

autopsy reports, mephedrone, methylone, and MDPV have been implicated in drug induced overdose deaths. In at least three reported deaths, one of these synthetic cathinones was ruled as the cause of death. Other deaths involved individuals under the influence of these synthetic cathinones who acted violently and unpredictably in causing harm to themselves or others. There have also been reports in the scientific literature of deaths caused by individuals who were driving under the influence of these synthetic cathinones.

A number of synthetic cathinones and their products, as identified by CBP and reported in the scientific literature, appear to originate from foreign sources. The manufacturers and retailers who make and sell these products do not fully disclose the product ingredients including the active ingredients or the health risks and potential hazards associated with these products. This poses significant risk to abusers who may not know what they are purchasing or the risk associated with the use of those products.

Available evidence on the overall health and social risks of mephedrone, methylone, and MDPV indicates that these substances can cause acute health problems, can potentially lead to dependency, or can cause death. The abuse of synthetic cathinones has been characterized by both acute and long term public health and safety problems and has resulted in deaths.

#### **Finding of Necessity of Schedule I Scheduling To Avoid Imminent Hazard to Public Safety**

Based on the above data and information, the continued uncontrolled manufacture, distribution, importation, exportation, and abuse of mephedrone, methylone, and MDPV pose an imminent hazard to the public safety. DEA is not aware of any recognized therapeutic uses of these synthetic cathinones in the United States. A substance meeting the statutory requirements for temporary scheduling (21 U.S.C. 811(h)(1)) may only be placed in schedule I. Substances in Schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision. Available data and information for mephedrone, methylone, and MDPV indicate that these three synthetic cathinones have a high potential for abuse, no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision.

#### **Conclusion**

This notice of intent initiates expedited temporary scheduling action and provides the 30-day notice pursuant to section 201(h) of the CSA (21 U.S.C. 811(h)). In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)), the Administrator has considered available data and information and has set forth herein the grounds for her determination that it is necessary to temporarily schedule three synthetic cathinones, 4-methyl-N-methylcathinone (mephedrone), 3,4-methylenedioxy-N-methylcathinone (methylone), and 3,4-methylenedioxypyrovalerone (MDPV) in Schedule I of the CSA to avoid an imminent hazard to the public safety.

Because the Administrator hereby finds that it is necessary to temporarily place these synthetic cathinones into Schedule I to avoid an imminent hazard to the public safety, any subsequent final order temporarily scheduling these substances will be effective on the date of publication in the **Federal Register**, and will be in effect for a period of up to 18 months pending completion of the permanent or regular scheduling process. It is the intention of the Administrator to issue such a final order as soon as possible after the expiration of 30 days from the date of publication of this notice. Mephedrone, methylone, and MDPV will then be subject to the regulatory controls and administrative, civil and criminal sanctions applicable to the manufacture, distribution, possession, importing and exporting of a Schedule I controlled substance under the CSA.

Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done "on the record after opportunity for a hearing" conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth specific criteria for scheduling a drug or other substance. While temporary scheduling orders are not subject to judicial review (21 U.S.C. 811(h)(6)), the regular scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions which conclude the regular scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877.

#### **List of Subjects in 21 CFR Part 1308**

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

Under the authority vested in the Attorney General by Section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of the DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby intends to order that 21 CFR Part 1308 be amended as follows:

#### **PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

2. Section 1308.11 is amended by adding new paragraphs (g)(6), (7) and (8) to read as follows:

#### **§ 1308.11 Schedule I.**

\* \* \* \* \*

- (g) \* \* \* \* \*  
 (6) 4-methyl-N-methylcathinone—1248 (Other names: mephedrone)  
 (7) 3,4-methylenedioxy-N-methylcathinone—7540 (Other names: methylone)  
 (8) 3,4-methylenedioxypyrovalerone—7535 (Other names: MDPV)

Dated: September 1, 2011.

**Michele M. Leonhart,**  
*Administrator.*

[FR Doc. 2011-23012 Filed 9-7-11; 8:45 am]

**BILLING CODE 4410-09-P**

#### **POSTAL REGULATORY COMMISSION**

#### **39 CFR Part 3055**

[Docket No. RM2011-14; Order No. 837]

#### **Performance Measurement for Special Postal Services**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commission is proposing rules addressing reporting requirements for the measurement of the level of service the Postal Service provides in connection with Stamp Fulfillment Services, through which it fills stamp and product orders received via mail, telephone, facsimile, or Internet at a dedicated fulfillment center. The proposed rules are intended to be consistent with recent Postal Service representations about proposed service standards, measurement methods, and reporting requirements. This document informs the public of the proposed rule and invites public comment.

**DATES:** *Comments are due:* September 28, 2011; *reply comments are due:* October 11, 2011.

**ADDRESSES:** Submit comments electronically by accessing the “Filing Online” link in the banner at the top of the Commission’s Web site at <http://www.prc.gov/prc-pages/filing-online/login.aspx>. Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6820 (for information related to the proposed rule) or [DocketAdmins@prc.gov](mailto:DocketAdmins@prc.gov) (for electronic filing assistance).

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

This rulemaking is part of the series of rulemakings initiated by the Postal Regulatory Commission (Commission) to fulfill its responsibilities under the Postal Accountability and Enhancement Act (PAEA), Public Law 109–435, 120 Stat. 3198 (2006). The proposed rules described herein would establish reporting requirements for the measurements of level of service afforded by the Postal Service in connection with Stamp Fulfillment Services (SFS). The reporting of level of service is required by 39 U.S.C. 3652(a)(2)(B)(i) as part of the Postal Service’s annual report to the Commission and supporting documentation. This is a necessary part of the Commission’s implementation of a modern system of rate regulation for market dominant products that ensures service is not impaired as a result of the greater flexibility provided to the Postal Service under the PAEA in light of the price cap requirements. See 39 U.S.C. 3622 and 3651.

**II. Procedural History**

SFS provides the fulfillment of stamp and product orders received by mail, phone, fax, or Internet at the Postal Service’s SFS center in Kansas City, Missouri. Orders can include stamps, stamped cards, envelopes, stationery, and other philatelic items. A fee is charged for order processing and handling.

On July 13, 2010, the Commission added SFS to the market dominant

product list pursuant to a Postal Service request.<sup>1</sup> On June 16, 2011, the Commission granted a Postal Service request for a temporary waiver from reporting service performance for SFS until the filing date for the 2011 Annual Compliance Report. The Commission further asked the Postal Service to either file a request for a semi-permanent exception from reporting or begin the consultation process for establishing service standards (and measurement systems) prior to August 1, 2011.<sup>2</sup>

By letter dated July 29, 2011, the Postal Service informed the Commission of its intent to institute an internal measurement system for SFS and asked for Commission comment.<sup>3</sup> The Postal Service proposed service standards, measurement methodologies, and reporting requirements. The Postal Service indicated that it will formalize its proposed service standards through a **Federal Register** notice.

On August 25, 2011, the Commission responded to the Postal Service request for comment.<sup>4</sup> The Commission concurred with the measurement approach that the Postal Service proposed and indicated that the Commission would initiate a rulemaking to make the Commission’s reporting rules consistent with the Postal Service’s reporting proposals.

**III. Background of Postal Service Proposals**

*A. Proposed Measurement System*

The Postal Service proposes to measure the time from SFS order entry to the time a SFS order is placed on a mail truck manifest for entry into the mailstream. The transit time once an order is entered into the mailstream to delivery is not included as part of the SFS measurement.

A measurement starts when an order is entered into the National Customer Management System (NCMS). NCMS manages SFS inventory, general ledger, order history, and customer accounts.

A measurement ends when the order is logically closed out in the Automated

Fulfillment Equipment System (AFES).<sup>5</sup> The AFES system interacts with NCMS and is utilized to fulfill orders.

*B. Proposed Service Standards*

The Postal Service’s proposed service standards vary depending upon how a customer’s order was received.<sup>6</sup> The Postal Service proposes the following three service standards.

- Internet Orders: Non-Philatelic/ Non-Custom Less than or equal to 2 business days.
- Business Level Orders: Less than or equal to 5 business days.
- Philatelic/Custom and all Other Order Sources: Less than or equal to 10 business days.

*C. Proposed Service Goals*

For each of the three proposed service standards, the Postal Service proposes a service goal or target of achieving each service standard at least 90 percent of the time.

*D. Service Performance Measurement Reporting*

The Postal Service proposes to report the percentage of time that SFS meets or exceeds the applicable proposed service standard. The Postal Service also proposes to report service variances. Service variances will report the total percentage of orders fulfilled within the applicable service standard, plus the percentage that are fulfilled 1, 2, or 3 days late. Reporting is to be disaggregated by how a customer’s order was received. Percentage on time and service variance reporting are to be provided to the Commission both on a quarterly and on an annual basis.

**IV. Service Performance Measurement Reporting Rules**

The Commission proposes to modify section 3055.65 to include a special reporting requirement for SFS. Section 3055.65 specifies the requirements for the periodic reporting (quarterly) of service performance achievements for special services, which includes SFS.<sup>7</sup>

The special reporting requirement specifies that the Postal Service will report: (1) SFS on-time service performance (as a percentage rounded to one decimal place); and (2) SFS service

<sup>1</sup> Docket No. MC2009–19, Order No. 487, Order Accepting Product Descriptions and Approving Addition of Stamp Fulfillment Services to the Mail Classification Schedule Product Lists, July 13, 2010.

<sup>2</sup> Docket Nos. RM2011–1, RM2011–4 and RM2011–7, Order No. 745, Order Concerning Temporary Waivers and Semi-Permanent Exceptions from Periodic Reporting of Service Performance Measurement, June 16, 2011.

<sup>3</sup> Letter dated July 29, 2011 from Kevin A. Calamoneri, Managing Counsel, Corporate & Postal Business Law, United States Postal Service to Shoshana M. Grove, Secretary, Postal Regulatory Commission.

<sup>4</sup> Letter dated August 25, 2011 from Shoshana M. Grove, Secretary, Postal Regulatory Commission to Kevin A. Calamoneri, Managing Counsel, Corporate & Postal Business Law, United States Postal Service.

<sup>5</sup> A logical closure is an indication that an order has been fulfilled, packaged, labeled, and placed on a manifest for pickup by a Postal Service truck before entering the mailstream.

<sup>6</sup> The Postal Service’s proposed service standards are not the subject of this rulemaking and can best be addressed by interested persons through a response to the Postal Service’s upcoming **Federal Register** notice on this subject matter.

<sup>7</sup> Note that section 3055.31(e) currently requires quarterly data to be aggregated to an annual level and reported to the Commission.

variance (as a percentage rounded to one decimal place) for orders fulfilled within +1 day, +2 days, and +3 days of their applicable service standard.

Both items shall be disaggregated by customer order entry method. The Postal Service currently proposes three customer order entry methods: (1) Internet Orders: Non-Philatelic/Non-Custom; (2) Business Level Orders; and (3) Philatelic/Custom and all Other Order Sources. By generically referring to the three proposed methods as "customer order entry method," the Postal Service is provided flexibility to propose other methods to the Commission for future implementation without requiring a rule change.

#### V. Designation of Public Representative

Pursuant to 39 U.S.C. 505, James F. Callow is designated as the Public Representative in this proceeding to represent the interests of the general public.

#### VI. Solicitation of Comments

Interested persons are invited to comment on the rules proposed in this rulemaking. Comments are due no later than 20 days after publication of this order in the **Federal Register**. Reply comments are due no later than 30 days after publication of this order in the **Federal Register**.

#### VII. Ordering Paragraphs

*It is ordered:*

1. The Commission proposes to amend its rules of practice and procedure by modifying the periodic reporting of service performance achievements for special services found in 39 CFR 3055.65.

2. Docket No. RM2011-14 is established to consider the above changes to the Commission's rules of practice and procedure.

3. Interested persons may file initial comments no later than 20 days after publication of this order in the **Federal Register**.

4. Interested persons may file reply comments no later than 30 days after publication of this order in the **Federal Register**.

5. Pursuant to 39 U.S.C. 505, James F. Callow is designated as the Public Representative in this proceeding to represent the interests of the general public.

6. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

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

#### List of Subjects in 39 CFR Part 3055

Administrative practice and procedure; Postal Service; Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Postal Regulatory Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

#### PART 3055—[Amended]

1. The authority citation for part 3055 continues to read as follows:

**Authority:** 39 U.S.C. 503, 3622(a), 3652(d) and (e), 3657(c).

2. In § 3055.65, add paragraph (d) to read as follows:

#### § 3055.65 Special Services.

\* \* \* \* \*

(d) *Additional reporting for Stamp Fulfillment Service. For Stamp Fulfillment Service, report:*

(1) The on-time service performance (as a percentage rounded to one decimal place), disaggregated by customer order entry method; and

(2) The service variance (as a percentage rounded to one decimal place) for orders fulfilled within +1 day, +2 days, and +3 days of their applicable service standard, disaggregated by customer order entry method.

[FR Doc. 2011-22899 Filed 9-7-11; 8:45 am]

**BILLING CODE P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R09-OAR-0594; FRL-9456-5]

#### Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the Yolo-Solano Air Quality Management District portion of the California State Implementation Plan (SIP). This revision concerns volatile organic compound emissions from expandable polystyrene product manufacturing operations. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act as amended in 1990.

**DATES:** Any comments on this proposal must arrive by October 11, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-0594, by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions.

2. E-mail: [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).

3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, EPA Region IX, (415) 947-4124, [wang.mae@epa.gov](mailto:wang.mae@epa.gov).

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rule: Yolo-Solano Air Quality Management District Rule 2.41, Expandable Polystyrene Manufacturing Operations. In the Rules and Regulations section of this **Federal**