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**SUPPLEMENTARY INFORMATION:** Luitpold Pharmaceuticals, Inc., Animal Health Division, Shirley, NY 11967, filed a supplement to NADA 140-901 for ADEQUAN (polysulfated glycosaminoglycan), an injectable solution approved for use in horses and dogs by veterinary prescription for noninfectious degenerative and/or traumatic joint disease. The supplemental NADA provides for additional vial sizes. The application is approved as of November 10, 2009, and the regulations are amended in 21 CFR 522.1850 to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under § 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a rule of “particular applicability.” Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

#### List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

#### PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. In § 522.1850, revise paragraph (a) to read as follows:

##### § 522.1850 Polysulfated glycosaminoglycan.

(a) *Specifications.* (1) Each 1-milliliter (mL) ampule of solution contains 250 milligrams (mg) polysulfated glycosaminoglycan.

(2) Each mL of solution packaged in 5-mL ampules or 20-, 30-, or 50-mL vials contains 100 mg polysulfated glycosaminoglycan.

\* \* \* \* \*

Dated: December 15, 2009.

**Bernadette Dunham,**

*Director, Center for Veterinary Medicine.*

[FR Doc. E9-30222 Filed 12-18-09; 8:45 am]

BILLING CODE 4160-01-S

## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3020

[Docket Nos. MC2010-9 and CP2010-9; Order No. 344]

#### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is adding Priority Mail Contract 23 to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

**DATES:** Effective December 21, 2009 and is applicable beginning October 28, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory History*, 74 FR 59015 (November 16, 2009).

- I. Introduction
- II. Background
- III. Comments
- IV. Commission Analysis
- V. Ordering Paragraphs

#### I. Introduction

The Postal Service seeks to add a new product identified as Priority Mail Contract 23 to the Competitive Product List. For the reasons discussed below, the Commission approves the Request.

#### II. Background

Pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 23 to the Competitive Product List.<sup>1</sup> The Postal Service asserts that Priority Mail Contract 23 is a competitive product “not of general applicability” within the meaning of 39 U.S.C. 3632(b)(3). The Postal Service states that prices and classification underlying this contract are supported

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 23 to Competitive Product List and Notice of Filing (Under Seal) of Contract and Supporting Data, November 5, 2009 (Request).

by Governors’ Decision No. 09-06 in Docket No. MC2009-25. *Id.* at 1. The Request has been assigned Docket No. MC2010-9.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. The contract has been assigned Docket No. CP2010-9.

In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors’ Decision, originally filed in Docket No. MC2010-25, authorizing certain Priority Mail contracts;<sup>2</sup> (2) a redacted version of the contract;<sup>3</sup> (3) a requested change in the Competitive Product List;<sup>4</sup> (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;<sup>5</sup> (5) a certification of compliance with 39 U.S.C. 3633(a);<sup>6</sup> and (6) an application for non-public treatment of the materials filed under seal.<sup>7</sup>

In the Statement of Supporting Justification, Mary Prince Anderson, Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service’s total institutional costs. *Id.*, Attachment D. Thus, Ms. Anderson contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.*

A redacted version of the specific Priority Mail Contract 23 is included with the Request. The contract will become effective on the day that the Commission provides all necessary regulatory approvals. It is terminable upon 30 days’ notice by either party, but could continue for up to one year. The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a). *See id.*, Attachment D. The Postal Service will provide Priority Mail packaging for items mailed by the shipper.

The Postal Service filed much of the supporting materials, including the specific Priority Mail Contract 23, under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer’s name and the accompanying

<sup>2</sup> Attachment A to the Request, reflecting Governors’ Decision No. 09-06, April 27, 2009.

<sup>3</sup> Attachment B to the Request.

<sup>4</sup> Attachment C to the Request.

<sup>5</sup> Attachment D to the Request.

<sup>6</sup> Attachment E to the Request.

<sup>7</sup> Attachment F to the Request.

analyses that provide prices, terms, conditions, cost data, and financial projections should remain under seal. *Id.* at 2. It also requests that the Commission order that the duration of such treatment of all customer identifying information be extended indefinitely, instead of ending after 10 years. *Id.*, Attachment F, at 1 and 7.

In Order No. 336, the Commission gave notice of the two dockets, requested supplemental information, appointed a public representative, and provided the public with an opportunity to comment.<sup>8</sup> On November 13, 2009, the Postal Service provided its response to the Commission's request for supplemental information. On November 16, 2009, Chairman's Information Request No. 1 was issued for response by the Postal Service by November 19, 2009. The Postal Service filed its response on November 19, 2009.

### III. Comments

Comments were filed by the Public Representative.<sup>9</sup> No comments were submitted by other interested parties. The Public Representative states that the Postal Service's filing meets the pertinent provisions of title 39 and the relevant Commission rules. *Id.* at 1, 3. He further states that the agreement employs pricing terms favorable to the customer, the Postal Service, and thereby, the public. *Id.* at 3. The Public Representative also believes that the Postal Service has provided appropriate justification for maintaining confidentiality in this case. *Id.* at 2–3.

### IV. Commission Analysis

The Commission has reviewed the Request, the contract, the financial analysis provided under seal that accompanies it, and the comments filed by the Public Representative.

**Statutory requirements.** The Commission's statutory responsibilities in this instance entail assigning Priority Mail Contract 23 to either the Market Dominant Product List or to the Competitive Product List. 39 U.S.C. 3642. As part of this responsibility, the Commission also reviews the proposal

<sup>8</sup> PRC Order No. 336, Notice and Order Concerning Priority Mail Contract 23 Negotiated Service Agreement, November 9, 2009 (Order No. 336).

<sup>9</sup> Public Representative Comments in Response to United States Postal Service Request to Add Priority Mail Contract 23 Negotiated Service Agreement to the Competitive Products List, November 18, 2009 (Public Representative Comments). This filing was accompanied by a Motion of the Public Representative for Late Acceptance of Comments in Response to United States Postal Service Request to Add Priority Mail Contract 23 Negotiated Service Agreement to the Competitive Products List, November 18, 2009. The motion is granted.

for compliance with the Postal Accountability and Enhancement Act (PAEA) requirements. This includes, for proposed competitive products, a review of the provisions applicable to rates for competitive products. 39 U.S.C. 3633.

**Product list assignment.** In determining whether to assign Priority Mail Contract 23 as a product to the Market Dominant Product List or the Competitive Product List, the Commission must consider whether the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing a significant level of business to other firms offering similar products.

39 U.S.C. 3642(b)(1). If so, the product will be categorized as market dominant. The competitive category of products consists of all other products.

The Commission is further required to consider the availability and nature of enterprises in the private sector engaged in the delivery of the product, the views of those who use the product, and the likely impact on small business concerns. 39 U.S.C. 3642(b)(3).

The Postal Service asserts that its bargaining position is constrained by the existence of other shippers who can provide similar services, thus precluding it from taking unilateral action to increase prices without the risk of losing volume to private companies. Request, Attachment D, ¶ (d). The Postal Service also contends that it may not decrease quality or output without risking the loss of business to competitors that offer similar expedited delivery services. *Id.* It further states that the contract partner supports the addition of the contract to the Competitive Product List to effectuate the negotiated contractual terms. *Id.*, ¶ (g). Finally, the Postal Service states that the market for expedited delivery services is highly competitive and requires a substantial infrastructure to support a national network. It indicates that large carriers serve this market. Accordingly, the Postal Service states that it is unaware of any small business concerns that could offer comparable service for this customer. *Id.*, ¶ (h).

No commenter opposes the proposed classification of Priority Mail Contract 23 as competitive. Having considered the statutory requirements and the support offered by the Postal Service, the Commission finds that Priority Mail Contract 23 is appropriately classified as a competitive product and should be added to the Competitive Product List.

**Cost considerations.** The Postal Service presents a financial analysis showing that Priority Mail Contract 23 results in cost savings while ensuring that the contract covers its attributable costs, does not result in subsidization of competitive products by market dominant products, and increases contribution from competitive products.

Based on the data submitted, the Commission finds that Priority Mail Contract 23 should cover its attributable costs (39 U.S.C. 3633(a)(2)), should not lead to the subsidization of competitive products by market dominant products (39 U.S.C. 3633(a)(1)), and should have a positive effect on competitive products' contribution to institutional costs (39 U.S.C. 3633(a)(3)). Thus, an initial review of proposed Priority Mail Contract 23 indicates that it comports with the provisions applicable to rates for competitive products.

**Other considerations.** The Postal Service indicates that the instant contract supersedes the current contract, approved in Docket Nos. MC2009–2 and CP2009–3, and which was extended at the Postal Service's request.<sup>10</sup> Given that, the Postal Service shall no later than 30 days after the effective date of the new contract, provide cost, revenue and volume data associated with the current contract to be filed in Docket No. MC2009–2 and CP2009–3.

In conclusion, the Commission approves Priority Mail Contract 23 as a new product. The revision to the Competitive Product List is shown below the signature of this Order and is effective upon issuance of this Order.

### V. Ordering Paragraphs

*It is ordered:*

1. Priority Mail Contract 23 (MC2010–9 and CP2010–9) is added to the Competitive Product List as a new product under Negotiated Service Agreements, Domestic.
2. The Postal Service shall notify the Commission if termination occurs prior to the scheduled termination date.
3. The Secretary shall arrange for the publication of this order in the **Federal Register**.

### List of Subjects in 39 CFR Part 3020

Administrative practice and procedure; Postal Service.

By the Commission.

**Shoshana M. Grove,**  
*Secretary.*

■ For the reasons discussed in the preamble, the Postal Regulatory Commission amends chapter III of title

<sup>10</sup> Docket Nos. MC2009–2 and CP2009–3, PRC Order No. 332, Order Granting Motion for Temporary Relief, November 5, 2009.

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:

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

■ 2. Revise Appendix A to Subpart A of Part 3020—Mail Classification Schedule to read as follows:

**Appendix A to Subpart A of Part 3020—Mail Classification Schedule**

**Part A—Market Dominant Products**

- 1000 Market Dominant Product List
- First-Class Mail
  - Single-Piece Letters/Postcards
  - Bulk Letters/Postcards
  - Flats
  - Parcels
  - Outbound Single-Piece First-Class Mail
    - International
  - Inbound Single-Piece First-Class Mail
    - International
- Standard Mail (Regular and Nonprofit)
  - High Density and Saturation Letters
  - High Density and Saturation Flats/Parcels
  - Carrier Route
  - Letters
  - Flats
  - Not Flat-Machinables (NFM)/Parcels
- Periodicals
  - Within County Periodicals
  - Outside County Periodicals
- Package Services
  - Single-Piece Parcel Post
  - Inbound Surface Parcel Post (at UPU rates)
  - Bound Printed Matter Flats
  - Bound Printed Matter Parcels
  - Media Mail/Library Mail
- Special Services
  - Ancillary Services
  - International Ancillary Services
  - Address List Services
  - Caller Service
  - Change-of-Address Credit Card
    - Authentication
  - Confirm
  - International Reply Coupon Service
  - International Business Reply Mail Service
  - Money Orders
  - Post Office Box Service
- Negotiated Service Agreements
  - HSBC North America Holdings Inc.
    - Negotiated Service Agreement
  - Bookspan Negotiated Service Agreement
  - Bank of America Corporation Negotiated Service Agreement
  - The Bradford Group Negotiated Service Agreement
  - Inbound International
  - Canada Post—United States Postal Service
    - Contractual Bilateral Agreement for Inbound Market Dominant Services
- Market Dominant Product Descriptions
  - First-Class Mail
    - [Reserved for Class Description]
    - Single-Piece Letters/Postcards
      - [Reserved for Product Description]
    - Bulk Letters/Postcards
      - [Reserved for Product Description]
    - Flats
      - [Reserved for Product Description]

- [Reserved for Product Description]
- Parcels
  - [Reserved for Product Description]
- Outbound Single-Piece First-Class Mail
  - International
    - [Reserved for Product Description]
  - Inbound Single-Piece First-Class Mail
    - International
      - [Reserved for Product Description]
  - Standard Mail (Regular and Nonprofit)
    - [Reserved for Class Description]
    - High Density and Saturation Letters
      - [Reserved for Product Description]
    - High Density and Saturation Flats/Parcels
      - [Reserved for Product Description]
    - Carrier Route
      - [Reserved for Product Description]
    - Letters
      - [Reserved for Product Description]
    - Flats
      - [Reserved for Product Description]
    - Not Flat-Machinables (NFM)/Parcels
      - [Reserved for Product Description]
- Periodicals
  - [Reserved for Class Description]
  - Within County Periodicals
    - [Reserved for Product Description]
  - Outside County Periodicals
    - [Reserved for Product Description]
- Package Services
  - [Reserved for Class Description]
  - Single-Piece Parcel Post
    - [Reserved for Product Description]
  - Inbound Surface Parcel Post (at UPU rates)
    - [Reserved for Product Description]
  - Bound Printed Matter Flats
    - [Reserved for Product Description]
  - Bound Printed Matter Parcels
    - [Reserved for Product Description]
  - Media Mail/Library Mail
    - [Reserved for Product Description]
- Special Services
  - [Reserved for Class Description]
  - Ancillary Services
    - [Reserved for Product Description]
  - Address Correction Service
    - [Reserved for Product Description]
  - Applications and Mailing Permits
    - [Reserved for Product Description]
  - Business Reply Mail
    - [Reserved for Product Description]
  - Bulk Parcel Return Service
    - [Reserved for Product Description]
  - Certified Mail
    - [Reserved for Product Description]
  - Certificate of Mailing
    - [Reserved for Product Description]
  - Collect on Delivery
    - [Reserved for Product Description]
  - Delivery Confirmation
    - [Reserved for Product Description]
  - Insurance
    - [Reserved for Product Description]
  - Merchandise Return Service
    - [Reserved for Product Description]
  - Parcel Airlift (PAL)
    - [Reserved for Product Description]
  - Registered Mail
    - [Reserved for Product Description]
  - Return Receipt
    - [Reserved for Product Description]
  - Return Receipt for Merchandise
    - [Reserved for Product Description]
  - Restricted Delivery
    - [Reserved for Product Description]
  - Shipper-Paid Forwarding

- [Reserved for Product Description]
- Signature Confirmation
  - [Reserved for Product Description]
- Special Handling
  - [Reserved for Product Description]
- Stamped Envelopes
  - [Reserved for Product Description]
- Stamped Cards
  - [Reserved for Product Description]
- Premium Stamped Stationery
  - [Reserved for Product Description]
- Premium Stamped Cards
  - [Reserved for Product Description]
- International Ancillary Services
  - [Reserved for Product Description]
- International Certificate of Mailing
  - [Reserved for Product Description]
- International Registered Mail
  - [Reserved for Product Description]
- International Return Receipt
  - [Reserved for Product Description]
- International Restricted Delivery
  - [Reserved for Product Description]
- Address List Services
  - [Reserved for Product Description]
- Caller Service
  - [Reserved for Product Description]
- Change-of-Address Credit Card
  - Authentication
    - [Reserved for Product Description]
- Confirm
  - [Reserved for Product Description]
- International Reply Coupon Service
  - [Reserved for Product Description]
- International Business Reply Mail Service
  - [Reserved for Product Description]
- Money Orders
  - [Reserved for Product Description]
- Post Office Box Service
  - [Reserved for Product Description]
- Negotiated Service Agreements
  - [Reserved for Class Description]
  - HSBC North America Holdings Inc.
    - Negotiated Service Agreement
      - [Reserved for Product Description]
  - Bookspan Negotiated Service Agreement
    - [Reserved for Product Description]
  - Bank of America Corporation Negotiated Service Agreement
    - The Bradford Group Negotiated Service Agreement
- Part B—Competitive Products
  - 2000 Competitive Product List
  - Express Mail
    - Express Mail
      - Outbound International Expedited Services
      - Inbound International Expedited Services
      - Inbound International Expedited Services 1 (CP2008–7)
      - Inbound International Expedited Services 2 (MC2009–10 and CP2009–12)
  - Priority Mail
    - Priority Mail
      - Outbound Priority Mail International
      - Inbound Air Parcel Post
      - Royal Mail Group Inbound Air Parcel Post Agreement
  - Parcel Select
  - Parcel Return Service
    - International
      - International Priority Airlift (IPA)
      - International Surface Airlift (ISAL)
      - International Direct Sacks—M-Bags
      - Global Customized Shipping Services
      - Inbound Surface Parcel Post (at non-UPU rates)

Canada Post—United States Postal service Contractual Bilateral Agreement for Inbound Competitive Services (MC2009–8 and CP2009–9)

International Money Transfer Service

International Ancillary Services

Special Services

Premium Forwarding Service

Negotiated Service Agreements

Domestic

Express Mail Contract 1 (MC2008–5)

Express Mail Contract 2 (MC2009–3 and CP2009–4)

Express Mail Contract 3 (MC2009–15 and CP2009–21)

Express Mail Contract 4 (MC2009–34 and CP2009–45)

Express Mail Contract 5 (MC2010–5 and CP2010–5)

Express Mail & Priority Mail Contract 1 (MC2009–6 and CP2009–7)

Express Mail & Priority Mail Contract 2 (MC2009–12 and CP2009–14)

Express Mail & Priority Mail Contract 3 (MC2009–13 and CP2009–17)

Express Mail & Priority Mail Contract 4 (MC2009–17 and CP2009–24)

Express Mail & Priority Mail Contract 5 (MC2009–18 and CP2009–25)

Express Mail & Priority Mail Contract 6 (MC2009–31 and CP2009–42)

Express Mail & Priority Mail Contract 7 (MC2009–32 and CP2009–43)

Express Mail & Priority Mail Contract 8 (MC2009–33 and CP2009–44)

Parcel Select & Parcel Return Service Contract 1 (MC2009–11 and CP2009–13)

Parcel Select & Parcel Return Service Contract 2 (MC2009–40 and CP2009–61)

Parcel Return Service Contract 1 (MC2009–1 and CP2009–2)

Priority Mail Contract 1 (MC2008–8 and CP2008–26)

Priority Mail Contract 2 (MC2009–2 and CP2009–3)

Priority Mail Contract 3 (MC2009–4 and CP2009–5)

Priority Mail Contract 4 (MC2009–5 and CP2009–6)

Priority Mail Contract 5 (MC2009–21 and CP2009–26)

Priority Mail Contract 6 (MC2009–25 and CP2009–30)

Priority Mail Contract 7 (MC2009–25 and CP2009–31)

Priority Mail Contract 8 (MC2009–25 and CP2009–32)

Priority Mail Contract 9 (MC2009–25 and CP2009–33)

Priority Mail Contract 10 (MC2009–25 and CP2009–34)

Priority Mail Contract 11 (MC2009–27 and CP2009–37)

Priority Mail Contract 12 (MC2009–28 and CP2009–38)

Priority Mail Contract 13 (MC2009–29 and CP2009–39)

Priority Mail Contract 14 (MC2009–30 and CP2009–40)

Priority Mail Contract 15 (MC2009–35 and CP2009–54)

Priority Mail Contract 16 (MC2009–36 and CP2009–55)

Priority Mail Contract 17 (MC2009–37 and CP2009–56)

Priority Mail Contract 18 (MC2009–42 and CP2009–63)

Priority Mail Contract 19 (MC2010–1 and CP2010–1)

Priority Mail Contract 20 (MC2010–2 and CP2010–2)

Priority Mail Contract 21 (MC2010–3 and CP2010–3)

Priority Mail Contract 22 (MC2010–4 and CP2010–4)

Priority Mail Contract 23 (MC2010–9 and CP2010–9)

Outbound International

Direct Entry Parcels Contracts

Direct Entry Parcels 1 (MC2009–26 and CP2009–36)

Global Direct Contracts (MC2009–9, CP2009–10, and CP2009–11)

Global Expedited Package Services (GEPS) Contracts

GEPS 1 (CP2008–5, CP2008–11, CP2008–12, and CP2008–13, CP2008–18, CP2008–19, CP2008–20, CP2008–21, CP2008–22, CP2008–23, and CP2008–24)

Global Expedited Package Services 2 (CP2009–50)

Global Plus Contracts

Global Plus 1 (CP2008–8, CP2008–46 and CP2009–47)

Global Plus 2 (MC2008–7, CP2008–48 and CP2008–49)

Inbound International

Inbound Direct Entry Contracts with Foreign Postal Administrations

Inbound Direct Entry Contracts with Foreign Postal Administrations (MC2008–6, CP2008–14 and MC2008–15)

Inbound Direct Entry Contracts with Foreign Postal Administrations 1 (MC2008–6 and CP2009–62)

International Business Reply Service Competitive Contract 1 (MC2009–14 and CP2009–20)

Competitive Product Descriptions

Express Mail [Reserved for Group Description]

Express Mail [Reserved for Product Description]

Outbound International Expedited Services [Reserved for Product Description]

Inbound International Expedited Services [Reserved for Product Description]

Priority [Reserved for Product Description]

Priority Mail [Reserved for Product Description]

Outbound Priority Mail International [Reserved for Product Description]

Inbound Air Parcel Post [Reserved for Product Description]

Parcel Select [Reserved for Group Description]

Parcel Return Service [Reserved for Group Description]

International [Reserved for Group Description]

International Priority Airlift (IPA) [Reserved for Product Description]

International Surface Airlift (ISAL) [Reserved for Product Description]

International Direct Sacks—M-Bags [Reserved for Product Description]

Global Customized Shipping Services [Reserved for Product Description]

International Money Transfer Service [Reserved for Product Description]

Inbound Surface Parcel Post (at non-UPU rates)

[Reserved for Product Description]

International Ancillary Services [Reserved for Product Description]

International Certificate of Mailing [Reserved for Product Description]

International Registered Mail [Reserved for Product Description]

International Return Receipt [Reserved for Product Description]

International Restricted Delivery [Reserved for Product Description]

International Insurance [Reserved for Product Description]

Negotiated Service Agreements [Reserved for Group Description]

Domestic [Reserved for Product Description]

Outbound International [Reserved for Group Description]

Part C—Glossary of Terms and Conditions [Reserved]

Part D—Country Price Lists for International Mail [Reserved]

[FR Doc. E9–30230 Filed 12–18–09; 8:45 am]

BILLING CODE 7710-FW-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R09–OAR–2008–0379; FRL–8982–4]

### Approval and Promulgation of Maintenance Plan for Carbon Monoxide; State of Arizona; Tucson Air Planning Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the Clean Air Act, EPA is approving two revisions to the Arizona State Implementation Plan. These revisions include the 2008 Revision to the Carbon Monoxide Limited Maintenance Plan for the Tucson Air Planning Area, submitted on July 10, 2008, and a statutory provision, submitted on June 22, 2009, that extends the life of the State's vehicle emissions inspection program through the end of 2016. EPA is taking this action pursuant to those provisions of the Clean Air Act that obligate the Agency to take action on submittals of revisions to state implementation plans. The effect of this action is to make certain commitments related to maintenance of the carbon monoxide standard in the Tucson Air Planning Area Federally enforceable as part of the Arizona State Implementation Plan.

**DATES:** *Effective Date:* This rule is effective on January 20, 2010.

**ADDRESSES:** EPA has established docket number EPA–R09–OAR–2008–0379 for this action. The index to the docket is