Rules and Regulations

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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1205

Privacy Act

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The U.S. Merit Systems Protection Board (Board) is amending its regulations at 5 CFR Part 1205 by revising the sections on fees and on administrative appeals. The fee provisions are being changed to establish a threshold for providing copies of records without charge to requesters; to establish a fee schedule for the duplication of records in various formats; and to establish a policy for collecting fees and requiring advance payment when fees exceed a stated amount. The administrative appeal provisions are being changed to provide for appeal of denial of requests for amendment of records to the Executive Director rather than to the Chairman of the Board.

EFFECTIVE DATE: December 9, 1988.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Clerk of the Board, (202) 653–7262.

SUPPLEMENTARY INFORMATION:

List of Subjects in 5 CFR Part 1205

Privacy, Government employees.

Accordingly, the Board amends 5 CFR Part 1205 as follows:

PART 1205—PRIVACY ACT

1. Authority for Title 5 CFR Part 1205 continues to read:

Authority: 5 U.S.C. 552a.

2. Section 1205.16, is revised to read as follows:

§ 1205.16 Fees.

(a) No fees will be charged by the Board except for making copies of records.

(b) Photocopies of records duplicated by the Board shall be subject to a charge of 10 cents per page.

(c) If the fee to be assessed for any request is less than $25 (the cost to the Board of processing and collecting the fee), no charge will be made to the requester.

(d) Fees for duplicating audio and automated tapes will be charged at the actual cost to the Board, as follows:

(1) Audio tapes will be subject to a charge of $5.75 per cassette tape;

(2) Computer printouts will be subject to a charge of 0.1 cent per page;

(3) Records reproduced on magnetic computer tapes will be subject to a charge of $21 per tape; and

(4) Records produced on computer diskettes will be subject to a charge of $2.70 per diskette.

(e) If duplication costs exceed $25, the Board may notify the requester of the estimated amount prior to copying the records. The Board may require the requester to send an estimated fee.

(f) When the Board determines that the charges for a request are likely to exceed $250, the Board will require the requester to provide an advance payment of the entire fee before continuing to process the request.

(g) The Board will provide one copy of the amended parts of any record free of charge as evidence of the amendment.

3. Sections 1205.31 and 1205.32 are revised to read as follows:

§ 1205.31 Submission of appeal.

(a) A partial or complete denial of a request for amendment by the Clerk of the Board or a Regional Director may be appealed to the Executive Director, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419.

(b) Any appeal must be in writing, must be clearly marked "PRIVACY ACT APPEAL" on both the envelope and letter, and must include:

(1) A copy of the original request for amendment of the record;

(2) A copy of the denial; and

(3) A statement of the reasons the original denial should be overruled.

§ 1205.32 Determinations on appeal.

(a) The Executive Director will decide the appeal within 30 working days unless he or she determines that there is good cause for extension. If an appeal is improperly labeled, does not contain the necessary information, or is submitted to an inappropriate official, the time limitation for processing the appeal will run from the time it is received by the Executive Director.

(b) If the request for amendment of a record is granted on appeal, the Executive Director will direct that the amendment be made. A copy of the amended record will be provided to the requester.

(c) If the request for amendment of a record is denied, the Executive Director will notify the requester of the denial and inform the requester of:

(1) The basis for the denial;

(2) The right to judicial review of the decision under 5 U.S.C. 552a(g)(1)(A); and

(3) The right to file a concise statement with the Board stating the reasons the requester disagrees with the denial. This statement will become a part of the record.

Dated: December 6, 1988.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 88–28393 Filed 12–8–88; 8:45 am]
BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 678]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule with request for comments.

SUMMARY: Regulation 678 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 9, 1988 through December 15, 1988. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

DATES: Regulation 678 (§ 907.978) is effective for the period December 9, 1988, through December 15, 1988. Comments are due January 9, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning the possible impact of volume regulations on small entities. Comments must be sent in triplicate to the Docket Clerk, F&V, AMS, USDA, Room 2085–S, P.O. Box 96456, Washington, DC 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular working hours.

FOR FURTHER INFORMATION CONTACT: R. Charles Martin, Volume Control Section, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issues thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

At the beginning of each marketing year, the Navel Orange Administrative Committee (Committee) submits a marketing policy to the U.S. Department of Agriculture (Department) which discussses, among other things, the potential use of volume and size regulations for the ensuing season. The Committee, in its 1988–89 season marketing policy, considered the use of volume regulation for the season. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

There are approximately 125 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

Although handlers and/or marketers are affected by the issuance of weekly volume regulations, the intent of the Act is to benefit agricultural producers. The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The highest proportion of the production is located in District 1, Central California, which represented 84 percent of the total production in 1987–88. District 2 is located in the southern coastal area of California and represented 13 percent of the 1987–88 production; District 3 is the desert area of California and Arizona, which represented approximately 2 percent and District 4 is northern California and represented approximately 1 percent. The estimated production for the 1988–89 crop season is 73,200 cars (1 car equals 1,000 cartons; 1 carton equals 37.5 pounds).

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is the preferred market for California-Arizona navel oranges. It is estimated that 64 percent of the 1988–89 crop of 73,200 cars will be utilized in fresh domestic channels (47,000 cars), with the remainder being exported fresh (9 percent) or processed (27 percent). This compares to 45,087 cars shipped to fresh domestic markets in 1987–88, about 69 percent of the 1987–88 crop, totalling 65,594 cars.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to both producers and consumers. Producers benefit in areas such as increased grower returns and improved market conditions. Reduced fluctuations in supplies and price result from pre-planned shipping levels, resulting in a more stable market. Consumers are assured of a steady supply of oranges in the market throughout the marketing season.

Benefits and costs of issuing regulations are difficult to quantify, as indicated in various studies regarding effects of marketing orders and criteria for measuring their effects. Although information currently available to the AMS is limited, the known costs to growers of implementing the regulations appear to be significantly offset when compared to the potential benefits of regulation.

The reporting and recordkeeping requirements under the navel orange marketing order are incurred by handlers of navel oranges. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

If volume regulations were not to be used for the 1988–89 season, it is likely that most of these reporting and recordkeeping functions would still be carried out. The method of calculating the quantities of navel oranges for fresh shipments by handlers for any given week is based on information gathered over several previous weeks. Therefore, there is an incentive to keep and maintain records in anticipation of future implementation of regulation.

The foundation for the use of volume regulations under this marketing order is to foster market stability and enhance grower revenue. Prices for navel oranges, as well as other perishable agricultural commodities, tend to be relatively inelastic at the grower level. Thus, even a small variation in shipments can have a great impact on price and grower revenue. Under these circumstances, strong arguments can be advanced as to the benefits incurred by growers, particularly for smaller growers. Consequently, when weighing costs and benefits derived from the use of volume regulations, it seems highly probable that if actual data were available, the monetary benefit would far outweigh the costs. Therefore, it is the USDA's view that if a "significant economic impact on a substantial number of small entities" would be present, this impact would be positive rather than adverse.

The Fruit and Vegetable Division of the AMS, however, encourages the submission of comments on the

potential economic impact upon small entities from all interested parties. The Department's position on this certification of the regulatory action will be further evaluated in view of the applicable comments received.

This action is consistent with the marketing policy for 1988–89 adopted by the Committee. The Committee met publicly on December 6, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by a vote of 6 to 4, a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the market for fresh navel oranges is good for large sizes and weak for small sizes.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements and orders, Oranges (navel).

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—[AMENDED]

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.978 is added to read as follows:

Note.—This section will not appear in the annual Code of Federal Regulations.

§ 907.978 Navel Orange Regulation 678.

The quantity of navel oranges grown in California and Arizona which may be handled during the period December 9, 1988, through December 15, 1988, are established as follows:

(a) District 1: 1,748,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 152,000 cartons;
(d) District 4: Unlimited cartons.

Dated: December 7, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–28514 Filed 12–8–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Regulation 643]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 643 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 322,875 cartons during the period December 11 through December 17, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 643 (§ 910.943) is effective for the period December 11 through December 17, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988–89. The Committee met publicly on December 6, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that the demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.943 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.943 Lemon Regulation 643.

The quantity of lemons grown in California and Arizona which may be handled during the period December 11, 1988, through December 17, 1988, is established at 322,875 cartons.

Dated: December 7, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–28474 Filed 12–8–88; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 157, and 284

[Docket No. RM87–17–002; Order No. 493–B]

Natural Gas Data Collection System; Order Granting Reconsideration

Issued November 30, 1988.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations to extend from March 31, 1989 to October 31, 1989, the implementation date for electronic submission of certain rate, tariff and certificate filings. The Commission has received three requests urging the Commission to extend the implementation date for the electronic submission of rate, tariff and certificate filings. They argue that this date should be extended because the effort needed to prepare these filings and other complex filings that must be made in March and April of 1989 will place undue pressure on natural gas companies' limited data processing staffs.

EFFECTIVE DATE: November 30, 1988.

FOR FURTHER INFORMATION CONTACT: Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–8530.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357–8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this order will be available on CIPS for 10 days from the date of issuance. The complete text of diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Order Granting Reconsideration

Before Commissioners: Martha O. Hesse, Chairman; Charles G. Stalon, Charles A. Trabandt, Elizabeth Anne Moler and Jerry J. Langdon.

The Federal Energy Regulatory Commission (Commission) is amending its regulations to extend from March 31, 1989 to October 31, 1989, the implementation date for electronic submission of certain rate, tariff and certificate filings.

In Order No. 493,[1] issued on April 5, 1988, the Commission amended its regulations to require that on or after September 30, 1988, rate filings (including the affected tariff sheets) submitted pursuant to § 154.63, certificate and abandonment applications (including the affected tariff sheets) under Subparts A, E and F of Part 157, blanket certificate applications under Subpart G of Part 284, and FERC Form Nos. 8, 11, and 16 in Part 260, must be filed on an electronic medium.[2] In Order No. 493–A, issued on August 1, 1988,[3] the Commission stayed the implementation date for the rate and tariff filings and certificate and abandonment applications until March 31, 1989.[4]

The Commission has received three requests for reconsideration and clarification of Order No. 493–A.[5] The requests urge the Commission to extend the implementation date for the electronic submission of rate, tariff and certificate filings. They argue that this date should be extended because the effort needed to prepare these filings and other complex filings that must be made in March and April of 1989 will place undue pressure on natural gas companies' limited data processing staffs.

The Commission is granting the requests by revising its regulations to provide that the implementation date for electronic data submission of rate, tariff, certificate and abandonment applications will be October 31, 1989. This will provide the Commission additional time to develop record formats for rate filings that will satisfy the various data presentation methods currently used by natural gas companies, and to enhance the record formats for tariffs and certificates. Also, this action will provide the industry more time to review and comment on the proposed record formats for rates, tariffs and certificates due to be issue on November 30, 1988. The Commission will schedule a second implementation conference under a separate notice to provide for this further review and comment period.

The Administrative Procedure Act[6] provides that in certain limited circumstances, a federal agency can, for good cause, issue an order effective upon issuance. The Commission finds that this order relieves natural gas companies from certain implementation dates that may be unduly burdensome. This order, therefore, is effective on November 30, 1988.

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[1] 53 FR 15,023 (Apr. 27 1988), III FERC Stats. & Regs. ¶ 30,808, *reh'g* 53 FR 30,027 (Aug. 10, 1988), III FERC Stats. & Regs. ¶ 30,826 (Aug. 1, 1988).

[2] Order No. 493 also provided that: (1) On or after September 30, 1988, the tariff sheets filed pursuant to § 154.301(a) must be filed on an electronic medium, and that any natural gas company filing a general rate proceeding pursuant to section 4 of the Natural Gas Act and § 154.63, or submitting a restatement of the natural gas company's base tariff pursuant to § 154.303(e), must make a one-time only filing which resubmits the company's entire tariff, except for executed service agreements, on an electronic medium; and (2) on or after December 30, 1988, FERC Form Nos. 2, 2A, 14 and 15 must be submitted on an electronic medium.

[3] *Supra* note 1.

[4] The Commission also extended the implementation dates for electronic filing of FERC Form Nos. 8 and 11 to November 30, 1988, and of FERC Form No. 16 to April 30, 1989.

[5] Request of the Interstate Natural Gas Association of America (INGAA), filed November 7, 1988; Request for Clarification of Columbia Gas Transmission Corporation (Columbia Gas), filed on November 15, 1988; and Joint Petition of ANR Pipeline Company and Colorado Interstate Gas Company (ANR/CIG) for Reconsideration, filed on November 18, 1988.

[6] 5 U.S.C. 553(d)(3)(1982).

List of Subjects

18 CFR Part 154

Alaska, Natural gas, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 284

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Parts 154, 157 and 284, Title 18, Chapter I, "Code of Federal Regulations", as set forth below.

By the Commission.

Lois D. Cashell,

Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

1. The authority citation for Part 154 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Department of Energy Organization Act, 42 U.S.C. 7102–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C 9701 (1982).

§ 154.1 [Amended]

2. In § 154.1, paragraphs (b) and (c), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.26 [Amended]

3. In § 154.26, paragraph (b), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.31 [Amended]

4. In § 154.31, paragraphs (a) and (b), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.32 [Amended]

5. In § 154.32, paragraphs (a) and (b), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.34 [Amended]

6. In § 154.34, paragraphs (a) (1) and (2), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.61 [Amended]

7. In § 154.61, the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.62 [Amended]

8. In § 154.62, paragraph (a), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.63 [Amended]

9. In § 154.63, paragraphs (b)(1)(iv), (b)(5), (c)(1)(i) and (ii), (d)(3) and (d)(4)(i), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 154.303 [Amended]

10. In § 154.303, paragraph (e)(1)(ii), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

11. The authority citation for Part 157 continues to read as follows

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

§ 157.6 [Amended]

12. In § 157.6, paragraph (a)(1), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 157.14 [Amended]

13. § 157.14, paragraph (a), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 157.17 [Amended]

14. In § 157.17, paragraphs (a) and (b), the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

§ 157.20 [Amended]

15. In § 157.20, paragraphs (c) introductory text and (d) introductory text, the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

16. In § 157.205, paragraph (b) introductory text is revised to read as follows:

§ 157.205 Notice procedure.

* * * * *

(b) *Contents.* In addition to the fee prescribed in paragraph (c) of this section, for any activity subject to the requirements of this section, the certificate holder must file with the Secretary of the Commission before October 31, 1989, an original and fifteen copies, and on or after October 31, 1989, as prescribed in §§ 157.6(a) and 385.2011 of this chapter, a request for authorization under the notice procedures of this section that contains:

* * * * *

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

17. The authority citation for Part 284 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717w (1982) as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

§ 284.221 [Amended]

18. In § 284.221, paragraph (b)(1) introductory text, the words "March 31, 1989" are removed and the words "October 31, 1989" are inserted in their place.

[FR Doc. 88–28136 Filed 12–8–88; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is extending the parole procedures and policies used for the YCA inmates in the class action litigation of *Watts* v. *Belaski,* Civil Action No. 78–M–495 (D. Colo.) to all offenders who have been sentenced under the repealed Youth Corrections Act (formerly 18 U.S.C. 5005 *et seq.).* The Parole Commission is taking this action to assist the Bureau of Prisons in its plan to transfer YCA prisoners to institutions across the country, and to reduce the possibility of disciplinary problems caused by the use of different parole policies for YCA prisoners confined in the same institution.

EFFECTIVE DATE: January 9, 1989.

FOR FURTHER INFORMATION CONTACT: Rockne Chickinell, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland, 20815, telephone (301) 492–5959.

SUPPLEMENTARY INFORMATION: Since the Youth Corrections Act was repealed in October, 1984, the number of inmates sentenced under this act has continued to decrease as the sentences expire. The YCA population is rapidly moving to the point where it will be composed solely of parole violators serving the remainder of their 18 U.S.C. 5010(b) sentences (which normally expire 6 years from the date of conviction) and those inmates serving lengthy sentences imposed under section 5010(c) (which may be for a term up to the maximum sentence authorized for an adult prisoner).

In the class action litigation in *Watts v. Belaski*, the Bureau of Prisons has been required in several orders from the Court of Appeals for the Tenth Circuit and the U.S. District Court in Colorado to segregate YCA inmates from adult prisoners and the Parole Commission has been required to make response to treatment a significant factor in parole decision-making for the class members. *See, e.g., Watts v. Hadden*, 651 F.2d 1354 (10th Cir. 1981); *Benedict v. Rodgers*, 748 F.2d 543 (10th Cir. 1984) (related case); and *Watts. v. Hadden*, 627 F.Supp. 727 (D. Colo. 1986). In response to these decisions, the Bureau of Prisons has confined almost all YCA inmates at the Federal Correctional Institution, Englewood, Colorado, segregating them from adult prisoners. In recent years, the district court has permitted the Bureau to incarcerate some adult prisoners at FCI, Englewood in order to ensure that the facility is used to its approximate potential. The Parole Commission implemented a decision-making policy which provides for the consideration of an inmate's response to treatment along with the criteria specified at 18 U.S.C. 4206 (*i.e.*, severity of the offense and risk to the public) in determining when a *Watts* class member should be released on parole. The Commission did not extend the *Watts* procedures to YCA inmates who were not members of the *Watts* class, since it had prevailed in other courts which considered the issue of the proper criteria for deciding when YCA inmates should be paroled. *E.g., Adams v. Keller*, 736 F.2d 320 (6th Cir. 1984) (*en banc*).

Given the continuing decline in the number of YCA inmates, the Bureau of Prisons is developing a plan to transfer a number of YCA inmates presently at FCI, Englewood to institutions across the country, preferably an institution near the inmate's residence after release. Such transfers will be made with the permission of the district court in Colorado. As part of this plan, the Bureau requested the Parole Commission to consider extending the *Watts* parole policies to YCA inmates who are not members of the *Watts* class. In the Bureau's view, the extension of the *Watts* procedures to all YCA inmates would facilitate the Bureau's monitoring of the treatment of the remaining inmates wherever they may be confined and would reduce the possibility of any disciplinary problems caused by the use of different parole policies for YCA inmates confined in the same institution.

The Commission published a proposed rule which extended its present *Watts* policies to all youth offenders and sought public comment on the proposal. See 53 FR 34546 (September 7, 1988). No public comment was received by the Commission. There are no substantive changes from the proposed rule in this final version of the regulation. A number of editorial changes have been made, including the elimination of some passages covering only the policies or practices of the Bureau of Prisons. This rule will become effective on January 9, 1989 and will be used for any hearing or record review conducted on or after that date with regard to a YCA inmate or parolee.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation, Parole.

PART 2—[AMENDED]

28 CFR Part 2 is amended to add § 2.65 as follows:

§ 2.65 Youth Corrections Act.

(a) The provisions of this section only apply to offenders serving sentences imposed under former 18 U.S.C. section 5010 (b) and (c).

(b) *Approval of program plans.* (1) The criteria outlined in paragraph (d) of this section (on determining successful response to treatment) shall be considered in determining whether a proposed program plan will effectively reduce the risk to the public welfare presented by the YCA prisoner's release.

(2) If the prisoner's program plan has not already been approved by the Commission, the examiner panel shall be given the plan at a hearing for review and approval. The examiners shall indicate their approval or disapproval of the program plan (with relevant comments and recommendations) in the hearing summary.

(3) If the examiners consider the plan inadequate, they will discuss their concerns with institutional staff. If there is still a disagreement on the plan, the case will be referred by the Commission's regional administrator to the Bureau's regional correctional programs administrator with the recommended changes. Unresolved disputes concerning the adequacy of the program plan shall be decided by the Regional Commissioner and the Regional Director of the Bureau of Prisons. The Regional Commissioner shall render the final decision on approving or disapproving each program plan on behalf of the Commission. Once the program plan has been approved, subsequent approvals are not necessary, unless significant modifications are made by institutional staff.

(c) *Parole hearings and progress reports.* (1) Initial hearings shall be conducted in accordance with §§ 2.12 and 2.13. The examiner panel will discuss with the prisoner and a staff member who is knowledgeable about the case the program plan and the importance of good conduct and program participation is setting the release date.

(2) An interim hearing must be scheduled for a YCA prisoner every six months. In addition, within 60 days of receipt of any special progress from the warden recommending parole, the prisoner shall be scheduled for a special interim hearing, unless the recommendation can be timely considered at a regularly scheduled interim hearing. An institutional staff member who has personal knowledge of the case shall be present to assist the examiners in their evaluation of the prisoner's conduct, program performance, and response to treatment.

(3) After any interim hearing or review on the record, the Commission may advance the presumptive release date, let the date stand, or retard/rescind the date if the prisoner has committed disciplinary infractions or new criminal conduct.

(4) An interim hearing will not be scheduled after receipt of a progress report, if the Commission decides on the record to parole the prisoner as soon as a release plan is approved (normally within 60 days of the decision).

(5) The institution shall send a progress report to the Commission:

(i) No more than 60 days before each interim hearing;

(ii) Upon determining that a prisoner should be recommended for parole; and

(iii) Before presumptive parole date to allow for the pre-release record review under § 2.14(b).

The warden may forward progress reports to the Commission at other times in his discretion. Progress reports shall also be sent to the Commission every six months for prisoners who have waived interim hearings to enable the Commission to verify that these prisoners have satisfied the conditions of securing their release on an alternative parole date granted under the former YCA compliance plan (*i.e.*, completion of the program plan) or the normal presumptive release date (*i.e.*, obedience to institutional rules).

(6) For prisoners granted earlier parole dates under former compliance plans in *Watts* v. *Bleaski:* A prisoner may waive interim hearings under this section, in which case he would retain an alternative parole date previously granted to him or a presumptive parole date granted as a result of a finding that the prisoner had responded to treatment. A prisoner who waives an interim hearing under this section may, at any time, re-apply for the hearing and be considered under this section in accordance with the application/waiver provisions at § 2.11. The Commission will not review the program plans for prisoners who waive interim hearings pursuant to this paragraph, unless the prisoner subsequently is scheduled for a hearing to consider new criminal conduct or a rule infraction *and* a modification of the original program plan appears warranted due to the prisoner's new criminal offense or infraction. If the prisoner is scheduled for a hearing that may not be waived (*e.g.*, an interim hearing where there has been a finding of a disciplinary infraction since the last hearing, or any hearing scheduled pursuant to § 2.20 (b) through (f), this section will be applied at such hearing.

(7) *Warden's recommendation.* Based on the completion of the program by the prisoner, and the quality of effort demonstrated by the prisoner in completing the plan, the warden will recommend to the Commission a conditional release date for its consideration. This recommendation shall be accompanied by a report on the prisoner's participation and level of achievement in different aspects of his program.

(d) *Criteria for finding successful response to treatment programs.* (1) In determining whether a prisoner has successfully "responded to treatment" the Commission shall examine whether the prisoner has shown that he has received sufficient corrective training, counseling, education, and therapy that the public would not be endangered by his release. See former 18 U.S.C. 5006(f) (definition of "treatment" under the YCA). The Bureau of Prisons shall assist the Commission in this determination by informing the Commission when the prisoner has completed his program plan and by advising the Commission of the quality of effort demonstrated by the prisoner in completing the plan.

(2) In determining the extent of a prisoner's positive response to treatment, the Commission shall examine the degree by which the prisoner has increased the likelihood that his release would not jeopardize public welfare through his program performance and conduct record. See 18 U.S.C. 4206(a)(2). The starting report for the analysis of a prisoner's response to treatment will be the original parole prognosis reached by the use of the salient factor score, and an evaluation of the nature of the prisoner's prior criminal history and other characteristics of the prisoner. The nature of the current offense may also be considered in determining the risk to the public welfare presented by the prisoner's release. The Commission will then proceed to evaluate whether the prisoner's program participation and institutional conduct has improved the original risk prognosis and evidences an alteration of his valued system, including an understanding of the wrongfulness of his past criminal conduct. For those prisoners who have exhibited serious or violent criminal behavior, the Commission will exercise more caution in making a finding that the prisoner has responded to treatment to the degree that he should be released.

(3) With regard to program performance, significant weight will be given to the following factors in determining a prisoner's response to treatment. This is not intended as an exhaustive list.

(i) *Vocational training:* Where the inmate originally had few job skills, the acquisition of a marketable job skill through vocational training or an apprenticeship program.

(ii) *Education:* Participation in educational programs to acquire an educational level at least the level of a high school graduate.

(iii) *Psychological counseling and therapy:* Where the prisoner's behavior has shown that he may be affected by personality disorders or a mental illness that has hampered his ability to lead a law-abiding life, or that he may otherwise benefit from such programs, participation in psychological and/or other specialized programs which lead to a judgment by the therapist/counselor that the prisoner has significantly improved his ability to obey the law and favorably modified his value system. Participation in these programs will normally be required for a significant advancement of the presumptive release date for a prisoner who has either committed or attempted a crime of violence.

(iv) *Drug/alcohol abuse programs:* Where the prisoner has a history of drug/alcohol abuse, participation in a drug/alcohol abuse program which leads to the judgment by the therapist/counselor that there is a significant likelihood that the prisoner will not revert to drug/alcohol abuse and has thereby significantly improved his ability to obey the law.

(v) *Work:* Assuming the prisoner is physically and mentally able to do so and is not otherwise engaged in an institutional activity which prevents him from obtaining a job, participation in a job on a regular basis so as to demonstrate a stable life pattern and a favorable modification of his value system.

(4) Prison misconduct (*i.e.*, disobedience to institutional rules, escape) and new criminal conduct in the institution shall be considered in the decision as to whether (or to what degree) a prisoner has successfully responded to treatment. The rescission guidelines of 2.36 shall be used in retarding or rescinding the original presumptive release date set according to the guidelines and the factors described in 18 U.S.C. 4206. If the original presumptive date has been advanced based on response to treatment, the rescission guidelines may also be used to retard or rescind the new date to maintain institutional discipline, if the misconduct is not deemed serious enough to affect the decision that the prisoner has responded to treatment. But misconduct subsequent to the advancement of a release date based on a finding of response to treatment may also result in a reversal of that finding and the cancellation of any advancement of the original presumptive release date.

(e) *Setting the parole date (balancing Sec. 4206 factors with response to treatment).* At any hearing or review on the record, the presumptive release date may be advanced if it is determined that the prisoner has responded to a sufficient degree to his treatment programs. The amount of the advancement should be proportional to the degree of response evidenced by the prisoner. In making the advancement, no rule restricting the amount of the

reduction—whether based on the guidelines (§ 2.20) or the rule on superior program achievement (§ 2.60)—shall be used. The decision will be the result of a case-by-case evaluation in which response to treatment programs, the seriousness of the offense, and the original parole prognosis are all weighed by the Commission with no one factor capable of excluding all others.

(f) *Parole violators.* Parole violators returned to an institution following a local revocation hearing shall normally be considered for reparole under this section at a hearing within six months of their arrival at the institution.

(g) *Early termination from supervision.* (1) A review of the YCA parolee's file will be conducted at the conclusion of each year of supervision (following receipt of the annual progress report—Form F–3) and six months prior to the expiration of his sentence (after receipt of the final report).

(2) A YCA parolee shall not be continued on supervision beyond the time periods specified in the early termination guidelines (§ 2.43), unless case-specific factors indicate further supervision is warranted. The guidelines at § 2.43 shall not be routinely used to *deny* early discharge to a YCA parolee who has yet to complete two (or three) years of clean supervision.

(3) The Commission shall consider the facts and circumstances of each YCA parolee's case, focusing on the risk he poses to the public and the benefit he may obtain from further supervision. The nature of the offense and parolee's past criminal record shall be taken into account only to evaluate the risk that the parolee may still pose to the public.

(4) In denying early discharge, the Commission shall inform the probation office by letter (with a copy to the YCA parolee) of the reasons for continued supervision. The reasons should pertain, whenever possible, to the facts and circumstances of the YCA parolee's case. If there are no case-specific factors which indicate that discharge should be either granted to denied and further supervision appears warranted, the Commission may inform the YCA parolee that he is continued on supervision because of its experience with similarly situated offenders.

Dated: November 17, 1988.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 88–28195 Filed 12–8–88; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Approval of Amendments to the Iowa Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of an amendment to the Iowa permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment repeals the exemption from regulation for coal extraction operations affecting one-half acre or less. The amendment is intended to clarify the State program by removing a provision which was preempted by Federal legislation.

EFFECTIVE DATE: December 9, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 1103 Grand Avenue, Room 502, Kansas City, Missouri 64104; Telephone: (816) 374–6405.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior conditionally approved the Iowa program effective April 10, 1981. Information pertinent to the general background and revisions to the permanent program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Iowa program, can be found in the January 21, 1981, **Federal Register** (46 FR 5885). Subsequent actions concerning proposed amendments are codified at 30 CFR 915.15.

II. Submission of Amendments

On June 9, 1988, the State of Iowa proposed to amend its permanent regulatory program by repealing language in its statute granting an exemption from regulation for coal extraction operations affecting one-half acre or less (Administrative Record No. IA–320). The proposed change revises Section 83.26 of the Code of Iowa by deleting subsection 2.

The Director announced receipt of the proposed amendment in the July 14, 1988, **Federal Register** (53 FR 26606) and, in the same notice, opened the public comment period and provided an opportunity for a public hearing on the substantive adequacy of the proposed amendment (Administrative Record No. IA–331). No public comments were received by August 15, 1988, the close of the comment period. The public hearing, scheduled for August 8, 1988, was not held because no one requested an opportunity to testify.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the amendment submitted by Iowa on June 9, 1988, meets the requirements of SMCRA and 30 CFR Chapter VII as discussed below.

As originally approved, Section 83.26 of the Code of Iowa excluded coal extraction operations affecting one-half acre or less from regulation. Similarly, as originally enacted, section 528(2) of SMCRA exempted coal extraction operations affecting two acres or less. However, on May 7, 1987, the President signed Pub. L. 100–34, which repealed this exemption and preempted any corresponding acreage-based exemptions included in State laws or regulations. The amendment under consideration in this rulemaking removes the State statutory language preempted by Pub. L. 100–34. Therefore, the Director finds section 83.26 of the Code of Iowa, as revised by this amendment, to be no less stringent than section 528 of SMCRA. Removal of the acreage exemption from the Iowa statute will avoid confusion on the part of the public, which may not be aware of the Federal preemption.

IV. Public and Agency Comments

As discussed above, the Director solicited public comment and provided opportunity for a public hearing on the proposed amendments. No public comments were received and, since no one requested an opportunity to testify at a public hearing, no hearing was held.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11), comments were also solicited from various Federal and State agencies with an actual or potential interest in the Iowa program. None of the agencies notified offered any substantive comments.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment submitted by Iowa on June 9, 1988. The Federal regulations at 30 CFR Part 915 codifying decisions concerning the Iowa program are being amended to implement this decision.

This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act. The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act. On July 12, 1984, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for action directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSMRE is exempt from the requirement to prepare a regulatory impact analysis, and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 915

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Robert E. Boldt,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

Date: December 2, 1988.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below.

PART 915—IOWA

1. The authority citation for Part 915 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 915.15 is amended by adding paragraph (h) to read as follows:

915.15 Approval of regulatory program amendments.

* * * * *

(h) The following amendment to the Iowa program, as submitted to OSMRE on June 9, 1988, is approved effective December 9, 1988: Revisions to Section 83.26 of the Code of Iowa repealing the provision excluding coal extraction operations affecting one-half acre or less from regulation.

[FR Doc. 88-28355 Filed 12-8-88; 8:45 am]
BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for issue 29 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations, see 39 CFR 111.1.

Most of the revisions are minor, editorial, or clarifying. Substantive changes, such as the revised regulations on ancillary service endorsements, and the revised regulations on eligibility of "Plus" issues for second-class mail privileges, have previously been published in the **Federal Register.**

EFFECTIVE DATE: December 18, 1988.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 268-2960.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual has been amended by the publication of a transmittal letter for issue 29, dated December 18, 1988. The text of all published changes is filed with the Director of the Federal Register Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 29 covers the minor changes not previously described in interim or final rules published in the **Federal Register.**

Summary of Changes

Chapter 1, Domestic Mail Services. Section 115.231b, Mail Sealed Against Inspection, and 152.71, Who May Recall Mail, are revised to clarify matters concerning Customs clearance of domestic and international mail.

* * * * *

Section 122.422a is revised to clarify the existing regulations to specify acceptable wording and the location of address formats for mailers who choose to use the exceptional address format.

The following Exhibits in 122.63 are updated: 122.63c, Sectional Center Facilities Serving a Single Three-Digit ZIP Code Area; 122.63e, Optional Area Distribution Center (ADC) Labeling List for Use with Presort First-Class Mailings Only; 122.63o Area Distribution Center (ADC) labeling list for optional combined ZIP+4, and presorted first-class mail; and 122.63p, originating mixed states labeling list for mailer prepared second-class publications.

In 125.15, Airlift Mail, section 125.152b is revised to change the size limits for parcels of any class that are mailed from an APO/FPO outside the contiguous 48 states. The parcels may not be more than 100 inches in length and girth combined.

Section 137.16, General Instructions, is revised to clarify the procedures for handling undeliverable-as-addressed franked mail bearing a Washington, DC, return address.

In Part 137, Official Mail, section 137.264b is revised to change the limit for insured mail sent as penalty mail. Items insured for over $100 cannot be sent as penalty mail and must have postage and fees prepaid.

Section 137.275f(3) is revised to raise the minimum dollar amount for orders for penalty mail stamp stock. Each order must now total $50.

Section 137.275f(4) is revised to state that $1 and $5 denomination stamps can only be ordered in multiples of $10.

Section 137.276h(4)(b) is revised to raise the limit for insured mail sent as penalty merchandise return mail. Items insured for over $100 cannot be sent as penalty merchandise mail.

In 144.52, Place of Mailing, section 144.524a, is revised to state that metered mail, regardless of its class, may be deposited at the area mail processing center (AMPC) which does the initial distribution of the originating mail and serves the post office where the meter is licensed.

In 159.326, Other Mail, section 159.326f is revised to include postage-due mail. The post office retains postage-due mail for 10 days; and, if no one claims it within that timeframe, it returns the mail to the sender. This same retention and return policy applies to postage-due mail addressed to a post office box.

Section 159.327, Return of Third- and Fourth-Class Mail, is revised to state that the sender of third- and fourth-class mail may identify pieces considered