossing card—age 15 and over (valid 10 years) .....	140
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years of until the applicant reaches age 15, whichever is sooner) .....	14

Dated: December 9, 2009.

**Patrick Kennedy,**

*Under Secretary of State for Management,  
Department of State.*

[FR Doc. E9-29722 Filed 12-11-09; 8:45 am]

**BILLING CODE 4710-06-P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Eligibility for Commercial Flats Failing Deflection**

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is filing this proposed rule to describe the applicable prices for commercial flat-size mail failing to meet new deflection standards, to be effective on June 7, 2010.

**DATES:** We must receive your comments on or before January 13, 2010.

**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. Email comments concerning the proposed price eligibility, containing the name and address of the commenter, may be sent to:

*MailingStandards@usps.gov*, with a subject line of "Deflection comments." Faxed comments are not accepted.

**FOR FURTHER INFORMATION CONTACT:** Bill Chatfield, 202-268-7278.

**SUPPLEMENTARY INFORMATION:** The Postal Service's final rule for new mailing standards to be effective in May 2009 was published in the **Federal Register** (74 FR 15380-15384) on April 6, 2009. The final rule included new deflection standards, previously applicable only to automation flats, for all commercial flat-size mail. The implementation of the new deflection standards was postponed from the May 2009 date and is being deferred further to June 2010. In this notice we provide background, a reiteration of the changes and revision to the applicable prices for pieces that do not meet the deflection standard, followed by changes to the mailing standards in *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®).

**Background**

As a reminder, the USPS® changed the deflection standards in 2007 by

increasing the permitted deflection to 4 inches for flat pieces that were at least 10 inches long. The difficulties in processing flats that came close to that new maximum deflection made it clear that the change was too great to allow successful processing and handling of flats with a 4 inch maximum deflection. In a notice published in the DMM Advisory on August 18, 2009, we announced a further deferral of the implementation date of the revised deflection standard. The additional delayed implementation date of June 7, 2010 offers mailers the opportunity to make changes to slightly stiffen or redesign their "droopy" flats to meet the new standards.

**New Standards**

In the final rule published in the **Federal Register** (74 FR 15380-15384) on April 6, 2009, we extended the deflection standards, currently applicable to automation flats, to all commercial flat-size mailpieces, except those mailed at saturation and high-density Periodicals or Standard Mail® prices. The deflection standards also changed to allow 1 inch less of vertical deflection (droop) than is currently allowed. We eliminated the current exception for oblong flats (those with a bound edge on the shorter side) so all flats will be tested with the length placed perpendicular to the edge of a flat surface.

**Applicable Prices**

According to the original final rule in April 2009, parcel prices would apply to

First-Class Mail®, Standard Mail (option for Not Flat-Machinable (NFM) prices) and Bound Printed Matter flat-size pieces not meeting the new deflection standards. Due to changes in the pricing structure implemented on May 11, 2009, for Standard Mail NFMs and parcels, those prices do not align directly with Standard Mail flats prices. Although eligibility for Periodicals flats failing deflection was not specifically discussed, current standards would exempt Periodicals flats categorized as nonmachinable and mailed to outside county addresses from the deflection standards. Since First-Class Mail single-piece flats are not subject to deflection standards, mailers of commercial First-Class Mail flats that do not meet the deflection standard would have the option of presorted parcel or single-piece flats prices.

Customers have expressed concerns about the potential additional postage due for pieces failing the deflection standard. Based on these concerns and to align with other quality efforts, the Postal Service has determined to change the price eligibilities applicable for pieces that fail the deflection standard. Generally, the price eligibilities proposed represent prices less than the parcel or NFM prices originally published.

For commercial flats that fail the deflection standard, price eligibility by class of mail is described in the tables below. For all classes of mail, if the mailing is determined not to meet the deflection standard, the sortation for failed pieces may remain as prepared.

**First-Class Mail Automation**

Eligibility as planned or presented: Automation 5-digit flat ..... Automation 3-digit ..... Automation ADC ..... Automation MADC .....	Eligibility with failed deflection: Presorted flat. Presorted flat. Presorted flat. Presorted flat.
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**First-Class Mail Presorted (nonautomation)**

Eligibility as planned or presented: Presorted flat .....	Eligibility with failed deflection: Single-piece flat or presorted parcel.
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**Periodicals Outside County**

Piece price eligibility as planned or presented: Basic carrier route flat ..... Machinable barcoded 5-digit flat ..... Machinable barcoded 3-digit flat ..... Machinable barcoded ADC flat ..... Machinable barcoded MADC flat ..... Machinable nonbarcoded 5-digit flat ..... Machinable nonbarcoded 3-digit flat ..... Machinable nonbarcoded ADC flat ..... Machinable nonbarcoded MADC flat ..... Nonmachinable barcoded or nonbarcoded flat .....	Piece price eligibility with failed deflection: Machinable nonbarcoded or barcoded 5-digit flat. Nonmachinable barcoded 5-digit flat. Nonmachinable barcoded 3-digit flat. Nonmachinable barcoded ADC flat. Nonmachinable barcoded MADC flat. Nonmachinable nonbarcoded 5-digit flat. Nonmachinable nonbarcoded 3-digit flat. Nonmachinable nonbarcoded ADC flat. Nonmachinable nonbarcoded MADC flat. Price claimed, if otherwise eligible.
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**Periodicals In-County**

Piece price eligibility as planned or presented: Basic carrier route flat .....  Automation 5-digit flat ..... Automation 3-digit flat ..... Automation basic flat .....	Piece price eligibility with failed deflection: Nonautomation or automation (if barcoded) 5-digit flat. Nonautomation 5-digit flat. Nonautomation 3-digit flat. Nonautomation basic flat.
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**Standard Mail**

Eligibility as planned or presented: Basic carrier route flat ..... Automation 5-digit flat ..... Automation 3-digit flat ..... Automation ADC flat ..... Automation MADC flat ..... Nonautomation flat (all sort levels) .....	Eligibility with failed deflection: Nonautomation 5-digit flat. Nonautomation 5-digit flat. Nonautomation 3-digit flat. Nonautomation ADC flat. Nonautomation MADC flat. Nonautomation MADC flat.
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**Bound Printed Matter**

Eligibility as planned or presented: Carrier route flat ..... Barcoded presorted flat ..... Nonbarcoded presorted flat ..... Nonbarcoded nonpresorted flat .....	Eligibility with failed deflection: Carrier route parcel. Presorted parcel. Presorted parcel. Price as claimed, if otherwise eligible.
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Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), 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 Part 111 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:

\* \* \* \* \*

**300 Commercial Mail Flats**

**301 Physical Standards**

**1.0 Physical Standards for Flats**

\* \* \* \* \*

*[Renumber current 1.7 as new 1.9. Renumber current 301.3.2.3 in its entirety as new 1.7, revise heading and text to extend maximum deflection*

*standards to all flat-size mailpieces, and delete item c as follows:]*

**1.7 Maximum Deflection for Flat-Size Mailpieces**

Flat-size mailpieces must be flexible (see 1.3) and must meet maximum deflection standards. Flat-size pieces mailed at saturation or high-density carrier route prices are not required to meet these deflection standards. Test deflection as follows:

a. For pieces 10 inches or longer (see Exhibit 1.7a):

1. Place the piece on a flat surface with the address side facing up and the length perpendicular to the edge of the surface, and extend the piece 5 inches off the edge of the surface. Test square bound flats by placing the bound edge parallel to the edge. Turn the piece around 180 degrees and repeat the process.

2. The piece isailable at flat prices if it does not droop more than 3 inches vertically at either end.

**Exhibit 1.7a Deflection Test—Flats 10 Inches or Longer**

[Placeholder for new exhibit.]

b. For pieces less than 10 inches long (see Exhibit 1.7b):

1. Place the piece on a flat surface with the address side facing up and the length perpendicular to the edge of the surface, and extend the piece one-half of its length off the edge of the surface. Test square bound flats by placing the bound edge parallel to the edge. Turn the piece around 180 degrees and repeat the process.

2. The piece isailable at flat prices if it does not droop more than 2 inches

less than the extended length. For example, a piece 8 inches long would extend 4 inches off a flat surface. It must not droop more than 2 inches vertically at either end.

**Exhibit 1.7b Deflection Test—Flats Less Than 10 Inches Long**

[Placeholder for new exhibit.]

[Add new 1.8 to read as follows:]

**1.8 Eligibility for Flat-Size Pieces Not Meeting Deflection Standards**

Commercial flat-size mailpieces that do not meet the deflection standards in 1.7 must pay applicable prices as follows:

- a. First-Class Mail—price claimed:
  - 1. Automation flats: pay presorted flats prices.
  - 2. Nonautomation flats: pay presorted parcel prices or single-piece flats prices, at the mailer’s option.
  - b. Periodicals—price claimed:
    - 1. Outside County noncarrier route flats: pay nonmachinable flats piece prices, as allowed under 707.26.0.
    - 2. Outside County basic carrier route flats: pay 5-digit machinable flats piece prices.
    - 3. In-County noncarrier route flats: pay nonautomation flats piece prices.
    - 4. In-County basic carrier route flats: pay 5-digit flats piece prices.
  - c. Standard Mail—price claimed:
    - 1. Automation flats: pay nonautomation flats prices at same sort level.
    - 2. Nonautomation noncarrier route flats: pay mixed ADC flats prices regardless of sort level.
    - 3. Basic carrier route flats: pay 5-digit nonautomation flats prices.

d. Bound Printed Matter—parcel prices.

e. In all cases above, pieces may remain sorted as per price originally claimed, if otherwise eligible.

\* \* \* \* \*

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

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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**BILLING CODE 7710-12-P**

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2010-5; Order No. 352]

#### Periodic Reporting Rules

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Proposed rule; availability of rulemaking petition.

**SUMMARY:** Under a new law, the Postal Service must file an annual compliance report on costs, revenues, rates, and quality of service associated with its products. It recently filed documents with the Commission to change some of the methods it uses to compile a fiscal year report. In the Commission's view, these documents constitute a rulemaking petition. Therefore, this document provides notice of the Postal Service's filing and an opportunity for public comment.

**DATES:** Comments are due: December 17, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in "FOR FURTHER INFORMATION CONTACT" by telephone for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** On December 1, 2009, the Postal Service filed a petition pursuant to 39 CFR 3050.11 to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.<sup>1</sup>

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Twenty-six-Twenty-eight), December 1, 2009 (Petition).

Proposal Twenty-six would change the methods used to estimate the Revenue, Pieces, and Weight (RPW) values for Alaska Bypass mail and would not affect the FY09 Annual Compliance Review (ACR). In the attachment addressing Proposal Twenty-six that accompanies the Petition, the Postal Service explains that the pricing methodology for Alaska Bypass mail was changed from a piece system to a palletized system (where the piece total is the maximum number of 70 pound pieces plus one for the remainder on each pallet) as of May 11, 2009.

Proposal Twenty-seven is triggered by a data collection change and would change the methodology used to estimate Carrier Sequence Barcode Sorter (CSBCS) productivity and would affect the FY 2009 Annual Compliance Report (ACR). Proposal Twenty-seven is a result of the discontinuation of Management Operating Data System (MODS) operation numbers. The Postal Service proposes to replace the MODS productivity data with adjusted throughput data from machine utilization reports.

Proposal Twenty-eight would remove all single-piece Parcel Post models from the FY 2009 ACR because the models are no longer required to support the price structure, tied to the calculation of workshare cost avoidances, or supported by data from existing systems.

The attachments to the Postal Service's Petition explain each proposal in more detail, including its objective, background, impact, and an empirical example (comparing the changes in data reporting to the status quo). The Petition, including the attachments, are available for review on the Commission's Web site, <http://www.prc.gov>.

Comments on Proposals Twenty-six through Twenty-eight are due no later than December 17, 2009.

Pursuant to 39 U.S.C. 505, Emmett Rand Costich and John Klingenberg are appointed as Public Representatives to represent the interests of the general public in the above-captioned docket.

*It is ordered:*

1. The Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Twenty-six-Twenty-eight), filed December 1, 2009, is granted.

2. The Commission establishes Docket No. RM2010-5 to consider the matters raised by the Postal Service's Petition.

3. Interested persons may submit comments on Proposals Twenty-six through Twenty-eight no later than December 17, 2009.

4. The Commission will determine the need for reply comments after review of the initial comments.

5. The Commission appoints Emmett Rand Costich and John Klingenberg as Public Representatives to represent the interests of the general public in this proceeding.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

**Judith M. Grady,**

*Assistant Secretary.*

[FR Doc. E9-29615 Filed 12-11-09; 8:45 am]

**BILLING CODE 7710-FW-S**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 449

[EPA-HQ-OW-2004-0038; FRL-9092-2]

RIN 2040-AE69

#### Effluent Guidelines and New Source Performance Standards for the Airport Deicing Category; Extension of Public Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On August 28, 2009 (74 FR 44676), EPA published a proposed rule entitled "Effluent Limitation Guidelines and New Source Performance Standards for the Airport Deicing Category; Proposed Rule." Written comments on the proposed rulemaking were to be submitted to EPA on or before December 28, 2009 (a 120-day public comment period). Since publication, the Agency has received several requests for additional time to submit comments. EPA is extending the public comment period until February 26, 2010.

**DATES:** Comments must be received on or before February 26, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2004-0038 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov), Attention Docket ID No. EPA-HQ-OW-2004-0038.
- *Mail:* Water Docket, U.S.

Environmental Protection Agency, Mail Code: 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Attention Docket ID No. EPA-HQ-OW-2004-0038. Please include a total of 3 copies.

- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building