

COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective November 26, 2010 and is applicable beginning November 17, 2010.

FOR FURTHER INFORMATION CONTACT: Lieutenant Jaewon Choi, JAGC, U.S. Navy, Admiralty Attorney, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone number: 202-685-5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR Part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS ANTIETAM (CG 54) is a vessel of

the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the CFR as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended in Table Five, by revising, in alpha numerical order, by vessel number, an entry for USS ANTIETAM (CG 54):

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

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TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS ANTIETAM	CG 54	X	X	36.8

* * * * *
Approved: November 17, 2010.

M. Robb Hyde,
Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law).

Dated: November 18, 2010.

D.J. Werner,
Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010-29771 Filed 11-24-10; 8:45 am]

BILLING CODE 3810-FF-P

POSTAL SERVICE

39 CFR Part 111

Express Mail Open and Distribute and Priority Mail Open and Distribute

AGENCY: Postal Service.™

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 705.16 to require the use of a single-ply address label containing a service barcode with unique Service Type Code “723” or a “DB” prefix along with new Tag 257, Tag 267, or Label 257S, on all Express Mail® Open and Distribute containers. The Postal Service is also revising the service commitment for Express Mail Open and Distribute as a guaranteed end of day product; and adding a five-pound minimum weight requirement for Express Mail Open and Distribute and Priority Mail® Open and Distribute sacks.

DATES: *Effective Date:* January 2, 2011.

FOR FURTHER INFORMATION CONTACT: Jewelyn Harrington at 202-268-7648 or Garry Rodriguez at 202-268-7281.

SUPPLEMENTARY INFORMATION: On September 17, 2010, the Postal Service published a proposed rule in the *Federal Register* (75 FR 56920-56922)

to change the standards for Express Mail Open and Distribute. After reviewing the comments, and upon further consideration of the proposed revisions, the Postal Service has decided to adopt the proposed regulations with a minor revision.

Comments

The Postal Service received three comments and a request for clarification:

1. All three comments raised concerns about the five-pound minimum weight limit for Express Mail Open and Distribute and Priority Mail Open and Distribute sacks. As a result, the Postal Service is making a minor revision to allow an Open and Distribute sack to be less than 5 pounds if the sack contains mail in a qualifying tray.

2. One commenter also requested a clarification of the end of day service commitment for Express Mail Open and

Distribute shipments. The end of day (11:59 p.m.) service commitment guarantees delivery of the Express Mail Open and Distribute container to the designated entry Postal facility. Upon entry, the enclosed mail is processed for delivery according to the service standards for the product.

Summary

Express Mail

The Postal Service is requiring mailers to place a single-ply address label with a service barcode on all Express Mail Open and Distribute containers and to submit an electronic file. The service barcode is required to be a USS 128 or Code 39 barcode with a "DB" prefix, or Intelligent Mail package barcode (eVS[®] approved mailers) symbology with a unique Service Type Code (STC) "723". The text, "USPS SCAN ON ARRIVAL," must appear above the barcode. This requirement is in accordance with instructions for barcode specifications, electronic file format and testing, and the certification process in Publication 91, *Confirmation Services Technical Guide*.

The Postal Service is also replacing Tag 157 with Tag 257 (DDU), Tag 267 (SCF, NDC), and Label 257S (DDU) for all Express Mail Open and Distribute containers.

In addition, the Postal Service revises the service commitment to end of day (11:59 p.m.) for Express Mail Open and Distribute shipments.

Express Mail and Priority Mail

The Postal Service is establishing a five-pound minimum weight requirement for all Express Mail Open and Distribute and Priority Mail Open and Distribute sacks, except for sacks containing qualified trays (trays prepared under the standards for the applicable class of mail).

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

■ Accordingly, 39 CFR part 111 is 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); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 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:

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700 Special Standards

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705 Advanced Preparation and Special Postage Payment Systems

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16.0 Express Mail Open and Distribute and Priority Mail Open and Distribute

16.1 Prices and Fees

16.1.1 Basis of Price

[Revise 16.1.1 as follows:]

Mailers must pay Express Mail and Priority Mail postage based on the weight of the contents of the Open and Distribute shipment. Do not include the tare weight of the external container. Do not apply Priority Mail dimensional weight pricing or Periodicals container prices to the external container. The minimum weight requirement for Open and Distribute sacks is five pounds, except for Open and Distribute sacks that contain qualified trays (trays prepared under the standards for the applicable class of mail). The maximum weight for each container is 70 pounds.

16.1.2 Zone Prices

[Revise 16.1.2 as follows:]

Compute zone prices, for the applicable class of mail, from the accepting Post Office to the destination facility for the container (not the destination Post Office for the enclosed mail).

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16.1.5 Payment Method

[Revise the text in 16.1.5 as follows:]

Postage payment methods are as follows:

a. Postage on the enclosed mail may be paid by any method permitted for that mail class, except for ordinary postage stamps requiring cancellation.

b. Express Mail postage may be paid under any of the options listed in 414.1.1, except Click-N-Ship. Express Mail postage must be affixed to blue Tag 257, to yellow Tag 267, to the Open and Distribute tray box, or be part of the address label.

c. Priority Mail postage may be paid under 424.1.1. Priority Mail postage must be affixed to or hand-stamped on green Tag 161, pink Tag 190, the Open

and Distribute tray box, or be part of the address label.

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16.2 Basic Standards

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16.2.2 Content Standards

[Revise the DMM reference numbers in the parentheses at the end of the first sentence of 16.2.2 as follows:]

* * * (see 410 for Express Mail standards and 420 for Priority Mail standards). * * *

[Revise the last sentence of 16.2.2 as follows:]

* * * Mailers are not required to place bundles of mail in sacks or trays when all of the mail enclosed in an Open and Distribute sack is destined to a 5-digit facility and the Open and Distribute sack weighs at least five pounds.

16.3 Additional Standards for Express Mail Open and Distribute

16.3.1 Service Objectives

[Revise the first sentence in 16.3.1 as follows:]

The Express Mail service guarantee for Express Mail Open and Distribute is receipt by end of day (11:59 p.m.) and ends upon receipt by scan of the Express Mail Open and Distribute container at the destination postal facility. * * *

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16.5 Preparation

16.5.1 Containers for Expedited Transport

Acceptable containers for expedited transportation are as follows:

[Revise item 16.5.1a to reflect new tags as follows:]

a. An Express Mail Open and Distribute shipment must be contained in a USPS-approved sack using Tag 257 or Tag 267 or in a USPS-provided Express Mail Open and Distribute tray box (Tag 257 and Tag 267 are not required for tray boxes; only the 4x6 address label should be applied), except as provided in 16.5.1c and 16.5.1d.

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[Revise item 16.5.1c to reflect new labels as follows:]

c. An Express Mail or Priority Mail Open and Distribute shipment destined to a DDU may be contained in a USPS-provided Express Mail Flat Rate Envelope using Label 257S or Priority Mail Flat Rate Envelope and boxes using Label 190S.

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[Revise the heading of 16.5.2 as follows:]

16.5.2 Express Mail and Priority Mail Sack Labels

[Revise the text in 16.5.2 as follows:]

Labels for Express Mail or Priority Mail sacks containing Open and Distribute shipments must be barcoded and meet the requirements in 708.6.0. All lines of information must be completely visible when inserted into the label holder. Label sacks as follows:

a. Line 1 (destination line) provides information on the destination entry office where the enclosed mail is to be distributed.

1. For destination delivery unit (DDU) distribution, use the facility name and ZIP Code found in the Drop Shipment Address File available at the USPS FAST Web site at <https://fast.usps.com> (click Resources in the left-hand navigation bar, then "Go" for "Drop Ship Product File Download").

2. For SCF distribution, use the destination in L005, Column B.

3. For ADC distribution, use the destination in L004, Column B (Priority Mail Open and Distribute Only).

4. For NDC distribution, use the destination in L601, Column B.

5. For ASF distribution, use L602, Column B (Priority Mail Open and Distribute Only).

b. For Line 2 (content line), print "EXPRESS MAIL OPEN AND DIST" or "PRIORITY MAIL OPEN AND DIST," as applicable.

c. For Line 3 (origin line), show the city and state of the entry Post Office or the mailer's name and the city and state of the mailer's location. It is recommended that the mailer's name also appear with the city and state of the entry Post Office. See 708.6.2.5 for additional standards.

[Revise the tag numbers in the heading of 16.5.3 as follows:]

16.5.3 Tags 257 and 267—Express Mail Open and Distribute

[Revise the text in 16.5.3 as follows:]

Tag 257 and Tag 267 provide a place to affix Express Mail postage and the address label for the destination facility. Tag 257 or Tag 267 must be attached to each Express Mail sack, in addition to the Express Mail sack label, to identify it as an Express Mail Open and Distribute shipment as follows:

a. Attach Tag 267 to sacks used as Express Mail Open and Distribute containers destined to a NDC or SCF facility.

b. Attach Tag 257 to sacks used as Express Mail Open and Distribute containers destined to a DDU. Label

257S may be affixed to containers used for Express Mail Open and Distribute shipments prepared under 16.5.1c or 16.5.1d.

16.5.4 Tags 161 and 190—Priority Mail Open and Distribute

* * * Tag 161 or Tag 190 must be attached to each Priority Mail sack, in addition to the Priority Mail sack label, or container to identify it as a Priority Mail Open and Distribute shipment as follows:

* * * * *

[Revise the last sentence in item 16.5.4b as follows:]

b. * * * Label 190S may be affixed to containers used for Priority Mail Open and Distribute shipments prepared under 16.5.1c or 16.5.1d.

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16.5.6 Address Labels

[Revise the first sentence in 16.5.6 as follows:]

In addition to Tag 257, Tag 267, Tag 161, or Tag 190, USPS-provided containers and envelopes and mailer-supplied containers used for Express Mail Open and Distribute or Priority Mail Open and Distribute must bear an address label that states "OPEN AND DISTRIBUTE AT:" followed by the facility name. * * *

16.5.7 Address Label Service Barcode Requirement

[Revise the introductory text of 16.5.7 as follows:]

An electronic service barcode using the USS 128, USS 39, or Intelligent Mail package barcode (IMpb) (eVS approved mailers) symbology for Express Mail Open and Distribute, and the concatenated GS1-128 or IMpb symbology for Priority Mail Open and Distribute, must be incorporated in the address label. Mailers must prepare address labels using the formats in 16.5.8 through 16.5.12. The labels must include either a service type code "723" with an IMpb or "DB" prefix with a USS 128 or USS 39 barcode for Express Mail Open and Distribute or service type code "55" with a concatenated GS1-128 barcode or "123" with an IMpb for Priority Mail Open and Distribute, to identify the service. The human-readable text "USPS SCAN ON ARRIVAL" must appear above the barcode. USPS certification is required from the National Customer Support Center (NCSC) for each printer used to print barcoded open and distribute address labels, except for barcodes created using USPS Shipping Assistant. NCSC contact information, formatting

specifications for barcodes and electronic files, and certification, are included in Publication 91, *Confirmation Services Technical Guide*. Mailers can use the following options available to create a label with a service barcode for Express Mail Open and Distribute and Priority Mail Open and Distribute address labels:

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16.5.9 SCF Address Labels

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Exhibit 16.5.9 SCF Address Label

[Replace Exhibit 16.5.9 with an Express Mail Open and Distribute SCF label.]

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16.5.11 NDC Address Labels

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Exhibit 16.5.11 NDC Address Label

[Replace Exhibit 16.5.11 with an Express Mail Open and Distribute NDC label.]

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16.6 Enter and Deposit

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16.6.2 Entry

[Revise the first sentence of 16.6.2 as follows:]

A PS Form 3152, *Confirmation Services Certification*, (Priority Mail Open and Distribute) or PS Form 3152-E (Express Mail Open and Distribute) must accompany each Open and Distribute shipment. * * *

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

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2010-29801 Filed 11-24-10; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2009-0656; FRL-9230-3]

Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Mexico