

Jennifer S. McGinty, (202) 622-4570; concerning submissions of comments, Guy Traynor (202) 622-7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### Background

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Procedure and Administration Regulations (26 CFR Part 301) relating to section 6103(j)(5). The temporary regulations contain rules relating to the disclosure of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities.

The text of the temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary regulations and these proposed regulations.

##### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to this regulation, and because this regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this proposed regulation will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

##### Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any electronic and written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. Additionally, the IRS and Treasury Department specifically request comments on the clarity of the proposed regulation and how it can be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information: The principal author of this regulation is Jennifer S. McGinty, Office of the Assistant Chief Counsel (Disclosure Litigation), IRS. However, other personnel from the IRS and Treasury Department participated in its development.

#### List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

#### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

#### PART 301—PROCEDURE AND ADMINISTRATION

**Paragraph 1.** The authority citation for part 301 is amended by adding an entry in numerical order to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

Section 301.6103(j)(5)-1 also issued under 26 U.S.C. 6103(j)(5); \* \* \*

**Par. 2.** Section 301.6103(j)(5)-1 is added to read as follows:

#### **§ 301.6103(j)(5)-1 Disclosures of return information to officers and employees of the Department of Agriculture for certain statistical purposes and related activities.**

[The text of this proposed section is the same as the text of § 301.6103(j)(5)-1T published elsewhere in this issue of the **Federal Register**.]

**Robert E. Wenzel,**

*Acting Commissioner of Internal Revenue.*

[FR Doc. 00-55 Filed 1-3-00; 8:45 am]

**BILLING CODE 4830-01-U**

#### POSTAL SERVICE

##### 39 CFR Part 111

#### **Preparation Changes for Palletized Standard Mail (A) and Bound Printed Matter and for Standard Mail (A) and Standard Mail (B) Claimed at DBMC Rates**

**AGENCY:** Postal Service, USPS.

**ACTION:** Proposed rule.

**SUMMARY:** The USPS proposes changes to the Domestic Mail Manual (DMM) that would require mailers to utilize one Labeling List (L605) for Standard Mail (A) packages of flats, letter trays, and sacks prepared on pallets, regardless of whether the mail is prepared for entry at destination bulk mail center (DBMC) rates; to require mailers to utilize Labeling List L605 for Standard Mail (A)

and Standard Mail (B) machinable parcels prepared in sacks or on pallets when mail for auxiliary service facility (ASF) service areas is prepared for and claimed at DBMC rates; to implement package reallocation between ASFs and BMCs for Standard Mail (A) packages of flats placed on pallets; and to utilize Labeling List L605 for the preparation of all Standard Mail (B) when mail for ASF service areas is prepared for and claimed at DBMC rates and for Bound Printed Matter other than machinable parcels prepared on pallets.

**DATES:** Comments must be received on or before February 3, 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 20260-2405. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday at USPS Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor N, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Karen A. Magazino, (202) 268-3854 or Barry Elliott, (202) 268-2731.

**SUPPLEMENTARY INFORMATION:** Two labeling lists currently are used by mailers to prepare Standard Mail (A) machinable parcels and all Standard Mail (A) placed on pallets. Generally, when a mailing is being prepared, either DMM Labeling List L601 or Labeling List L602 is used to sort the mail, depending on whether or not the mailer is planning to claim DBMC rates. Regardless of which list is used, the overall result is less than optimal because L601 does not include the ASFs as a separate sort level and L602 does not include ZIP Codes for offshore destinations. L601 also is used to sort Standard Mail (B) machinable parcels. ASFs are not included on L601 because the Postal Service wants to direct machinable parcels to BMCs, where they are processed on parcel sorting machines. Consequently, when Standard Mail (A) flats, letter trays, and sacks are not being prepared for drop shipment at DBMC rates and Labeling List L601 is used, the beneficial ASF pallets are not prepared, even when there is sufficient volume (e.g., 500 pounds) to prepare such pallets. Consequently, the mail for the ASF service area is placed on a BMC service area pallet and must be processed by the parent BMC.

Labeling List L602 is used to define DBMC rate eligibility for Standard Mail. Because mail for offshore destinations is not entitled to DBMC rates, these ZIP

Codes are not included in L602 and mail for such destinations cannot currently be placed on DBMC pallets prepared using this list. The 3-digit service areas that are considered offshore destinations are 006–009, 967–969, and 995–999. As a result, when a mailer sorts an address file for entry at DBMC rates using this labeling list, the offshore mail is generally entered at origin and must be processed at the origin BMC and transported through the postal network to the destination BMC serving the offshore destination. This mail is frequently placed in sacks because it cannot be placed on DBMC pallets and it is not permissible to prepare packages of flats on mixed BMC pallets. Ultimately, the preparation and entry point of the offshore mail is determined by which labeling list is used to prepare the mailing.

#### **Proposal To Use One Labeling List (L605) for Standard Mail (A) Flats, Letter Trays and Sacks Prepared on Pallets**

The Mailers' Technical Advisory Committee (MTAC) approved a work group, the Presort Optimization Work Group, comprised of representatives of the Postal Service, presort software vendors, mail owners, and printers, to identify opportunities to improve the overall presort of mailings. This group identified the two anomalies discussed above. They indicated that the most viable solution for the offshore mail is to allow it to ride along on DBMC pallets (or in sacks if machinable parcels) that may be drop shipped to destination BMCs.

Based on the input of the MTAC Work Group, the Postal Service proposes to address these anomalies by requiring mailers to use a single Labeling List, L605, for all Standard Mail (A) flats, letter trays, and sacks prepared on pallets, regardless of where the mail is deposited or what rates are claimed. L605 delineates the ASF service areas and also includes the ZIP Codes for the offshore destinations within their respective BMC service areas. With this change, the offshore mail will "ride along" with the DBMC mail but will not be eligible for the DBMC discount. The benefit is that the handling of offshore mail at the origin BMC will be bypassed and service to the offshore mail should improve. The three BMCs (New Jersey, San Francisco, and Seattle) that presently service offshore destinations

are already receiving BMC service area pallets and sacks that contain offshore mail prepared using Labeling List L601. Therefore, the addition of offshore mail to these DBMC containers should have no negative impact.

Requiring the use of Labeling List L605 for all Standard Mail (A) flats, letter trays, and sacks prepared on pallets will also ensure that the eight ASFs are always included in the presort logic hierarchy and that ASF pallets are prepared when the volume warrants.

Labeling List L601 will be retained and will continue to be applicable for Standard Mail (A) and Standard Mail (B) machinable parcels, except when mail for ASF service areas is prepared for and claimed at DBMC rates.

Current Labeling List L602, which contains the ZIP Code ranges for DBMC rate eligibility will be deleted from the Domestic Mail Manual. This information will appear, instead, in DMM Module E. This revision will not change current standards for DBMC rate eligibility.

#### **Package Reallocation of Packages of Standard Mail (A) Flats To Protect the BMC Pallet**

To ensure that the creation of an ASF pallet is not detrimental to a BMC pallet, the Postal Service also proposes to allow protection of the BMC pallet through the optional use of package reallocation between a "child" ASF and the "parent" BMC pallet. Package reallocation for protecting a BMC pallet is similar to the option implemented on July 29, 1999, for protecting the SCF pallet. In protecting a BMC pallet, any amount of mail necessary to achieve the minimum BMC pallet weight could be reallocated from one ASF pallet and the ASF pallet could be eliminated if necessary. Mailers who choose to utilize package reallocation to protect the BMC pallet must use Presort Accuracy Validation and Evaluation (PAVE) certified presort software.

#### **Utilization of DMM Labeling Lists L601 and L605 for Preparation of Standard Mail (B)**

The proposed elimination of L602 also affects Parcel Post (Parcel Select) claimed at DBMC rates because that list is currently used to define eligibility and preparation for all mail claimed at those rates. Accordingly, the Postal Service proposes that all Standard Mail (B) entered at BMCs or ASFs for DBMC

rates be prepared using L605 and DBMC rate eligibility, which would not change, will be determined based on an exhibit in DMM E652. In addition, palletized Bound Printed Matter (other than machinable parcels) will be prepared using L605 for sortation to ASF/BMC pallets. L605 will also remain applicable for BMC Presort and OBMC presort of nonmachinable Parcel Post. L601 will continue to be used for machinable parcels except when mail for ASF service areas is prepared for and claimed at DBMC rates.

The proposed implementation date for all of the changes contained in this proposed rule is July 13, 2000.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following revisions of 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 (DMM)**

##### **E. Eligibility**

\* \* \* \* \*

##### **E651 Regular, Nonprofit, and Enhanced Carrier Route Standard Mail**

\* \* \* \* \*

#### **5.0 DBMC DISCOUNT**

[Amend 5.1 by replacing "L602" with "Exhibit 5.1" to read as follows.]

##### **5.1 Definition**

For this standard, destination bulk mail center (DBMC) includes all bulk mail centers (BMCs) and auxiliary service facilities (ASFs) as shown in Exhibit 5.1.

[Add new Exhibit 5.1.]

#### **EXHIBIT 5.1.—BMC/ASF—DBMC RATES**

Eligible destination ZIP codes	Entry BMC/ASF
005, 068–079, 085–098, 100–119, 124–127, 340 .....	BMC NEW JERSEY NJ 00102.

## EXHIBIT 5.1.—BMC/ASF—DBMC RATES—Continued

Eligible destination ZIP codes	Entry BMC/ASF
010–067, 120–123, 128, 129 .....	BMC SPRINGFIELD MA 05500.
130–136, 140–149 .....	ASF BUFFALO NY 140.
150–168, 260–266, 439–447 .....	BMC PITTSBURGH PA 15195.
080–084, 137–139, 169–199 .....	BMC PHILADELPHIA PA 19205.
200–212, 214–239, 244, 254, 267, 268 .....	BMC WASHINGTON DC 20499.
240–243, 245–249, 270–297, 376 .....	BMC GREENSBORO NC 27075.
298, 300–312, 317–319, 350–352, 354–368, 373, 374, 377–379, 399 .....	BMC ATLANTA GA 31195.
299, 313–316, 320–339, 341, 342, 344, 346, 347, 349 .....	BMC JACKSONVILLE FL 32099.
369–372, 375, 380–397, 700, 701, 703–705, 707, 708, 713, 714, 716, 717, 719–729 .....	BMC MEMPHIS TN 38999.
250–253, 255–259, 400–418, 421, 422, 425–427, 430–433, 437, 438, 448–462, 469–474 .....	BMC CINCINNATI OH 45900.
434–436, 465–468, 480–497 .....	BMC DETROIT MI 48399.
500–516, 520–528, 612, 680, 681, 683–689 .....	BMC DES MOINES IA 50999.
498, 499, 540–551, 553–564, 566 .....	BMC MPLS/ST PAUL MN 55202.
570–577 .....	ASF SIOUX FALLS SD 570.
565, 567, 580–588. ....	ASF FARGO ND 580.
590–599, 821 .....	ASF BILLINGS MT 590.
463, 464, 530–532, 534, 535, 537–539, 600–611, 613 .....	BMC CHICAGO IL 60808.
420, 423, 424, 475–479, 614–620, 622–631, 633–639 .....	BMC ST LOUIS MO 63299.
640, 641, 644–658, 660–662, 664–679, 739 .....	BMC KANSAS CITY KS 64399.
730, 731, 734–738, 740, 741, 743–746, 748, 749 .....	ASF OKLAHOMA CITY OK 730.
706, 710–712, 718, 733, 747, 750–799, 885 .....	BMC DALLAS TX 75199.
690–693, 800–816, 820, 822–831 .....	BMC DENVER CO 80088.
832–834, 836, 837, 840–847, 893, 898, 979 .....	ASF SALT LAKE CTY UT 840
850, 852, 853, 855–857, 859, 860, 863, 864 .....	ASF PHOENIX AZ 852.
865, 870–875, 877–884 .....	ASF ALBUQUERQUE NM 870.
889–891, 900–908, 910–928, 930–935 .....	BMC LOS ANGELES CA 90901.
894, 895, 897, 936–966 .....	BMC SAN FRANCISCO CA 94850.
835, 838, 970–978, 980–986, 988–994 .....	BMC SEATTLE WA 98000.

## 5.2 Eligibility

[Amend 5.2 by replacing “BMC or ASF” with “DBMC” to read as follows:]

Pieces in a mailing that meet the standards in 1.0 through 5.0 are eligible for the DBMC rate when deposited at a BMC or ASF, addressed for delivery within that facility’s service area (ZIP Code range), and placed in a tray, sack, or pallet (subject to the standards for the rate claimed) that is labeled to that BMC or ASF or to a postal facility within its service area. With the exception of pieces for 3-digit service areas that are not listed in Exhibit 5.1, all pieces in an ADC or AADC sack or tray are eligible for the DBMC discount if the ADC or AADC facility ZIP Code (as shown on Line 1 of the corresponding container label) is within the service area of the BMC or ASF at which the sack or tray is deposited. With the exception of pieces for 3-digit service areas that are not listed in Exhibit 5.1, all pieces in a palletized ADC package are eligible for the DBMC discount if the ADC facility that is the destination of the package (determined by using the label to ZIP Code in Column B of L004) is within the

service area of the BMC or ASF at which it is deposited. DBMC rate mail may also be eligible for a presort or automation discount, subject to the corresponding standards.

\* \* \* \* \*

**E652 Parcel Post****1.0 BASIC STANDARDS**

\* \* \* \* \*

**1.2 General**

[Revise 1.2 to read as follows:]

For Parcel Post mailings claimed at DBMC, DSCF, and DDU rates, pieces must meet the applicable standards in 1.0 through 6.0 and meet the following criteria:

- May be bedloaded, on pallets, in pallet boxes on pallets, in sacks, or in other authorized containers as specified in 2.0 through 6.0, depending on the facility at which the pieces are deposited.
- May not be plant-loaded.
- Be part of a single mailing of 50 or more pieces that are eligible for and claimed at any Parcel Post rate or rates.
- Be deposited at a destination BMC (DBMC) or auxiliary service facility or

other equivalent facility; destination sectional center (DSCF); or destination delivery unit (DDU) as applicable for the rate claimed and as specified by the USPS.

- Be addressed for delivery within the ZIP Code ranges that the applicable entry facility serves.

[Revise 1.3 to read as follows:]

**1.3 DBMC Rates**

For DBMC rates, pieces must meet the applicable standards in 1.0 through 6.0. In addition, pieces must be part of a Parcel Post mailing that is deposited at a BMC or ASF under L605, the pieces deposited at each BMC or ASF must be addressed for delivery within the ZIP Code range of that facility, must be within a ZIP Code eligible for DBMC rates under Exhibit 1.3, and must be prepared in accordance with M041 and M045 or M630. Mail meeting the additional criteria in 5.0 may be deposited at a designated facility other than the BMC or ASF where the DBMC parcels would otherwise be deposited. [Add new Exhibit 1.3]

## EXHIBIT 1.3.—BMC/ASF—DBMC RATES

Eligible destination ZIP codes	Entry BMC/ASF
005, 068–079, 085–098, 100–119, 124–127, 340 .....	BMC NEW JERSEY NJ 00102.
010–067, 120–123, 128, 129 .....	BMC SPRINGFIELD MA 05500.

## EXHIBIT 1.3.—BMC/ASF—DBMC RATES—Continued

Eligible destination ZIP codes	Entry BMC/ASF
130–136, 140–149 .....	ASF BUFFALO NY 140.
150–168, 260–266, 439–447 .....	BMC PITTSBURGH PA 15195.
080–084, 137–139, 169–199 .....	BMC PHILADELPHIA PA 19205.
200–212, 214–239, 244, 254, 267, 268 .....	BMC WASHINGTON DC 20499.
240–243, 245–249, 270–297, 376 .....	BMC GREENSBORO NC 27075.
298, 300–312, 317–319, 350–352, 354–368, 373, 374, 377–379, 399 .....	BMC ATLANTA GA 31195.
299, 313–316, 320–339, 341, 342, 344, 346, 347, 349 .....	BMC JACKSONVILLE FL 32099.
369–372, 375, 380–397, 700, 701, 703–705, 707, 708, 713, 714, 716, 717, 719–729 .....	BMC MEMPHIS TN 38999.
250–253, 255–259, 400–418, 421, 422, 425–427, 430–433, 437, 438, 448–462, 469–474 .....	BMC CINCINNATI OH 45900.
434–436, 465–468, 480–497 .....	BMC DETROIT MI 48399.
500–516, 520–528, 612, 680, 681, 683–689 .....	BMC DES MOINES IA 50999.
498, 499, 540–551, 553–564, 566 .....	BMC MPLS/ST PAUL MN 55202.
570–577 .....	ASF SIOUX FALLS SD 570.
565, 567, 580–588 .....	ASF FARGO ND 580.
590–599, 821 .....	ASF BILLINGS MT 590.
463, 464, 530–532, 534, 535, 537–539, 600–611, 613 .....	BMC CHICAGO IL 60808.
420, 423, 424, 475–479, 614–620, 622–631, 633–639 .....	BMC ST LOUIS MO 63299.
640, 641, 644–658, 660–662, 664–679, 739 .....	BMC KANSAS CITY KS 64399.
730, 731, 734–738, 740, 741, 743–746, 748, 749 .....	ASF OKLAHOMA CITY OK 730.
706, 710–712, 718, 733, 747, 750–799, 885 .....	BMC DALLAS TX 75199.
690–693, 800–816, 820, 822–831 .....	BMC DENVER CO 80088.
832–834, 836, 837, 840–847, 893, 898, 979 .....	ASF SALT LAKE CTY UT 840.
850, 852, 853, 855–857, 859, 860, 863, 864 .....	ASF PHOENIX AZ 852.
865, 870–875, 877–884 .....	ASF ALBUQUERQUE NM 870.
889–891, 900–908, 910–928, 930–935 .....	BMC LOS ANGELES CA 90901.
894, 895, 897, 936–966 .....	BMC SAN FRANCISCO CA 94850.
835, 838, 970–978, 980–986, 988–994 .....	BMC SEATTLE WA 98000.

[Redesignate 1.4 through 1.5 as 1.5 through 1.6 and insert new number 1.4 to read as follows:

#### 1.4 DSCF and DDU Rates

For DSCF and DDU rates, pieces must meet the applicable standards in 1.0 through 1.6 and meet the following criteria:

[Move former 1.3 (e) and (f) to new section as 1.4 (a) and (b).]

\* \* \* \* \*

#### L Labeling Lists

\* \* \* \* \*

#### L600 Standard Mail

[Amend the heading of Labeling List 601 by removing “Machinable Parcels” to read as follows:]

#### L601 BMCs

[Revise introductory paragraph to read as follows:]

Use this list for:

(a) Standard Mail (A) machinable parcels if ASF mail is not prepared for and claimed at DBMC rates,

(b) Bound Printed Matter machinable parcels,

(c) Parcel Post if ASF mail is not prepared for and claimed at DBMC rates except non-machinable BMC Presort and OBMC Presort, and

(d) Presorted Special Standard Mail and Presorted Library Mail to BMC destinations.

\* \* \* \* \*

[Remove Labeling List 602, BMCs/ASFs-DBMC Rates.]

\* \* \* \* \*

[Revise the heading of Labeling List 605 to read as follows:]

#### L605 BMCs/ASFs

[Revise introductory paragraph to read as follows:]

Use this list for:

(a) Standard Mail (A) pallets of packages of flats, letter trays, and/or sacks,

(b) Standard Mail (A) machinable parcels when mail for ASF service areas is prepared for and claimed at DBMC rates,

(c) Parcel Post when mail for ASF service areas is prepared for and claimed at DBMC rates,

(d) Parcel Post nonmachinable parcels claimed at BMC Presort and OBMC Presort rates, and

(e) Bound Printed Matter packages and/or sacks on pallets.

\* \* \* \* \*

#### M MAIL PREPARATION AND SORTATION

##### M010 Mailpieces

##### M011 Basic Standards

##### 1.0 TERMS AND CONDITIONS

\* \* \* \* \*

##### 1.2 Presort Levels

[Amend 1.2 by revising 1.2n to read as follows:]

Terms used for presort levels are defined as follows:

\* \* \* \* \*

n. ASF/BMC: all pieces are addressed for delivery in the service area of the same auxiliary service facility (ASF) or bulk mail center (BMC) (see L601 or L605, as applicable).

\* \* \* \* \*

#### M040 PALLETS

##### M041 General Standards

\* \* \* \* \*

##### 5.0 PREPARATION

\* \* \* \* \*

##### 5.1 Presort

[Amend 5.1 by revising the last two sentences to read as follows:]

\* \* \* The standards for package reallocation to protect the SCF or BMC pallet (M045.5.0 and 6.0) are optional methods of pallet preparation designed to retain as much mail as possible at the SCF or BMC level. These standards may result in some packages of Periodicals flats and irregular parcels and Standard Mail (A) flats, and irregular parcels that are part of a mailing job prepared in part as palletized flats at automation rates, not being placed on the finest level of pallet possible. Mailers must use PAVE-certified presort software to prepare mailings using package reallocation (package reallocation is optional, but, if

performed, must be done for the complete mailing job).

## 5.2 Required Preparation

[Amend 5.2 by revising 5.2a to read as follows:]

These standards apply to:

a. Periodicals, Standard Mail (A) and Parcel Post (other than BMC Presort, OBMC Presort, DSCF, and DDU rate mail). For mail that is prepared on pallets, a pallet must be prepared to a required sortation level when there are 500 pounds of Periodicals or Standard Mail packages, sacks, or parcels, or six layers of Periodicals or Standard Mail (A) letter trays. For packages of Periodicals flats and irregular parcels and Standard Mail (A) packages of flats on pallets prepared under the standards for package reallocation (M045.5.0), not all mail for a required 5-digit destination is required to be on a 5-digit pallet or optional 5-digit scheme pallet. For packages of Standard Mail (A) flats on pallets prepared under the standards for package reallocation to protect the BMC pallet (M045.6.0), not all mail for a required ASF pallet is required to be on an ASF pallet. Mixed pallets of sacks, trays, or machinable parcels must be labeled to the BMC or ADC (as appropriate) serving the post office where mailings are entered into the mailstream. The processing and distribution manager of that facility may issue a written authorization to the mailer to label mixed BMC or mixed ADC pallets to the post office or processing and distribution center serving the post office where mailings are entered. These pallets contain all mail remaining after required and optional pallets are prepared to finer sortation levels under M045, as appropriate.

\* \* \* \* \*

## 6.0 COPALLETIZED COMBINED OR MIXED-RATE LEVEL MAILINGS OF FLAT-SIZE PIECES

\* \* \* \* \*

## 6.4 Standard Mail (A)

[Amend 6.4 by revising the first sentence to read as follows:]

To copalletize different Standard Mail (A) flat-size mailings, the mailer must consolidate on pallets all independently sorted packages from each mailing to achieve the finest presort level for the mailing, except that a copalletized mailing prepared under M045.5.0 or 6.0, using package reallocation, may not always result in all packages being placed on the finest pallet level possible.\* \* \*

\* \* \* \* \*

## M045 Palletized Mailings

\* \* \* \* \*

### 4.0 PALLET PRESORT AND LABELING

#### 4.1 Packages, Bundles, Sacks or Trays on Pallets

[Amend 4.1 by revising 4.1e to read as follows:]

Preparation and Line 1 labeling:

\* \* \* \* \*

e. As appropriate:

- (1) Periodicals: ADC: required; for Line 1, use L004.
- (2) Standard Mail: BMC/ASF: required; for Line 1, use L605. If package reallocation to protect the BMC pallet is used and the BMC pallet contains mail for the ASF service area, for Line 1, use L601.

\* \* \* \* \*

### 4.2 Machinable Parcels-Standard Mail

[Amend 4.2 by revising 4.2b and 4.2c to read as follow:]

Preparation sequence and Line 1 labeling:

\* \* \* \* \*

b. ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates; for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

c. Destination BMC: required; for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

\* \* \* \* \*

[Revise heading of 5.0 to read as follows:]

## 5.0 PACKAGE REALLOCATION TO PROTECT SCF PALLET FOR PERIODICALS FLATS AND IRREGULAR PARCELS AND STANDARD MAIL (A) FLATS ON PALLETS

### 5.1 Basic Standards

[Amend 5.1 by revising the first sentence to read as follows:]

Package reallocation to protect the SCF pallet is an optional preparation method (if performed, package reallocation must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 5.2 through 5.5 \* \* \*

\* \* \* \* \*

[Redesignate 6.0 through 14.0 as 7.0 through 15.0, respectively, and insert new number 6.0 to read as follows:]

## 6.0 PACKAGE REALLOCATION TO PROTECT BMC PALLET FOR STANDARD MAIL (A) FLATS ON PALLETS

### 6.1 Basic Standards

Package reallocation to protect the BMC pallet level is an optional preparation method (if performed, package reallocation to protect the BMC pallet must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 6.2 through 6.4. The software will determine if mail for a BMC service area would fall beyond the BMC level when ASF pallets are prepared. Reallocation is performed only when there is mail for the BMC service area that would fall beyond the BMC pallet level. The amount of mail required to bring the mail that would fall beyond the BMC pallet level back to a BMC level is the minimum volume that would be reallocated from an ASF pallet, where possible. The following "parent" BMCs can be protected with package reallocation by using mail from the ASF "child" pallets indicated in Exhibit 6.1.

EXHIBIT 6.1.—"PARENT" BMC/"CHILD" ASF

"Parent" BMC: service areas	"Child" ASF: ZIP Code areas served
Pittsburgh BMC .....	Buffalo ASF: 130–136; 140–149.
Denver BMC .....	Albuquerque ASF: 865, 870–875, 877–884.
	Phoenix ASF: 850, 852, 853, 855–857, 859, 860, 863, 864.
	Salt Lake City ASF: 832–834, 836, 837, 840–847, 893, 898, 979.
	Billings ASF: 590–599, 821.
Dallas BMC .....	Oklahoma City ASF: 730, 731, 734–738, 740, 741, 743–746, 748, 749.
Des Moines BMC .....	Sioux Falls ASF: 570–577
Minneapolis BMC .....	Fargo ASF: 565, 567, 580–588.

## 6.2 General Reallocation Rules

Reallocation rules:

a. The reallocation process does not affect package preparation. Reallocate only complete packages and only the minimum number of packages necessary to create a BMC pallet meeting the minimum pallet weight. Based on the weight of individual pieces within a package and packaging parameters, the weight of mail that is reallocated may be slightly more than the minimum volume required to create a BMC pallet.

b. Using the parent BMC/child ASF table provided in Exhibit 6.1, reallocate packages from the ASF pallet to create a BMC pallet. The ASF pallet can be eliminated if necessary to protect the BMC pallet.

c. When reallocating mail to create a BMC pallet, reallocate mail only from the ASF pallet. Package reallocation is only to be used between the "parent" BMC and the "child" ASF. Mail from finer levels of pallets (e.g., SCF pallet) may not be reallocated to protect BMC pallets.

d. Mailers may use any minimum pallet weight(s) permitted by DMM standards and may use different minimum weights for different pallet levels in conjunction with package reallocation.

## 6.3 Reallocation of Packages From ASF Pallets

When reallocating packages from ASF pallets:

a. Using the parent BMC/child ASF table provided in Exhibit 6.1, attempt to identify an ASF pallet of adequate weight that can support reallocation of one or more packages to bring the mail that has fallen through the BMC level back to the BMC level without eliminating the ASF pallet. A sufficient amount of mail must remain on the ASF pallet after reallocation to meet the ASF pallet weight minimum. If an ASF pallet of adequate weight is available, create a BMC pallet by combining the reallocated mail from the ASF pallet with the mail that would fall beyond the BMC pallet level.

b. If no single ASF pallet within the BMC service area contains an adequate volume of mail to allow reallocation of the portion of the mail on a pallet as described in the previous step, then eliminate one ASF pallet and reallocate all of the mail to create a BMC pallet by combining it with the mail that would fall beyond the BMC pallet level. As a result, the software will not prepare one ASF pallet for the ASF service area if it is detrimental to the BMC pallet.

## 6.4 Documentation

Mailings must be supported by documentation produced by PAVE-certified software meeting the standards in P012.

\* \* \* \* \*

## M073 COMBINED MAILINGS OF STANDARD (A) AND STANDARD (B) PARCELS

### 1.0 COMBINED MACHINABLE PARCELS—RATES OTHER THAN PARCEL POST OBMC PRESORT, BMC PRESORT, DSCF, AND DDU

\* \* \* \* \*

### 1.6 Sack Preparation

[Amend 1.6 by revising 1.6a(2) and 1.6a(3) to read as follows:]

The requirements for sack preparation are as follows:

a. Sack size, preparation sequence, and Line 1 labeling:

\* \* \* \* \*

(2) Destination ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (minimum of 10 pieces/20 pounds/1,000 cubic inches, smaller volume not permitted); for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

(3) Destination BMC: required (minimum of 10 pieces/20 pounds/1,000 cubic inches, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1 and Exhibit E652.1.3.

\* \* \* \* \*

## M610 Presorted Standard Mail (A)

\* \* \* \* \*

## 5.0 MACHINABLE PARCELS

\* \* \* \* \*

### 5.2 Sack Preparation

[Amend 5.2 by revising 5.2(b) and 5.2(c) to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

\* \* \* \* \*

b. Destination ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (10 pound minimum, smaller volume not permitted); for Line 1 use L605. DBMC rate eligibility is determined by Exhibit E651.5.1.

c. Destination BMC: required (10 pound minimum, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is

prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E651.5.1.

\* \* \* \* \*

## M630 Standard Mail (B)

\* \* \* \* \*

## 6.0 MACHINABLE PARCELS

\* \* \* \* \*

## 6.2 Sack Preparation

[Amend 6.2 by revising 6.2b and 6.2c to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

\* \* \* \* \*

b. ASF: allowed and required only when mail for ASF service areas is prepared for and claimed at DBMC rates (minimum of 10 pieces/20 pounds/1,000 cubic inches, smaller volume not permitted); for Line 1, use L605. DBMC rate eligibility is determined by Exhibit E652.1.3.

c. Destination BMC: required (minimum of 10 pieces/20 pounds/1,000 cubic inches, smaller volume not permitted); for Line 1, use L601 (L605 when mail for ASF service areas is prepared for and claimed at DBMC rates). DBMC rate eligibility is determined by Exhibit E652.1.3.

\* \* \* \* \*

## P POSTAGE AND PAYMENT METHODS

### P000 Basic information

### P010 General Standards

\* \* \* \* \*

### P012 DOCUMENTATION

\* \* \* \* \*

## 2.0 STANDARDIZED DOCUMENTATION—FIRST-CLASS MAIL, PERIODICALS, AND STANDARD MAIL (A)

### 2.2 Format and Content

[Amend 2.2 by replacing last two sentences of 2.2d (4) to read as follows:]

For First-Class Mail, Periodicals, and Standard Mail (A), standardized documentation includes:

\* \* \* \* \*

(4) \* \* \* Document SCF or BMC pallets created as a result of package reallocation under M045.5.0 or 6.0 on the USPS Qualification Report by designating the protected pallet with an identifier of "PSCF" (for an SCF pallet) or "PBMC" (for a BMC pallet). These identifiers are required to appear only on the USPS Qualification Report; they are not required to appear on pallet

labels or in any other mailing documentation.

\* \* \* \* \*

#### 2.4 Sortation Level

[Amend 2.4 by inserting new sortation level and abbreviation immediately below SCF pallets (created from package reallocation) to read as follows:]

The actual sortation level (or corresponding abbreviation) is used for the package, tray, sack, or pallet levels required by 2.2 and shown below.

Sortation level	Abbreviation
* * * * *	* * *
BMC [pallets created from package reallocation].	PBMC

\* \* \* \* \*

An appropriate amendment to 39 CFR 11.3 to reflect these changes will be published if the proposal is adopted.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 00-25 Filed 1-3-00; 8:45 am]

BILLING CODE 7710-12-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 99-2843, MM Docket No. 99-362, RM-9730]

#### Radio Broadcasting Services; Canton and Morristown, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed jointly by Cartier Communications Inc., licensee of Station WVNC, Channel 244A, Canton, NY, and Waters Communications, Inc., licensee of Station WNCQ-FM, Channel 275A, Morristown, NY, seeking the substitution of Channel 275C3 for Channel 244A at Canton and the substitution of Channel 244C3 for Channel 275A at Morristown, and the modification of their respective licenses to specify operation on the higher powered channels. Comment is requested on whether the proposal should be considered as an incompatible channel swap pursuant to Section 1.420(g)(3) of the Commission's Rules, as requested by Cartier and Waters, since a second Class C3 channel, Channel 244C3, is available for allotment at Canton, with a site restriction of 20.8 kilometers (12.9 miles) west, at coordinates 44-33-26

NL; 75-25-48 WL. This allotment would be short-spaced to Channel 243A at Buckingham, Quebec, and to Station CKOI-FM, Channel 245C1, Verdun, Quebec, Canada. Channel 275C3 can be allotted to Canton in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers (7.4 miles) north, at coordinates 44-41-51 NL; 75-07-35 WL, to accommodate Cartier's desired transmitter site. Channel 275C3 at Canton will be short-spaced to 276A at Valleyfield, Quebec, Canada. Channel 244C3 can be allotted to Morristown in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, with a site restriction of 12 kilometers east, at coordinates 44-36-00 NL; 75-30-00 WL, to accommodate Waters' desired transmitter site. Channel 244C3 at Morristown will be short-spaced to Channel 243A at Buckingham, Quebec, Canada. Since both communities are located within 320 kilometers of the U.S.-Canadian border and the proposed allotments will result in short-spacings to Canadian allotments, concurrence by the Canadian Government in these allotments, as specially negotiated, short-spaced allotments, must be obtained.

**DATES:** Comments must be filed on or before February 7, 2000, and reply comments on or before February 22, 2000.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David G. O'Neil, Rini, Coran & Lancellotta, P.C., 1350 Connecticut Avenue, NW, Suite 900, Washington, DC 20036-1701 (Counsel to petitioners).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-362, adopted December 8, 1999, and released December 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 00-90 Filed 1-3-00; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 216 and 222

[Docket No. 990901242-9242-01; I.D.072099E]

#### North Atlantic Whale Protection

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** NMFS publishes an advance notice of proposed rulemaking (ANPR) in response to a request by the Whale Watch Advisory Group (WWAG) that NMFS solicit comments on the appropriateness of codifying, through rulemaking, operational procedures for vessels engaged in whale watching in NMFS Northeast Region (Virginia to Maine).

The scope of this ANPR encompasses the activity of any vessel (commercial or private) that is engaged in whale watching. NMFS is requesting comments on whether existing whale protection measures are adequate to address the potential threat of injury or mortality by vessels engaged in whale watching (commercial and private) to large whales, (primarily humpback, fin, and minke whales), and, if not, what whale protection measures are needed.

**DATES:** Comments must be received at the appropriate address or fax number