

ADDRESSES: The docket for this deviation, [USCG–2016–0497] is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6222, email Hal.R.Pitts@uscg.mil.

SUPPLEMENTARY INFORMATION: Atlantic County, NJ, that owns and operates the Green Bank Bridge (Green Bank Road/CR563), has requested a temporary deviation from the current operating regulations to perform urgent repairs to the bridge operating machinery. The bridge is a bascule draw bridge and has a vertical clearance in the closed position of 5 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.731(b). Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 7:30 a.m. on June 20, 2016, through 3:30 p.m. on June 23, 2016. At all other times the bridge will operate per 33 CFR 117.731(b).

The Mullica River is used by a variety of vessels including small U.S. government vessels, small commercial vessels, and recreational vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed position may do so. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transit to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 9, 2016.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2016–14064 Filed 6–14–16; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket No. RM2016–8; Order No. 3360]

Mail Classification Schedule

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is issuing a set of final rules amending existing rules related to the Mail Classification Schedule and its associated product lists. The final rules revise some existing rules in order to better conform with current Commission practices related to the Mail Classification Schedule. Relative to the proposed rules, one change was made for clarification purposes. No other proposed rules were changed.

DATES: Effective July 15, 2016.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

81 FR 21506, April 12, 2016

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- II. Comments and Discussion
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I. Introduction

On April 6, 2016, the Postal Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking Concerning Product Lists and the Mail Classification Schedule, April 6, 2016.¹ The Commission proposed rules to fulfill its responsibilities under the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006). The rulemaking proposes to replace existing 39 CFR part 3020, subpart A in its entirety, and make conforming changes to 39 CFR part 3020, subparts B, C, and D.

The rulemaking proposes to amend existing rules concerning the Mail Classification Schedule (MCS) and the associated market dominant and competitive product lists to conform to the current practice of publishing the MCS on the Commission’s Web site at www.prc.gov, noticing changes to the market dominant and competitive product lists in the **Federal Register**, and publishing the market dominant and competitive product lists in the Code of Federal Regulations (CFR).

¹ Notice of Proposed Rulemaking Concerning Product Lists and the Mail Classification Schedule, April 6, 2016 (Order No. 3213); *see also* 81 FR 21506 (April 12, 2016).

The Public Representative and the Postal Service filed comments in response to Order No. 3213.² The commenters were generally supportive of the proposed rules. The commenters also included suggestions for improvements and sought minor clarification on various aspects of the proposed rules.

The Commission adopts the proposed rules as final rules with one minor clarification added to proposed § 3020.5(a).

II. Comments and Discussion

A. Public Representative Comments

The Public Representative generally supports adoption of the proposed rules and presents several suggestions for improvement.

The Public Representative states it appears that the Commission’s intent is to publish updates to the product lists in the CFR on a quarterly basis. PR Comments at 2. He bases this assumption on the following:

The current practice of the Commission is to accumulate all final orders involving changes to product lists and to file a product list update with the **Federal Register** on a quarterly basis.

Order No. 3213 at 7. Regardless, he notes that proposed § 3020.3(b) does not expressly state that updates will occur on a quarterly basis. He suggests the addition of the word “quarterly” to the proposed rule such that it reads: “Notice shall be submitted ‘quarterly’ to the **Federal Register** for publication within 6 months of the issue date of the applicable final order that affects the change.” PR Comments at 2.

The Commission intends to publish updates to the product lists appearing in the CFR on a quarterly basis. A further goal is to publish updates within one week of the close of each fiscal quarter. However, the Commission chooses not to make quarterly publication a rigid requirement, as would be the case if the word “quarterly” was added to the rule. Experience has shown that the press of more important business occasionally takes precedence over producing the quarterly updates. Although the quarterly updates are an important recordkeeping function that provides visibility into current Postal Service product offerings, publication does not directly affect the substantive rights of

² Public Representative Comments on Proposed Rulemaking Concerning Product Lists and the Mail Classification Schedule, May 12, 2016 (PR Comments); United States Postal Service Comments on Proposed Rules Concerning Product Lists and the Mail Classification Schedule, May 12, 2016 (Postal Service Comments).

any interested persons and may be delayed when necessary.³

The Public Representative states that proposed § 3020.5(a) may be interpreted to require the Commission to “immediately” update the MCS whenever the Commission issues a final order to update the MCS. PR Comments at 2. However, proposed § 3020.5(a) states that “Modification to the Mail Classification Schedule shall be incorporated within 3 months of the issue date of the final order.” The Public Representative suggests clarifying proposed § 3020.5(a) by adding the phrase “in accordance with section (b)” such that it reads: “Whenever the Postal Regulatory Commission issues a final order that modifies the Mail Classification Schedule, it shall update the Mail Classification Schedule appearing on its Web site at <http://www.prc.gov> in accordance with section (b).” Id.

The Commission will modify § 3020.5(a) to read: “Whenever the Postal Regulatory Commission issues a final order that modifies the Mail Classification Schedule, it shall update the Mail Classification Schedule appearing on its Web site at <http://www.prc.gov> in accordance with paragraph (b) of this section.”

The Public Representative reminds the Commission that appendices A and B, containing the market dominant and competitive product lists appearing in the proposed rules, may not be up to date as of the time the final rule is issued. He suggests that product lists, current as of the time the final order is issued in this docket, appear in the final order. Id.

The Commission has established a quarterly update schedule for product lists. Administratively, it is most efficient for the Commission to adhere to that schedule.⁴ Thus, the product lists that appear in the final rule will be equivalent to the product lists that appear in the CFR at the time the final rule is issued. The next comprehensive update is scheduled for July of 2016.

B. Postal Service Comments

The Postal Service supports the Commission’s general approach of including the product lists, but not the MCS, in the CFR. Postal Service

Comments at 2. Additionally, the Postal Service seeks further clarification of two aspects of the proposals.

The Postal Service observes that proposed § 3020.1(b) includes new references to 39 U.S.C. 404(e) (nonpostal services) and 39 U.S.C. 3641 (market tests). Postal Service Comments at 3. Furthermore, it states that the MCS currently requires identification of products that are either nonpostal services or market tests. Id. at 3–4. The Postal Service is concerned by the description appearing in Order No. 3213, in regard to these new statutory references. Specifically, it expresses concern with the use of “expands upon” in the description, as it could create unnecessary confusion. Id. at 4.

Proposed § 3020.1(b) replaces existing § 3020.1(a). Both specify that the starting point for the product lists are the market dominant products identified in 39 U.S.C. 3621(a) and the competitive products identified in 39 U.S.C. 3631(a). Proposed § 3020.1(b) expands upon this requirement by including products within the product lists identified as market tests pursuant to 39 U.S.C. 3641 and nonpostal pursuant to 39 U.S.C. 404(e). This flows from the requirement for the Postal Service to properly categorize market tests as either market dominant or competitive (39 U.S.C. 3641(b)(2)) and the Commission to properly categorize nonpostal services as either market dominant or competitive (39 U.S.C. 404(e)(5)).

Order No. 3213 at 5–6 [emphasis added, footnote omitted].

The Commission’s intent of including citations to the statutory authority for nonpostal services or market tests is not to expand upon or otherwise affect the substantive requirements, or the scope of Commission review, relating to these types of products. The inclusion only expands upon the description appearing in existing § 3020.1(a) of the types of products that are intended to appear on product lists and in the MCS.⁵ There is no change to current practice.

The Postal Service contends that it is duplicative to require the inclusion of size and weight limitations in the MCS in both proposed § 3020.4(b) and in existing § 3020.110. Postal Service Comments at 4. It suggests either deleting existing § 3020.11, or cross-referencing § 3020.110 in § 3020.4(b). Id. at 4–5.

Proposed § 3020.4(b)(2)(ii)(A) and § 3020.4(b)(3)(ii)(A) read:

Where applicable, the general characteristics, size and weight limitations, minimum volume requirements, price categories, and available optional features of each market dominant product.

⁵ Existing § 3020.13 already includes nonpostal services and market tests in product lists and the MCS.

Order No. 3213 at 12–13.

Existing § 3020.110 reads:
Applicable size and weight limitations for mail matter shall appear in the Mail Classification Schedule as part of the description of each product.

39 CFR 3020.110, subpart F.

The Commission concurs that the requirements appear duplicative, but will not make any changes at this time. The requirements are consistent with each other. However, as explained below, the underlying source for each requirement is different. Any potential confusion should be minimal.

The requirements of proposed § 3020.4(b)(2)(ii)(A) and § 3020.4(b)(3)(ii)(A) reflect useful information that historically has been included in mail classification schedules. It is appropriate to include a general synopsis of all material that will appear in the MCS in one section of the regulations.

The requirements of § 3020.110 *et seq.* were written in direct response to the new requirements of 39 U.S.C. 3682. This statutory provision requires, among other things, the Commission to prescribe rules for Postal Service requests to establish size and weight limitations for mail matter in the market dominant category of mail. Section 3020.110 points to the source of the material (the MCS) that all of § 3020.110 *et seq.* addresses. Deleting § 3020.110 would potentially make the remainder of that subpart unclear.⁶

III. Ordering Paragraphs

It is ordered:

1. Part 3020 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Order, effective 30 days after publication in the **Federal Register**.

2. The Secretary shall arrange for publication of this Order in the **Federal Register**.

3. Docket No. RM2016–8 is hereby closed.

List of Subjects in 39 CFR Part 3020

Administrative practice and procedure.

For the reasons discussed in the preamble, the Commission amends chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3020—PRODUCT LISTS

■ 1. The authority citation for part 3020 continues to read as follows:

⁶ While adding a cross-reference to proposed § 3020.4(b)(2)(ii)(A) and § 3020.4(b)(3)(ii)(A) may not be technically incorrect, it may diminish the distinction that the Commission is attempting to preserve, which is that 39 U.S.C. 3682 is the source for the regulations appearing in § 3020.110 *et seq.*

³ The Commission’s position is that Commission orders issued within its jurisdiction are binding upon the Postal Service when issued, unless challenged pursuant to 39 U.S.C. 3663. Order No. 3213 at 7. The quarterly updates merely represent the effect of previously issued Commission orders.

⁴ A significant amount of tracking information indicating the source of product list changes appears in the quarterly update notices. Including the tracking information in this Order would be confusing and therefore not appropriate at this time.

Authority: 39 U.S.C. 503; 3622; 3631; 3642; 3682.

■ 2. Revise subpart A to read as follows:

Subpart A—Product Lists and the Mail Classification Schedule

Sec.

3020.1 Applicability.

3020.2 Product lists.

3020.3 Notice of product list change.

3020.4 Mail Classification Schedule.

3020.5 Modifications to the Mail Classification Schedule.

Appendix A to Subpart A of Part 3020—Market Dominant Product List

Appendix B to Subpart A of Part 3020—Competitive Product List

§ 3020.1 Applicability.

(a) The rules in this part require the Postal Regulatory Commission to establish and maintain lists of Postal Service products and a Mail Classification Schedule.

(b) The product lists shall categorize postal products as either market dominant or competitive. As established, the market dominant and competitive product lists shall be consistent with the market dominant products identified in 39 U.S.C. 3621(a) and the competitive products identified in 39 U.S.C. 3631(a). The market dominant and competitive product lists shall also include products identified as market tests pursuant to 39 U.S.C. 3641 and nonpostal pursuant to 39 U.S.C. 404(e).

(c) The Mail Classification Schedule shall provide current price and classification information applicable to the products appearing on the market dominant and competitive product lists.

(d) Once established, the product lists and the Mail Classification Schedule may be modified subject to the procedures specified in this part.

§ 3020.2 Product lists.

(a) *Market Dominant Product List.* The market dominant product list shall be published in the **Federal Register** at Appendix A to subpart A of part 3020—Market Dominant Product List.

(b) *Competitive Product List.* The competitive product list shall be published in the **Federal Register** at Appendix B to subpart A of part 3020—Competitive Product List.

§ 3020.3 Notice of product list change.

(a) Whenever the Postal Regulatory Commission issues a final order that modifies the list of products in the market dominant category or the competitive category, it shall cause notice of such change to be published in the **Federal Register**.

(b) Notice shall be submitted to the **Federal Register** for publication within

6 months of the issue date of the applicable final order that affects the change.

(c) Modifications pending publication in the **Federal Register** are effective immediately upon written direction from the Postal Regulatory Commission.

(d) The **Federal Register** document shall:

(1) Identify modifications to the current list of market dominant products and the current list of competitive products; and

(2) Indicate how and when the previous product lists have been modified.

§ 3020.4 Mail Classification Schedule.

(a) The Postal Regulatory Commission shall publish a Mail Classification Schedule (including both current and previous versions) on its Web site at <http://www.prc.gov>. Copies of the Mail Classification Schedule also shall be available during regular business hours for reference and public inspection at the Postal Regulatory Commission located at 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001.

(b) The Mail Classification Schedule shall include, but shall not be limited to:

(1) Front matter, including:

(i) A cover page identifying the title of the document as the Mail Classification Schedule, the source of the document as the Postal Regulatory Commission (including Commission seal), and the publication date;

(ii) A table of contents;

(iii) A table specifying the revision history of the Mail Classification Schedule; and

(iv) A table identifying Postal Service trademarks; and

(2) Information concerning market dominant products, including:

(i) A copy of the Market Dominant Product List;

(ii) Descriptions of each market dominant product organized by the class of product, including:

(A) Where applicable, the general characteristics, size and weight limitations, minimum volume requirements, price categories, and available optional features of each market dominant product;

(B) A schedule listing the rates and fees for each market dominant product;

(C) Where applicable, the identification of a product as a special classification within the meaning of 39 U.S.C. 3622(c)(10) for market dominant products;

(D) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(E) Where applicable, the identification of a product as a nonpostal product; and

(3) Information concerning competitive products, including:

(i) A copy of the competitive product list; and

(ii) Descriptions of each competitive product, including:

(A) Where applicable, the general characteristics, size and weight limitations, minimum volume requirements, price categories, and available optional features of each competitive product;

(B) A schedule listing the current rates and fees for each competitive product of general applicability;

(C) The identification of each product not of general applicability within the meaning of 39 U.S.C. 3632(b)(3) for competitive products;

(D) Where applicable, the identification of a product as an experimental product undergoing a market test; and

(E) Where applicable, the identification of a product as a nonpostal product; and

(4) A glossary of terms and conditions; and

(5) A list of country codes for international mail prices.

§ 3020.5 Modifications to the Mail Classification Schedule.

(a) Whenever the Postal Regulatory Commission issues a final order that modifies the Mail Classification Schedule, it shall update the Mail Classification Schedule appearing on its Web site at <http://www.prc.gov> in accordance with paragraph (b) of this section.

(b) Modification to the Mail Classification Schedule shall be incorporated within 3 months of the issue date of the final order.

(c) Modifications pending incorporation into the Mail Classification Schedule are effective immediately upon written direction from the Postal Regulatory Commission.

Appendix A to Subpart A of Part 3020—Market Dominant Product List

(An asterisk (*) indicates an organizational group, not a Postal Service product.)

First-Class Mail *

Single-Piece Letters/Postcards

Presorted Letters/Postcards

Flats

Parcels

Outbound Single-Piece First-Class Mail

International

Inbound Letter Post

Standard Mail (Commercial and Nonprofit) *

High Density and Saturation Letters

High Density and Saturation Flats/Parcels

Carrier Route

Letters
 Flats
 Parcels
 Every Door Direct Mail—Retail
 Periodicals *
 In-County Periodicals
 Outside County Periodicals
 Package Services *
 Alaska Bypass Service
 Bound Printed Matter Flats
 Bound Printed Matter Parcels
 Media Mail/Library Mail
 Special Services *
 Ancillary Services
 International Ancillary Services
 Address Management Services
 Caller Service
 Credit Card Authentication
 International Reply Coupon Service
 International Business Reply Mail Service
 Money Orders
 Post Office Box Service
 Customized Postage
 Stamp Fulfillment Services
 Negotiated Service Agreements *
 Domestic *
 PHI Acquisitions, Inc. Negotiated Service Agreement
 International *
 Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators 1
 Inbound Market Dominant Exprés Service Agreement 1
 Nonpostal Services *
 Alliances with the Private Sector to Defray Cost of Key Postal Functions
 Philatelic Sales
 Market Tests *

Appendix B to Subpart A of Part 3020— Competitive Product List

(An asterisk (*) indicates an organizational class or group, not a Postal Service product.)

Domestic Products *
 Priority Mail Express
 Priority Mail
 Parcel Select
 Parcel Return Service
 First-Class Package Service
 Retail Ground
 International Products *
 Outbound International Expedited Services
 Inbound Parcel Post (at UPU rates)
 Outbound Priority Mail International
 International Priority Airmail (IPA)
 International Surface Air List (ISAL)
 International Direct Sacks—M-Bags
 Outbound Single-Piece First-Class Package International Service
 Negotiated Service Agreements *
 Domestic *
 Priority Mail Express Contract 8
 Priority Mail Express Contract 15
 Priority Mail Express Contract 16
 Priority Mail Express Contract 17
 Priority Mail Express Contract 18
 Priority Mail Express Contract 19
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 Priority Mail Express Contract 21
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| Priority Mail Contract 194 | Priority Mail Express, Priority Mail & First-Class Package Service Contract 4 | Global Expedited Package Services (GEPS)—Non-Published Rates 9 |
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| Priority Mail Contract 196 | Priority Mail Express, Priority Mail & First-Class Package Service Contract 6 | Priority Mail International Regional Rate Boxes—Non-Published Rates |
| Priority Mail Contract 197 | Priority Mail Express, Priority Mail & First-Class Package Service Contract 7 | Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd. |
| Priority Mail Contract 198 | Priority Mail Express, Priority Mail & First-Class Package Service Contract 8 | Priority Mail International Regional Rate Boxes Contracts |
| Priority Mail Contract 199 | Priority Mail Express, Priority Mail & First-Class Package Service Contract 9 | Priority Mail International Regional Rate Boxes Contracts 1 |
| Priority Mail Contract 200 | Priority Mail & First-Class Package Service Contract 2 | Competitive International Merchandise Return Service Agreements with Foreign Postal Operators |
| Priority Mail Contract 201 | Priority Mail & First-Class Package Service Contract 3 | Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 1 |
| Priority Mail Contract 202 | Priority Mail & First-Class Package Service Contract 4 | Competitive International Merchandise Return Service Agreements with Foreign Postal Operators 2 |
| Priority Mail Contract 203 | Priority Mail & First-Class Package Service Contract 5 | Inbound International* |
| Priority Mail Express & Priority Mail Contract 10 | Priority Mail & First-Class Package Service Contract 6 | International Business Reply Service (IBRS) Competitive Contracts |
| Priority Mail Express & Priority Mail Contract 12 | Priority Mail & First-Class Package Service Contract 7 | International Business Reply Service Competitive Contract 1 |
| Priority Mail Express & Priority Mail Contract 13 | Priority Mail & First-Class Package Service Contract 8 | International Business Reply Service Competitive Contract 3 |
| Priority Mail Express & Priority Mail Contract 14 | Priority Mail & First-Class Package Service Contract 9 | Inbound Direct Entry Contracts with Customers |
| Priority Mail Express & Priority Mail Contract 16 | Priority Mail & First-Class Package Service Contract 10 | Inbound Direct Entry Contracts with Foreign Postal Administrations |
| Priority Mail Express & Priority Mail Contract 17 | Priority Mail & First-Class Package Service Contract 11 | Inbound Direct Entry Contracts with Foreign Postal Administrations |
| Priority Mail Express & Priority Mail Contract 18 | Priority Mail & First-Class Package Service Contract 12 | Inbound Direct Entry Contracts with Foreign Postal Administrations 1 |
| Priority Mail Express & Priority Mail Contract 19 | Priority Mail & First-Class Package Service Contract 13 | Inbound EMS |
| Priority Mail Express & Priority Mail Contract 20 | Priority Mail & First-Class Package Service Contract 14 | Inbound EMS 2 |
| Priority Mail Express & Priority Mail Contract 21 | Priority Mail & First-Class Package Service Contract 15 | Inbound Air Parcel Post (at non-UPU rates) |
| Priority Mail Express & Priority Mail Contract 22 | Priority Mail & First-Class Package Service Contract 16 | Royal Mail Group Inbound Air Parcel Post Agreement |
| Priority Mail Express & Priority Mail Contract 23 | Priority Mail & Parcel Select Contract 1 | Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 |
| Priority Mail Express & Priority Mail Contract 24 | Outbound International * | Special Services* |
| Priority Mail Express & Priority Mail Contract 25 | Global Expedited Package Services (GEPS) Contracts | Address Enhancement Services |
| Priority Mail Express & Priority Mail Contract 26 | GEPS 3 | Greeting Cards, Gift Cards, and Stationery |
| Priority Mail Express & Priority Mail Contract 27 | Global Bulk Economy (GBE) Contracts | International Ancillary Services |
| Priority Mail Express & Priority Mail Contract 28 | Global Plus Contracts | International Money Transfer Service—Outbound |
| Parcel Select & Parcel Return Service Contract 3 | Global Plus 1C | International Money Transfer Service—Inbound |
| Parcel Select & Parcel Return Service Contract 5 | Global Plus 2C | Premium Forwarding Service |
| Parcel Select Contract 2 | Global Reseller Expedited Package Contracts | Shipping and Mailing Supplies |
| Parcel Select Contract 5 | Global Reseller Expedited Package Services 1 | Post Office Box Service |
| Parcel Select Contract 7 | Global Reseller Expedited Package Services 2 | Competitive Ancillary Services |
| Parcel Select Contract 8 | Global Reseller Expedited Package Services 3 | Nonpostal Services* |
| Parcel Select Contract 9 | Global Reseller Expedited Package Services 4 | Advertising |
| Parcel Select Contract 10 | Global Expedited Package Services (GEPS)—Non-Published Rates | Licensing of Intellectual Property other than Officially Licensed Retail Products (OLRP) |
| Parcel Select Contract 11 | Global Expedited Package Services (GEPS)—Non-Published Rates 2 | Mail Service Promotion |
| Parcel Select Contract 12 | Global Expedited Package Services (GEPS)—Non-Published Rates 3 | Officially Licensed Retail Products (OLRP) |
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| Parcel Select Contract 14 | Global Expedited Package Services (GEPS)—Non-Published Rates 5 | Photocopying Service |
| Priority Mail—Non-Published Rates | Global Expedited Package Services (GEPS)—Non-Published Rates 6 | Rental, Leasing, Licensing or other Non-Sale Disposition of Tangible Property |
| Priority Mail—Non-Published Rates 1 | Global Expedited Package Services (GEPS)—Non-Published Rates 7 | Training Facilities and Related Services |
| First-Class Package Service Contract 35 | Global Expedited Package Services (GEPS)—Non-Published Rates 8 | USPS Electronic Postmark (EPM) Program |
| First-Class Package Service Contract 36 | | Market Tests* |
| First-Class Package Service Contract 37 | | International Merchandise Return Service (IMRS)—Non-Published Rates |
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| Priority Mail Express, Priority Mail & First-Class Package Service Contract 3 | | |

Subpart B—Requests Initiated by the Postal Service To Modify the Product Lists

- 3. Revise the heading of subpart B to read as set forth above.
- 4. Revise § 3020.30 to read as follows:

§ 3020.30 General.

The Postal Service, by filing a request with the Commission, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or moving a product from one list to the other list.

Subpart C—Requests Initiated by Users of the Mail to Modify the Product Lists

- 5. Revise the heading of subpart C to read as set forth above.
- 6. Revise § 3020.50 to read as follows:

§ 3020.50 General.

Users of the mail, by filing a request with the Commission, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

Subpart D—Proposal of the Commission to Modify the Product Lists

- 7. Revise the heading of subpart D to read as set forth above.

Subpart D—Proposal of the Commission to Modify the Product Lists

- 8. Revise § 3020.70 to read as follows:

§ 3020.70 General.

The Commission, of its own initiative, may propose a modification to the market dominant product list or the competitive product list. For purposes of this part, modification shall be defined as adding a product to a list, removing a product from a list, or transferring a product from one list to the other list.

By the Commission.

Stacy L. Ruble,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R05-OAR-2011-0969; FRL-9947-71-Region 5]

Indiana; Ohio; Disapproval of Interstate Transport Requirements for the 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is disapproving elements of State Implementation Plan (SIP) submissions from Indiana and Ohio regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program is adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions, for which Ohio and Indiana made SIP submissions that, among other things, certified that their existing SIPs were sufficient to meet the interstate transport infrastructure SIP requirements for the 2008 ozone NAAQS.

DATES: This final rule is effective on July 15, 2016.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2011-0969. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through www.regulations.gov or please contact the person identified in the "For Further Information Contact" section for additional availability information.

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SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background of these SIP submissions?
- II. What action did EPA propose on the SIP submissions?
- III. What is our response to comments received on the proposed rulemaking?
- IV. What action is EPA taking?
- V. Statutory and Executive Order Reviews.

I. What is the background of these SIP submissions?

This rulemaking addresses CAA section 110(a)(2)(D)(i) requirements in two infrastructure SIP submissions addressing the applicable infrastructure requirements with respect to the 2008 ozone NAAQS: A December 12, 2011, submission from the Indiana Department of Environmental Management (IDEM), clarified in a May 24, 2012, letter; and a December 27, 2012, submission from the Ohio Environmental Protection Agency (Ohio EPA).

The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions "within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)," and these SIP submissions are to provide for the "implementation, maintenance, and enforcement" of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that "[e]ach such plan" submission must address. EPA commonly refers to such state plans as "infrastructure SIPs."

This rulemaking takes action on three CAA section 110(a)(2)(D)(i) requirements of these submissions. In particular, section 110(a)(2)(D)(i)(I) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS ("prong one"), or interfering with maintenance of the NAAQS ("prong two"), by any another state. Section 110(a)(2)(D)(i)(II) requires that infrastructure SIPs include provisions prohibiting any source or other type of emissions activity in one