

American Bar Association, Derivatives and Futures Law Committee, Business Law Section (ABA Derivatives Committee)
 American Petroleum Institute (API) and National Petrochemical and Refiners Association (NPRA)
 Argus Media, Inc. (Argus)
 Barnard, Chris (Barnard)
 Better Markets
 Brattle Group Economists (Brattle Group)
 Carini, Peter*
 CME Group, Inc. (CME Group)
 Coalition of Physical Energy Companies (COPE)
 Commodity Markets Council (CMC)
 Council of Institutional Investors (Council)
 Edison Electric Institute (EEI)
 Freddie Mac
 Futures Industry Association, International Swaps and Derivatives Association, Inc. (ISDA) and Securities Industry and Financial Markets Association (SIFMA) (together, the Associations)
 Managed Funds Association (MFA)
 Pen Fern Oil Co., Inc.*
 Petroleum Marketers Association of America (PMAA)
 Platts
 Scullin Oil Co.*
 Townsend, Clarence (Townsend)
 U.S. Senator Carl Levin (Senator Levin)
 University of Maryland School of Law, Professor Michael Greenberger (Professor Greenberger)
 Weir, Bix
 West Virginia Oil Marketers & Grocers Association (OMEGA)*
 Working Group of Commercial Energy Firms (CEF)
 Zwack, Joseph
 * Denotes commenters filing identical comments which were consolidated.
 [FR Doc. 2011-17549 Filed 7-13-11; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV-117-FOR; OSM-2011-0006]

West Virginia Regulatory Program

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

ACTION: Interim rule; effective date.

SUMMARY: On June 29, 2011, OSM published an interim rule approving a program amendment submitted by the West Virginia Department of Environmental Protection (WVDEP). The interim rule provided an opportunity for public comment and gave the comment due date and tentative hearing date. The summary and preamble to the interim rule specified that it was effective upon publication; however, the **DATES** section

of the rule failed to list an effective date. This final rule corrects that omission by providing an effective date.

DATES: The interim final rule published at 76 FR 37996 is effective July 14, 2011.

ADDRESSES: You may submit comments on the interim rule WV-117-FOR (76 FR 37996; June 29, 2011) by any of the following two methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. The rule has been assigned Docket ID OSM-2011-0006. If you would like to submit comments through the Federal eRulemaking Portal, go to <http://www.regulations.gov> and follow the instructions.

- *Mail/Hand Delivery:* Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301.

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office, Telephone: (304) 347-7158. E-mail: chfo@osmre.gov.

SUPPLEMENTARY INFORMATION: On June 29, 2011, we published an interim rule with request for comments at 76 FR 37996. The interim rule announced receipt of a proposed amendment to the West Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. On May 2, 2011, the WVDEP submitted a program amendment to OSM that included both statutory and regulatory revisions. West Virginia submitted proposed permit fee revisions to the Code of West Virginia as authorized by House Bill 2955 that passed during the State's regular 2011 legislative session. In addition, West Virginia amended its Code of State Regulations (CSR) to provide for the establishment of a minimum incremental bonding rate as authorized by Senate Bill 121. The changes, due to the passage of House Bill 2995, will increase the filing fee for the State's surface mining permit to \$3,500 and establish various fees for other permitting actions. Senate Bill 121 authorizes regulatory revisions which includes, among other things, the establishment of a minimum incremental bonding rate of \$10,000 per increment at CSR 38-2-11.4.a.2. Because the West Virginia revisions have an effective date of June 16, 2011, we approved the permit fees and the minimum incremental bonding rate on an interim basis. Our regulations at 30 CFR 732.17(h)(12) state that "[a]ll decisions approving or not approving program amendments must be published in the **Federal Register** and will be effective upon publication unless the notice specifies a different

effective date." Because our approval was published on June 29, 2011, and the notice did not specify a different effective date, for purposes of the West Virginia Regulatory Program, we consider the State's provisions approved effective June 29, 2011. Please see the **Federal Register** document published at 76 FR 37996 on June 29, 2011, for more details.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 5, 2011.

Michael K. Robinson,

Acting Regional Director, Appalachian Region.

[FR Doc. 2011-17336 Filed 7-13-11; 8:45 am]

BILLING CODE 4310-05-P

POSTAL SERVICE

39 CFR Part 111

Group E Post Office Box Service

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service™ is revising the *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 508.4.6 to clarify eligibility, simplify the standards, and facilitate uniform administration for Group E (free) Post Office™ (PO) box service.

DATES: *Effective Date:* September 6, 2011.

FOR FURTHER INFORMATION CONTACT: Laurence Welling at 202-268-7792, Ken Hollies at 202-268-3083, or Richard Daigle at 202-268-6392.

SUPPLEMENTARY INFORMATION: On November 24, 2010, the Postal Service published a **Federal Register** proposed rule (75 FR 71642-71643) to clarify eligibility, simplify the standards, and facilitate uniform administration for Group E (free) PO Box™ service. The Postal Service received several comments in response to this proposed rule that are summarized later in this notice.

Group E PO Box service is provided free, with restrictions, to customers whose physical addresses are not eligible for *any* form of USPS carrier delivery service. This service is consistent with the USPS responsibility to provide universal mail delivery. This final rule simplifies and clarifies some of the language related to administering Group E PO Box service.

For this final rule, the Postal Service removes the descriptive term, "business

location”, in favor of the general term “physical address”. The latter describes residential locations as well as business locations and no distinction between the two terms was intended.

USPS further deletes the reference to “out-of-bounds delivery receptacles” in favor of language recognizing that Group E PO Box service is not available when a physical address receives *any* form of USPS carrier delivery. Confusion over the intent of the meaning of “out-of-bounds” obscured the larger context wherein Group E service should never supplement a physical location’s carrier delivery service. Clarifying the intent and eliminating this confusion may cause existing Group E customers to lose Group E eligibility for their physical addresses, while others whose physical locations the USPS chooses not to provide carrier service to may become eligible for Group E service.

The Postal Service also revises the DMM to acknowledge carrier delivery service that, once established to a particular physical address, eliminates Group E eligibility. Improved language in this section illustrates situations where no eligibility for Group E arises either because carrier delivery is available or because action (or inaction) by third parties precludes USPS from extending carrier delivery.

Comments Received

Three comments were received regarding the proposed rule, addressing multiple issues.

One commenter expressed concerns about the vagueness of terminology in the proposal, for determining how close a “physical address” and delivery receptacle must be. In response, the Postal Service intends to add a sentence to clarify that “at or near a physical address” should be determined by how carrier delivery is already established in a particular locale or ZIP Code™.

Two separate comments expressed concern that local offices might misuse “unsafe conditions” and “or other conditions” to deny Group E eligibility. One of the commenters also expressed concern about the impact of local discretion on decisions. In response to these concerns, it is the Postal Service opinion that neither commenter was aware that the examples currently listed in the DMM reflect restrictions that are out of Postal Service control and are not all inclusive. Recognizing this lack of clarity, this final rule attempts to provide a better explanation.

With respect to “unsafe conditions”, local Postmasters are best able to determine when mailbox placement might be unsafe for postal employees to attempt delivery or for customers to

retrieve mail. Such decisions are made routinely by Postmasters while conforming with local practice, driving conditions, driver expectations, *etc.* Further, postmasters already make such decisions in contexts unrelated to Group E eligibility. Postmasters who determine that a proposed mailbox location is unsafe typically work with customers to find a solution that allows safe delivery.

One commenter expressed concern about the potential misuse of “or other conditions” is now addressed by the Postal Service as: (1) Clarifying that the examples contained in the current DMM consist of conditions outside the control of the Postal Service and, (2) by introducing the examples using “such as” so that it is understood that they are not all inclusive. By using these explanations, the “or other conditions” text is deleted from the final rule.

The foundation of Group E PO Box eligibility is a discretionary Postal Service decision not to extend carrier delivery to a specific carrier delivery point (*e.g.*, a house). When conditions prevent carrier delivery, where it would otherwise be operationally feasible, Group E eligibility is not an option. The DMM will continue to identify examples of conditions, including “unsafe conditions” that preclude the Postal Service from deciding whether or not to extend carrier delivery.

The same commenter expressed concern about the fair administration of Group E eligibility. The Postal Service agrees about the importance of Group E in the context of its universal service obligation and at the time of implementation, the Postal Service identified Group E service as one tool for offering universal service under an overarching policy of providing one free form of delivery to each customer.

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

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

508 Recipient Services

* * * * *

4.0 Post Office Box Service

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4.6 Fee Group Assignments

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[Revise the title, introductory text and items 4.6.2a, b and c, and eliminate item d in its entirety as follows:]

4.6.2 Free PO Box Service (Group E)

Customers may qualify for Group E (free) PO Box service at a Post Office if their physical address location meets all of the following criteria:

a. The physical address is within the geographic delivery ZIP Code boundaries administered by a Post Office.

b. The physical address constitutes a potential carrier delivery point of service.

c. USPS does not provide carrier delivery to a mail receptacle at or near a physical address for reasons in 4.6.3b. “At or near a physical address” is defined by reference to how carrier delivery is already established in a particular locale or ZIP Code.

[Revise the title and introductory text of 4.6.3 and add new items a through d as follows:]

4.6.3 Additional Standards for Free PO Box Service

Only one Group E (free) PO Box may be obtained for each potential carrier delivery point of service, under the following conditions:

a. Group E PO Box customers are assigned the smallest available box that reasonably accommodates their daily mail volume.

b. Eligibility for Group E PO Boxes does not extend to:

1. Individual tenants, contractors, employees, or other individuals receiving or eligible to receive single-point delivery to a location such as a hotel, college, military installation, campground, or transient trailer park.

2. Locations served, or eligible to be served, by centralized delivery or grouped receptacles such as cluster box

units, apartment style receptacles, mailrooms, or clusters of roadside receptacles.

3. Locations where circumstances not within the control of the Postal Service prevent extension of carrier delivery, such as town ordinances, private roads, gated communities, unimproved or poorly maintained roadways, or unsafe conditions.

4. Locations served by a delivery receptacle that a customer chooses to locate along a carrier's line of travel and to which the Postal Service makes delivery.

c. A customer must pay the applicable fee for each PO Box requested in addition to the initial free Group E PO Box.

d. The online application tools described in 4.3.1b cannot be used for free PO Box service.

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

Stanley F. Mires,
Chief Counsel, Legislative.

[FR Doc. 2011-17389 Filed 7-13-11; 8:45 am]

BILLING CODE 7710-12-P

POSTAL SERVICE

39 CFR Part 241

Post Office Organization and Administration: Establishment, Classification, and Discontinuance

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is amending 39 CFR part 241 to improve the administration of the Post Office closing and consolidation process. In addition, certain procedures employed for the discontinuance of Post Offices are applied to the discontinuance of other types of retail facilities operated by Postal Service employees.

DATES: *Effective date:* July 14, 2011.

FOR FURTHER INFORMATION CONTACT: Jim Boldt, (202) 268-6799.

SUPPLEMENTARY INFORMATION:

On March 31, 2011, the Postal Service published a proposed rule in the **Federal Register** (76 FR 17794) to improve the process for discontinuing Post Offices and other Postal Service-operated retail facilities. The proposed rule also reflected the Postal Service's determination, as a matter of policy, to apply the same discontinuance procedures to all retail facilities operated by Postal Service employees. The Postal Service requested comments

on the proposed rule. Analysis of the various comments received appears below.

The Postal Service is currently in the process of consultation under 39 U.S.C. 1004(b)-(d) about certain aspects of the proposed rule. Therefore, the relevant proposed changes and comments relative to those proposed changes are not included in this final rule, but may be addressed in a subsequent final rule. Under 39 U.S.C. 1004(b)-(d), the Postal Service is obliged to consult with certain supervisory and other managerial organizations about the planning and development of pay policies and schedules, fringe benefit programs, and other programs related to supervisory and other managerial employees. (The Postal Service understands "other programs" to constitute those concerning employment, of a piece with the other enumerated subjects of consultation, and not programs concerning facilities or the operating network more generally, which may have an indirect effect on employees.) Because the subject matter of this final rule does not itself comprise any program subject to 39 U.S.C. 1004(b)-(d), the Postal Service considers it to fall outside the scope of those provisions. Nevertheless, the Postal Service has taken into account comments by supervisory and other managerial organizations, as it has comments by other members of the public.

As explained in the proposed rule, this final rule is not retroactive. Therefore, any change in policy or regulations does not affect the procedures applicable to discontinuance processes initiated before the effective date of this final rule, when previous regulations may have been in effect.

The Postal Service is exempt from the notice requirements of the Administrative Procedure Act (5 U.S.C. 553(d)) regarding final rules by 39 U.S.C. 410(a). Moreover, the chief substance of this final rule is to extend to Postal Service-operated stations and branches the notice and comment procedures applicable to the discontinuance of Post Offices, thereby relieving restrictions that had previously been placed on public participation in the discontinuance process for stations and branches.

I. Response to Comments Received

The Postal Service received approximately 257 comments in response to the proposed rule. Commenters included 34 Members of Congress, the Postal Regulatory Commission ("Commission" or "PRC"), five state legislators, three postmasters'

and postal supervisors' organizations, one postal lessors' organization and various of its members, one mailing industry stakeholder, and numerous other postal customers. Although some comments were favorable about certain aspects of the proposed rule, almost all of the comments expressed concerns about various aspects of the proposed rule. Below we discuss the comments and our response to each.

A. Closure of Post Offices and Other Retail Facilities

1. Procedural Safeguards

The overwhelming majority of comments urged the Postal Service not to close Post Offices (as well as, presumably, stations and branches), especially in small and rural communities. These commenters stated that cost savings would be low, that there would be undue hardship on some customers, and other matters. Many expressed concern about a specific postal retail facility. Additionally, many appeared to believe that the proposed rule would eliminate procedures and make it easier to close retail facilities, including for reasons prohibited by statute. *See, e.g.,* 39 U.S.C. 101(b) ("No small post office shall be closed solely for operating at a deficit[.]"). To the contrary, the Postal Service has long been and remains focused on the need for customers in less populated locales to have regular and effective access to delivery and retail services, thereby helping to bind all customers and the nation together through written correspondence.

These comments seem to overlook the actual scope of the changes. This rulemaking does not reduce or abolish any transparency attained through, for example, public notice, public input, and consideration of all comments received before any Post Office may be discontinued. In fact, transparency will be enhanced. Nor does the rulemaking change any of the criteria for discontinuing a Post Office, which are set forth in the statute and include consideration of cost savings, the effects on employees and the community, and the prohibition on closing small Post Offices solely for financial reasons. It should be noted that the statutes in question apply only to the justifications for actually discontinuing a facility; they do not restrict Postal Service discretion to evaluate its retail network and identify specific facilities for formal study.

To highlight the distinction between initiation of a preliminary feasibility study and the development of an official proposal, the Postal Service is adding