

transmission of inspection data and facility certification status information in a format and timeframe determined by FDA.

(i) *Changes to standards.* A certification agency shall obtain FDA authorization for any changes it proposes to make in any standards that FDA has previously accepted under § 900.21 or this section.

§ 900.23 Evaluation.

FDA shall evaluate annually the performance of each certification agency. Such an evaluation shall include the use of performance indicators that address the adequacy of program performance in certification, inspection, and enforcement activities as well as any additional information deemed relevant by FDA that has been provided by the certification body or other sources or has been required by FDA as part of its oversight initiatives. The evaluation also shall include a review of any changes made in the standards or procedures in the areas listed in §§ 900.21(b) and 900.22 that have taken place since the original application or the last evaluation, whichever is most recent. The evaluation shall include a determination of whether there are major deficiencies in the certification agency's performance that, if not corrected, would warrant withdrawal of the approval of the certification agency under the provisions of § 900.24 or minor deficiencies that would require corrective action.

§ 900.24 Withdrawal of approval.

If FDA determines, through the evaluation activities of § 900.23, or through other means, that a certification agency is not in substantial compliance with this subpart, FDA may initiate the following actions:

(a) *Major deficiencies.* If FDA determines that a certification agency has demonstrated willful disregard for public health, has committed fraud, has failed to provide adequate resources for the program, has submitted material false statements to the agency, or has performed or failed to perform a delegated function in a manner that may cause serious risk to human health, FDA may withdraw its approval of that certification agency.

(1) FDA shall notify the certification agency of FDA's action and the grounds on which the approval was withdrawn.

(2) A certification agency that has lost its approval shall notify facilities certified or seeking certification by it as well as the appropriate accreditation bodies with jurisdiction in the State that its approval has been withdrawn. Such

notification shall be made within a timeframe and in a manner approved by FDA.

(b) *Minor deficiencies.* If FDA determines that a certification agency has demonstrated deficiencies in performing certification functions and responsibilities that are less serious or more limited than the deficiencies in paragraph (a) of this section, including failure to follow its own procedures and policies as approved by FDA, FDA shall notify the certification agency that it has a specified period of time to take particular corrective measures as directed by FDA or to submit to FDA for approval the certification agency's own plan of corrective action addressing the minor deficiencies. If the corrective actions are not being implemented satisfactorily or within the established schedule, FDA may place the agency on probationary status for a period of time determined by FDA, or may withdraw approval of the certification agency.

(1) Probationary status shall remain in effect until such time as the certification agency can demonstrate to the satisfaction of FDA that it has successfully implemented or is implementing the corrective action plan within the established schedule, and that the corrective actions have substantially eliminated all identified problems, or

(2) If FDA determines that a certification agency that has been placed on probationary status is not implementing corrective actions satisfactorily or within the established schedule, FDA may withdraw approval of the certification agency. The certification agency shall notify all facilities certified or seeking certification by it, as well as the appropriate accreditation bodies with jurisdiction in the State, of its loss of FDA approval, within a timeframe and in a manner approved by FDA.

(c) *Transfer of records.* A certification agency that has its approval withdrawn shall transfer facility records and other related information as required by FDA to a location and according to a schedule approved by FDA.

§ 900.25 Hearings and appeals.

(a) Opportunities to challenge final adverse actions taken by FDA regarding approval of certification agencies or withdrawal of approval of certification agencies shall be communicated through notices of opportunity for informal hearings in accordance with part 16 of this chapter.

(b) A facility that has been denied certification is entitled to an appeals process from the certification agency. The appeals process shall be specified

in writing by the certification agency and shall have been approved by FDA in accordance with §§ 900.21 and 900.22.

Dated: December 15, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

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POSTAL SERVICE

39 CFR Part 111

Amendments to Proposed Domestic Mail Manual Changes for Sacking and Palletizing Periodicals Nonletters and Standard Mail (A) Flats, for Traying First-Class Flats, and for Labeling Pallets

AGENCY: Postal Service.

ACTION: Proposed Rule; Amendment.

SUMMARY: This rule sets forth amendments to the proposed rule published in the **Federal Register** issue of February 29, 2000 (65 FR 10735). The Postal Service has determined to add a 5-digit scheme carrier routes sack and a 5-digit scheme carrier routes pallet to the proposed presort rules published in the aforementioned **Federal Register**.

Dates: Comments to this proposed rule amendment and to the proposed rule published February 29, 2000 (65 FR 10735) must be received on or before April 14, 2000.

ADDRESSES: Mail or deliver written comments to the Manager, Mail Preparation and Standards, USPS Headquarters, 475 L'Enfant Plaza SW, Room 6800, Washington, DC 20260-2413. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday at the Postal Service Library, 475 L'Enfant Plaza SW, Room 11-N, Washington DC.

FOR FURTHER INFORMATION CONTACT: Lynn Martin, (202) 268-6351, or Linda Kingsley, (202) 268-2252.

SUPPLEMENTARY INFORMATION: On February 29, 2000, the Postal Service published a proposed rule in the **Federal Register** (65 FR 10735). This proposed rule set forth, along with other proposed Domestic Mail Manual (DMM) changes, the addition of new DMM section M720. This proposed DMM M720, if adopted, will allow mailers to place carrier route, 5-digit automation rate, and 5-digit Presorted rate packages of Periodicals and Standard Mail (A) in the same 5-digit container. The new 5-digit containers are named "merged 5-digit" and if scheme sortation is opted

by the mailer, "merged 5-digit scheme." To use this new sortation option, it was proposed that mailers be required to use a new "Carrier Route Indicators" Field in the AMS City State Product to determine when such merged 5-digit or merged 5-digit scheme containers may be prepared.

The Postal Service is hereby amending that proposal by adding a new sack and pallet level, 5-digit scheme carrier routes, when Periodicals and Standard Mail (A) mailings are prepared using the new "Carrier Route Indicators" Field in the AMS City State Product with 5-digit scheme sortation using Labeling List L001 under proposed Domestic Mail Manual (DMM) sections M720.1.5, M720.1.7, M720.2.5, and M720.2.7 that were contained in the February 29 **Federal Register** (65 FR 10735).

The original proposed rule instructed mailers to prepare containers as follows if the City State Product indicates that mailers are not allowed to merge carrier route packages with 5-digit packages for any of the 5-digit ZIP Codes in an L001 scheme. For palletized mail, mailers were instructed to prepare a merged 5-digit scheme pallet containing carrier route packages for the scheme and a 5-digit scheme pallet containing the 5-digit packages of automation rate and Presorted rate packages. For sacked mail, mailers were instructed to prepare a merged 5-digit scheme sack(s) containing the carrier route packages for all 5-digit ZIP Codes in the scheme and to prepare separate 5-digit sacks containing packages of automation rate and Presorted rate mail for each 5-digit ZIP Code in the scheme.

The original proposal was to identify sacks and pallets containing only carrier route packages for a scheme as "merged" if they are created under DMM M720, even though the City State Product indicates that mailers may not merge carrier route packages with 5-digit packages for any of the 5-digit ZIP Codes in an L001 scheme. Upon further consideration, the Postal Service believes this proposal is inconsistent with the concept of "merging." This amendment to the proposed rule ensures that a "merged" sack or pallet is created, and identified accordingly, only when there is the possibility, based on the "Carrier Route Indicators" field in the AMS City State Product, that carrier route packages are allowed to be merged with 5-digit automation and Presorted rate packages for at least one of the 5-digit ZIP Codes in a scheme.

In instances when no 5-digit ZIP Codes in a scheme are permitted to be merged with carrier route packages based on the "Carrier Route Indicators"

field in the AMS City State product, the Postal Service is further proposing that mailers prepare and label any carrier route packages for the 5-digit ZIP Codes in the scheme as "5-digit scheme carrier routes" pallets or sacks. This new pallet and sack level is contained in amended DMM sections M720.1.5c, M720.1.7b, M720.2.5c, and M720.2.7b set forth in this proposal. These new container levels would be also consistent with the contents and identification of scheme pallets containing only carrier route packages prepared under proposed DMM M045.4.1a and M045.4.2a, and of scheme sacks containing only carrier route packages prepared under current DMM M200.3.1c and M620.4.2c.

This notice also amends proposed DMM sections M720.1.5e, M720.1.7e, M720.1.7f, M720.2.5e, M720.2.7e, and M720.2.7f, to clarify that 5-digit carrier routes pallets and sacks would be prepared only for 5-digit ZIP Codes that are not part of a scheme in L001 and that have an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages. Proposed DMM sections M720.1.5f and M720.2.5f are also amended to clarify that 5-digit sacks would only prepared for 5-digit ZIP Codes that have an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 USC 553 (b), (c)) regarding rulemaking by 39 USC 410, the Postal Service hereby gives notice of the following proposed revisions to the 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.

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, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual (DMM) as set forth below:

Domestic Mail Manual

M720 Merged Containerization of Periodicals and Standard Mail (A) Carrier Route, Automation, and Presorted Rate Mail Packages for the Same 5-Digit ZIP Code or 5-Digit Scheme

1.0 PERIODICALS MAIL

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[Amend proposed 1.5 to read as follows:]

1.5 *Optional Sack Preparation and Labeling With Scheme Sort*

When mailers choose to prepare mail under this option they must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 1.5a through e as described below. When sortation under this section is performed, merged 5-digit scheme sacks, 5-digit scheme carrier routes sacks, and merged 5-digit sacks must be prepared for all possible 5-digit schemes or 5-digit ZIP Codes as applicable, using L001 (merged 5-digit scheme and 5-digit scheme carrier routes sort only) and the Carrier Route Indicators field in the City State Product when there is enough volume for the 5-digit scheme or 5-digit ZIP Code to prepare such sacks under 1.5. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, "FLTS" must be shown as the processing category shown on the sack label. If a mailing job does not contain an automation rate mailing and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use "IRREG" for the processing category on the contents line of the label.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 24 or more pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR" for basic rate, "WSH" for high density rate, or "WSS" for saturation

rate, followed by the route type and number.

b. Merged 5-Digit Scheme. Required and permitted only when there is at least one 5-digit ZIP Code in the scheme for which the City State Product indicates carrier route packages may be co-containerized with 5-digit packages. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages. When preparation of this sack level is permitted, a sack must be prepared if there are any carrier route package(s) for the scheme. If there is not at least one carrier route package for any 5-digit destination in the scheme, preparation of this sack is required at 24 pieces in 5-digit packages for any of the 5-digit ZIP Codes in the scheme that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages, and is optional with one six-piece 5-digit package or at least one 5-digit package of fewer pieces for the scheme in L001 under 1.3 (for any ZIP Codes that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages). For a 5-digit ZIP Code(s) in a scheme for which the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages, prepare a 5-digit sack(s) for the automation rate and Presorted rate packages under 1.5f. For 5-digit ZIP Codes not included in a scheme, prepare sacks under 1.5d through g.

(1) Line 1: use L001, Column B.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR/5D SCH."

c. 5-Digit Scheme Carrier Routes. Required. May contain only carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for any of the 5-digit ZIP Codes in the scheme. Must be prepared if there are any carrier route package(s) for the scheme.

(1) Line 1: use L001, Column B.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR-RTS SCH."

d. Merged 5-Digit. Required. Must be prepared only for those 5-digit ZIP

Codes that are not part of a scheme and that have an indicator in the City State Product that allows carrier route packages to be co-containerized with 5-digit packages. May contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there are any carrier route packages for the 5-digit. If there is not at least one carrier route package for the 5-digit destination, preparation of this sack is required at 24 pieces in 5-digit packages for the same 5-digit destination, and is optional with one six piece package or at least one package of fewer pieces under 1.3.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR/5D."

e. 5-Digit Carrier Routes. Required. Sack only carrier route packages for a 5-digit ZIP Code remaining after preparing sacks under 1.5a through d to this level. May contain only carrier route packages for any 5-digit ZIP Code that is not part of a scheme listed in L001 and the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for the 5-digit ZIP Code. No sack minimum.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR-RTS."

f. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages for any 5-digit ZIP Code when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for the 5-digit ZIP Code. Must be prepared at 24 or more pieces, optional with one six-piece package or at least one package of fewer pieces under 1.3.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS 5D BC/NBC", except if there are no automation rate packages in the mailing job, label under M200.3.2f.

g. Three-digit through mixed ADC sacks. Any 5-digit packages remaining after preparing sacks under 1.5a through f, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirements under M710.2.0 for co-sacking of automation rate and Presorted rate packages, except if there

are no automation rate packages in the mailing job, sack and label under M200.3.0.

* * * * *

[Amend proposed 1.7 to read as follows:]

1.7 Optional Pallet Preparation and Labeling With Scheme (L001) Sort

When mailers choose to prepare mail under this option they must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this option is performed, mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product as applicable. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031. If, due to the physical size of the mailpieces, the automation rate pieces are considered flat-size under C820 and the carrier route sorted pieces and Presorted rate pieces are considered irregular parcels under C050, "FLTS" must be shown as the processing category shown on the sack label. If a mailing contains no automation rate pieces and the carrier route mailing and the Presorted rate mailing are irregular parcel shaped, use "IRREG" for the processing category on the contents line of the label.

a. Merged 5-Digit Scheme. Required and permitted only when there is at least one 5-digit ZIP Code in the scheme for which the City State Product indicates carrier route packages may be co-containerized with 5-digit packages. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR/5D SCHEME."

b. 5-Digit Scheme Carrier Routes. Required. May contain only carrier route packages and bundles for all carrier routes in an L001 scheme when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for any of the 5-digit ZIP Codes in the scheme.

(1) Line 1: use L001, Column B.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR-RTS SCHEME."

c. 5-Digit Scheme. Required. May contain only 5-digit packages and bundles of automation rate and Presorted rate mail for the same 5-digit scheme under L001 for ZIP Codes in the scheme that have an indicator in the City State Product that does not allow carrier route packages to be co-containerized with 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "5D," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail, followed by "SCHEME" or "SCH."

d. Merged 5-Digit. Required. May contain carrier route packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CR/5D."

e. 5-Digit Carrier Routes. Required. May contain only carrier route rate packages and bundles for the same 5-digit ZIP Code that is not part of a scheme and that has an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "CARRIER ROUTES" or "CR-RTS."

f. 5-Digit. Required. May contain only automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for the same 5-digit ZIP Code that is not part of a scheme and that has an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "5D," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

g. 3-Digit. Optional. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "3D," followed by "DDU" if DDU rates are claimed, followed by "DSCF" if SCF rates are claimed, followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

h. SCF. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "SCF," followed by "DDU" if DDU rates are claimed, followed by "DSCF" if SCF rates are claimed, followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

i. ADC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L004.

(2) Line 2: "PER" or "NEWS" as applicable, followed by "FLTS" or "IRREG" as applicable, followed by "ADC," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

2.0 STANDARD MAIL (A)

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[Amend proposed 2.5 to read as follows:]

2.5 Optional Sack Preparation and Labeling With Scheme Sort

When mailers choose to prepare mail under this option they must prepare sacks containing the individual carrier route and 5-digit packages from the carrier route rate, automation rate, and Presorted rate mailings in the mailing job in the following manner and sequence. All carrier route packages must be placed in sacks under 2.5a through e as described below. When sortation under this section is

performed, merged 5-digit scheme sacks, 5-digit scheme carrier routes sacks, and merged 5-digit sacks must be prepared for all possible 5-digit schemes or 5-digit ZIP Codes as applicable, using L001 (merged 5-digit scheme and 5-digit scheme carrier routes sort only) and the Carrier Route Indicators field in the City State Product when there is enough volume for the 5-digit scheme or 5-digit ZIP Code to prepare such sacks under 2.5. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032.

a. Carrier Route. Required. May only contain carrier route packages. Must be prepared when there are 125 pieces or 15 pounds of pieces for the same carrier route. Smaller volume not permitted.

(1) Line 1 labeling: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2 labeling: "STD FLTS" followed by "ECLLOT," "ECRWSH" or "ECRWSS" as applicable for basic, high density, and saturation rate mail, followed by the route type and number.

b. Merged 5-Digit Scheme. Required and permitted only when there is at least one 5-digit ZIP Code in the scheme for which the City State Product indicates carrier route packages may be co-containerized with 5-digit packages. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages. When preparation of this sack level is permitted, a sack must be prepared if there are any carrier route package(s) for the scheme. If there is not at least one carrier route package for any 5-digit destination in the scheme, preparation of this sack is required when there are at least 125 pieces or 15 pounds of pieces in 5-digit packages for any of the 5-digit ZIP Codes in the scheme that are identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages (smaller volume not permitted). For a 5-digit ZIP Code(s) in a scheme for which the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages, prepare a 5-digit sack(s) for the automation rate and Presorted rate packages under 2.5f. For 5-digit ZIP Codes not included in a scheme, prepare sacks under 2.5d through g.

(1) Line 1: use L001, Column B.

(2) Line 2: "STD FLTS CR-RTS SCH."

c. 5-Digit Scheme Carrier Routes. 5-Digit Scheme Carrier Routes. Required. May contain only carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for any of the 5-digit ZIP Codes in the scheme. Must be prepared if there are any carrier route package(s) for the scheme.

(1) Line 1: use L001, Column B.

(2) Line 2: "STD FLTS CR-RTS SCH."

d. Merged 5-Digit. Required. Must be prepared only for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows carrier route packages to be co-containerized with 5-digit packages. May contain carrier route packages, automation rate 5-digit packages, and Presorted rate 5-digit packages. Must be prepared if there are any carrier route packages for the 5-digit. If there is not at least one carrier route package for the 5-digit destination, must be prepared when there are at least 125 pieces or 15 pounds of pieces in 5-digit packages for the same 5-digit destination (smaller volume not permitted).

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "STD FLTS CR-5D."

e. 5-Digit Carrier Routes. Required. Sack only carrier route packages for a 5-digit ZIP Code remaining after preparing sacks under 2.5a through d to this level. May contain only carrier route packages for any 5-digit ZIP Code that is not part of a scheme listed in L001 and the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for the 5-digit ZIP Code. No sack minimum.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "STD FLTS CR-RTS."

f. 5-Digit. Required. May only contain automation rate 5-digit packages and Presorted rate 5-digit packages for any 5-digit ZIP Code when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for the 5-digit ZIP Code. Must be prepared when there are at least 125 pieces or 15 pounds of pieces for the 5-digit ZIP Code. Smaller volume not permitted.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M032 for military mail).

(2) Line 2: "STD FLTS 5D BC/NBC," except if there are no automation rate packages in the mailing job use "STD FLTS 5D NON BC."

g. Three-digit through Mixed AADC Sacks. Any 5-digit packages remaining after preparing sacks under 2.5 a through f, and all 3-digit, ADC, and Mixed ADC packages, must be sacked and labeled according to the applicable requirements under M710.3.0 for co-sacking of automation rate and Presorted rate packages, except if there are no automation rate packages in the mailing job, sack and label under M610.

* * * * *

[Amend proposed 2.7 to read as follows:]

2.7 Optional Pallet Preparation and Labeling With Scheme (L002) Sort

When mailers choose to prepare mail under this option they must prepare pallets of packages and/or bundles in the manner and sequence listed below and under M041. When sortation under this option is performed, mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product as applicable. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

a. Merged 5-Digit Scheme. Required and permitted only when there is at least one 5-digit ZIP Code in the scheme for which the City State Product indicates carrier route packages may be co-containerized with 5-digit packages. May contain carrier route packages for any 5-digit ZIP Code(s) in a single scheme listed in L001 as well as automation rate 5-digit packages and Presorted rate 5-digit packages for those 5-digit ZIP Codes in the scheme that are also identified in the City State Product as eligible for co-containerization of carrier route packages and 5-digit packages. When preparation of this sack level is permitted, a sack must be prepared if there are any carrier route package(s) for the scheme. For 5-digit ZIP Codes in a scheme for which the indicator in the Carrier Route Indicators field does not allow co-containerization of carrier route and 5-digit packages, begin preparing pallets under 2.7c (5-digit scheme pallet). For 5-digit ZIP Codes not included in a scheme, begin preparing pallets under 2.7d (merged 5-digit pallet).

(1) Line 1: labeling: use L001, Column B.

(2) Line 2: "STD FLTS CR-5D SCHEME."

b. 5-Digit Scheme Carrier Routes. Required. May contain only carrier route packages and bundles for all

carrier routes in an L001 scheme when the indicator in the City State Product does not allow co-containerization of carrier route packages and 5-digit packages for any of the 5-digit ZIP Codes in the scheme.

(1) Line 1: use L001, Column B.

(2) Line 2: "STD FLTS CR-RTS SCHEME."

c. 5-Digit Scheme. Required. May contain 5-digit packages and bundles of automation rate and 5-digit Presorted rate mail for the same 5-digit scheme under L001 for ZIP Codes in the scheme that do not have an indicator in the City State Product that allows co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use L001, Column B.

(2) Line 2: STD FLTS 5D," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail, followed by "SCHEME" or "SCH."

d. Merged 5-Digit. Required. May contain carrier route rate packages and bundles, automation rate 5-digit packages and bundles, and Presorted rate 5-digit packages and bundles for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that allows co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "STD FLTS CR/5D."

e. 5-Digit Carrier Routes. Required. May contain only carrier route rate packages and bundles for the same 5-digit ZIP Code for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "STD FLTS," followed by "CARRIER ROUTES" or "CR-RTS."

f. 5-Digit. Required. May contain automation rate 5-digit packages and bundles and Presorted rate 5-digit packages and bundles for the same 5-digit ZIP Code for those 5-digit ZIP Codes that are not part of a scheme and that have an indicator in the City State Product that does not allow co-containerization of carrier route packages and 5-digit packages.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "STD FLTS 5D," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and

followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

g. 3-Digit. Optional. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column A.

(2) Line 2: "STD FLTS 3D," followed by "DDU" if DDU rates are claimed, followed by "DSCF" if DSCF rates are claimed, followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

h. SCF: Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles.

(1) Line 1: use L002, Column C.

(2) Line 2: "STD FLTS SCF," followed by "DDU" if DDU rates are claimed, followed by "DSCF" if DSCF rates are claimed; followed by "BARCODED" or "BC" if the pallet contains automation rate mail; and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

i. If DBMC rates are not claimed: Destination BMC. Required. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Sort ADC packages and bundles to BMC pallets based on the "label to" ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L601.

(2) Line 2: "STD FLTS BMC," followed by "BARCODED" or "BC" if the pallet contains automation rate mail, and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

j. If DBMC rates are claimed: Destination ASF/BMC. May contain carrier route rate, automation rate, and Presorted rate packages and bundles. Destination ASF sortation allowed and required only if DBMC rate is claimed for mail deposited at an ASF, otherwise sort to Destination BMC. Sort ADC packages and bundles to ASF/BMC pallets based on the "label to" ZIP Code shown for the ADC of the package or bundle in L004.

(1) Line 1: use L602.

(2) Line 2: "STD FLTS," followed by "ASF" or "BMC" as applicable; followed by "BARCODED" or "BC" if the pallet contains automation rate mail; and followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-225-0230; FRL-6567-3]

Proposed Approval and Promulgation of State Implementation Plans; California—Santa Barbara Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Santa Barbara's 1998 Clean Air Plan (CAP), submitted by the California Air Resources Board (CARB). The Santa Barbara County Air Pollution Control District (SBCAPCD) adopted the plan to meet the Clean Air Act (CAA) requirements for ozone areas classified as serious. EPA is proposing to approve this revision to the California State Implementation Plan (SIP) under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: We must receive your written comments on this proposal by May 1, 2000.

ADDRESSES: Please address your comments to the EPA contact below. You may inspect and copy the rulemaking docket for this notice at the following location during normal business hours. We may charge you a reasonable fee for copying parts of the docket.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the SIP materials are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, CA 92123-1095.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117.

Santa Barbara's 1998 Clean Air Plan is available electronically at: <http://www3.sbcapcd.org/capes.htm>

FOR FURTHER INFORMATION CONTACT: Dave Jesson, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1288. E-mail: jesson.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What Action Are We Proposing?

This Santa Barbara SIP revision addresses applicable CAA requirements

for serious ozone nonattainment areas, including a demonstration of attainment by the statutory deadline of November 15, 1999.¹ We are proposing to approve the Santa Barbara ozone SIP with respect to its emissions inventories, control measures, 1999 rate-of-progress (ROP) plan, attainment plan, and transportation budgets. As discussed in section III.H., the 1998 CAP supersedes most portions of the 1994 ozone SIP for Santa Barbara, which we approved on January 8, 1997 (62 FR 1187-1190).

II. What Clean Air Act Provisions Apply to This Plan?

A. What Is the Ozone NAAQS?

Under section 109 of the CAA, we established NAAQS for ozone in 1979. 44 FR 8220 (February 8, 1979). The 1-hour NAAQS for ozone is 0.12 parts per million (ppm). Ground-level ozone is formed when nitrogen oxides (NO_x) and volatile organic compounds (VOCs) react in the presence of sunlight, generally at elevated temperatures.² Strategies for reducing smog typically require reductions in both VOC and NO_x emissions.

Ozone causes serious health problems, particularly in children, by damaging lung tissue and sensitizing the lungs to other irritants. Even at very low levels, ozone can cause acute respiratory problems; aggravate asthma; cause temporary decreases in lung capacity of 15 to 20 percent in healthy adults, cause inflammation of lung tissue; lead to hospital admissions and emergency room visits; and impair the body's immune system defenses, making people more susceptible to respiratory illnesses, including bronchitis and pneumonia. Children are most at risk from exposure to ozone because they breathe more air per pound of body weight than adults, their respiratory systems are still developing and thus are more susceptible to environmental threats, and children exercise outdoors more than adults.

B. What Requirements Apply to This SIP Revision?

The most fundamental of the CAA provisions for ozone nonattainment areas is the requirement that the State submit a SIP demonstrating attainment of the NAAQS as expeditiously as practicable but no later than the

¹ Santa Barbara County was originally classified as a moderate area, but failed to attain the ozone NAAQS by the November 15, 1996, statutory deadline, and was reclassified as serious on December 10, 1997 (62 FR 65025-65030).

² The 1998 CAP generally substitutes the terms reactive organic gases (ROG) for VOC. These terms are essentially synonymous and are used interchangeably throughout this document.