

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c), and 1188; and 8 CFR 214.2(h).

Subpart E issued under 48 U.S.C. 1806.

Subparts F and G issued under 8 U.S.C. 1288(c) and (d); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b) and (b)(1), 1182(n), (p), and (t), and 1184(g) and (j); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 412(e), Pub. L. 105–277, 112 Stat. 2681; 8 CFR 214.2(h); and 28 U.S.C. 2461 note, Pub. L. 114–74 at section 701.

Subparts L and M issued under 8 U.S.C. 1101(a)(15)(H)(i)(c) and 1182(m); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); Pub. L. 109–423, 120 Stat. 2900; and 8 CFR 214.2(h).

■ 2. Amend § 655.103(b) by revising the definition of *Adverse effect wage rate* to read as follows:

§ 655.103 Overview of this subpart and definition of terms.

* * * * *

(b) * * * *Adverse effect wage rate (AEWR).* The wage rate published by the OFLC Administrator in the **Federal Register** for non-range occupations as set forth in § 655.120(b) and range occupations as set forth in § 655.211(c).

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■ 3. Amend § 655.120 by removing paragraph (c), redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 655.120 Offered wage rate.

* * * * *

(b)(1) Except for occupations governed by the procedures in §§ 655.200 through 655.235, the OFLC Administrator will determine the AEWRs as follows:

(i) If the occupation and geographic area were included in the Department of Agriculture’s (USDA) Farm Labor Survey (FLS) for wages paid to field and livestock workers (combined) as reported for November 2019:

(A) For the period from December 21, 2020 through calendar year 2022, the AEWR shall be the annual average hourly gross wage for field and livestock workers (combined) in effect on January 2, 2020; and

(B) Beginning calendar year 2023, and annually thereafter, the AEWR shall be adjusted based on the Employment Cost Index (ECI) for wages and salaries published by the Bureau of Labor Statistics (BLS) for the most recent preceding 12 months.

(ii) If the occupation or geographic area was not included in the USDA FLS for wages paid to field and livestock

workers (combined) as reported for November 2019:

(A) The AEWR shall be the statewide annual average hourly gross wage for the occupation if one is reported by the Occupational Employment Statistics (OES) survey; or

(B) If no statewide wage for the occupation and geographic area is reported by the OES survey, the AEWR shall be the national average hourly gross wage for the occupation reported by the OES survey.

(iii) The AEWR methodologies described in paragraphs (b)(1)(i) and (ii) of this section shall apply to all job orders submitted, as set forth in § 655.121, on or after December 21, 2020, including job orders filed concurrently with an *Application for Temporary Employment Certification* to the NPC for emergency situations under § 655.134.

(2) The OFLC Administrator will publish a notice in the **Federal Register**, at least once in each calendar year, on a date to be determined by the OFLC Administrator, establishing each AEWR.

(3)–(4) [Reserved]

(5) If the job duties on the *Application for Temporary Employment Certification* do not fall within a single occupational classification, the applicable AEWR shall be the highest AEWR for all applicable occupational classifications.

* * * * *

John Pallasch,
Assistant Secretary for Employment and Training, Labor.

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POSTAL REGULATORY COMMISSION

39 CFR Part 3040

[Docket No. RM2020–8]

Update to Product Lists

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is announcing an update to the market dominant and competitive product lists. This action reflects a publication policy adopted by Commission rules. The referenced policy assumes periodic updates. The updates are identified in the body of this document. The market dominant and competitive product lists, which are re-published in their entirety, includes these updates.

DATES: This rule is effective December 21, 2020, without further action, unless adverse comment is received by

December 7, 2020. If adverse comment is received, the Commission will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: For additional information, this document can be accessed electronically through the Commission’s website at <https://www.prc.gov>.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6800.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Commission Process
- III. Authorization
- IV. Modifications
- V. Ordering Paragraphs

I. Introduction

Pursuant to 39 U.S.C. 3642(d)(2) and 39 CFR 3040.103, the Commission provides a Notice of Update to Product Lists by listing all modifications to both the market dominant and competitive product lists between July 1, 2020 and September 30, 2020.

II. Commission Process

Pursuant to 39 CFR part 3040, the Commission maintains a Mail Classification Schedule (MCS) that includes rates, fees, and product descriptions for each market dominant and competitive product, as well as product lists that categorize Postal Service products as either market dominant or competitive. *See generally* 39 CFR part 3040. The product lists are published in the Code of Federal Regulations as 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List and Appendix B to Subpart A of Part 3040—Competitive Product List pursuant to 39 U.S.C. 3642(d)(2). *See* 39 U.S.C. 3642(d)(2). Both the MCS and its product lists are updated by the Commission on its website on a quarterly basis.¹ In addition, these quarterly updates to the product lists are also published in the **Federal Register** pursuant to 39 CFR 3040.103. *See* 39 CFR 3040.103.

III. Authorization

Pursuant to 39 CFR 3040.103(d)(1), this Notice of Update to Product Lists identifies any modifications made to the market dominant or competitive product list, including product additions, removals, and transfers.²

¹ See <https://www.prc.gov/mail-classification-schedule> in the Current MCS section.

² 39 CFR 3040.103(d)(1). More detailed information (*e.g.*, Docket Nos., Order Nos., effective dates, and extensions) for each market dominant and competitive product can be found in the MCS, including the “Revision History” section. *See, e.g.*,
Continued

Pursuant to 39 CFR 3040.103(d)(2), the modifications identified in this document result from the Commission's most recent MCS update posted on the Commission's website on September 30, 2020, and supersede all previous product lists.³

IV. Modifications

The following list of products is being added to 39 CFR Appendix A to Subpart A of Part 3040—Market Dominant Product List:

1. Extended Mail Forwarding

The following list of products is being added to 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 111
2. First-Class Package Service Contract 112
3. Parcel Select & Parcel Return Service Contract 11
4. Parcel Select & Parcel Return Service Contract 12
5. Priority Mail Contract 628
6. Priority Mail Contract 629
7. Priority Mail Contract 630
8. Priority Mail Contract 631
9. Priority Mail Contract 632
10. Priority Mail Contract 633
11. Priority Mail Contract 634
12. Priority Mail Contract 635
13. Priority Mail Contract 636
14. Priority Mail Contract 637
15. Priority Mail Contract 638
16. Priority Mail Contract 639
17. Priority Mail Contract 640
18. Priority Mail Contract 641
19. Priority Mail Contract 642
20. Priority Mail Contract 643
21. Priority Mail Contract 644
22. Priority Mail Contract 645
23. Priority Mail Contract 646
24. Priority Mail Contract 647
25. Priority Mail Contract 648
26. Priority Mail Contract 649
27. Priority Mail Contract 650
28. Priority Mail Contract 651
29. Priority Mail Contract 652
30. Priority Mail Contract 653
31. Priority Mail Contract 654
32. Priority Mail Contract 655
33. Priority Mail Contract 656
34. Priority Mail Contract 657
35. Priority Mail Contract 658
36. Priority Mail Contract 659
37. Priority Mail Contract 660
38. Priority Mail Contract 661
39. Priority Mail Contract 662

40. Priority Mail Contract 663
41. Priority Mail & Parcel Select Contract 3
42. Priority Mail & Parcel Select Contract 4
43. Priority Mail & First-Class Package Service Contract 150
44. Priority Mail & First-Class Package Service Contract 151
45. Priority Mail & First-Class Package Service Contract 152
46. Priority Mail & First-Class Package Service Contract 153
47. Priority Mail & First-Class Package Service Contract 154
48. Priority Mail & First-Class Package Service Contract 155
49. Priority Mail & First-Class Package Service Contract 156
50. Priority Mail & First-Class Package Service Contract 157
51. Priority Mail & First-Class Package Service Contract 158
52. Priority Mail & First-Class Package Service Contract 159
53. Priority Mail & First-Class Package Service Contract 160
54. Priority Mail & First-Class Package Service Contract 161
55. Priority Mail & First-Class Package Service Contract 162
56. Priority Mail & First-Class Package Service Contract 163
57. Priority Mail & First-Class Package Service Contract 164
58. Priority Mail & First-Class Package Service Contract 165
59. Priority Mail & First-Class Package Service Contract 166
60. Priority Mail & First-Class Package Service Contract 167
61. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 7
62. Priority Mail Express International, Priority Mail International, First-Class Package International Service & Commercial ePacket Contract 8
63. Priority Mail Express Contract 81
64. Priority Mail Express Contract 82
65. Priority Mail Express & Priority Mail Contract 115
66. Priority Mail Express & Priority Mail Contract 116
67. Priority Mail Express & Priority Mail Contract 117
68. Priority Mail Express, Priority Mail & First-Class Package Service Contract 70
69. Priority Mail Express, Priority Mail & First-Class Package Service Contract 71
70. Priority Mail Express, Priority Mail & First-Class Package Service Contract 72
71. Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 7

72. Priority Mail, First-Class Package Service & Parcel Select Contract 1

The following list of products is being removed from 39 CFR Appendix B to Subpart A of Part 3040—Competitive Product List:

1. First-Class Package Service Contract 79
2. Parcel Return Service Contract 13
3. Parcel Select Contract 9
4. Priority Mail & First-Class Package Service 105
5. Priority Mail & First-Class Package Service 134
6. Priority Mail & First-Class Package Service 48
7. Priority Mail & First-Class Package Service 53
8. Priority Mail & First-Class Package Service 55
9. Priority Mail & First-Class Package Service 56
10. Priority Mail & First-Class Package Service 57
11. Priority Mail & First-Class Package Service 86
12. Priority Mail & First-Class Package Service 87
13. Priority Mail Contract 234
14. Priority Mail Contract 237
15. Priority Mail Contract 271
16. Priority Mail Contract 288
17. Priority Mail Contract 295
18. Priority Mail Contract 319
19. Priority Mail Contract 327
20. Priority Mail Contract 335
21. Priority Mail Contract 336
22. Priority Mail Contract 339
23. Priority Mail Contract 341
24. Priority Mail Contract 342
25. Priority Mail Contract 343
26. Priority Mail Contract 344
27. Priority Mail Contract 345
28. Priority Mail Contract 347
29. Priority Mail Contract 348
30. Priority Mail Contract 351
31. Priority Mail Contract 353
32. Priority Mail Contract 355
33. Priority Mail Contract 356
34. Priority Mail Contract 376
35. Priority Mail Contract 455
36. Priority Mail Contract 480
37. Priority Mail Contract 483
38. Priority Mail Contract 536
39. Priority Mail Contract 540
40. Priority Mail Contract 541
41. Priority Mail Contract 549
42. Priority Mail Contract 552
43. Priority Mail Contract 554
44. Priority Mail Contract 561
45. Priority Mail Contract 562
46. Priority Mail Contract 565
47. Priority Mail Contract 579
48. Priority Mail Contract 580
49. Priority Mail Contract 584
50. Priority Mail Contract 587
51. Priority Mail Contract 588
52. Priority Mail Contract 610

file "MCSRedline03312020.docx," available at: <https://www.prc.gov/mail-classification-schedule>.

³Previous versions of the MCS and its product lists can be found on the Commission's website, available at: <https://www.prc.gov/mail-classification-schedule> in the MCS Archives section.

- 53. Priority Mail Express & Priority Mail Contract 104
- 54. Priority Mail Express & Priority Mail Contract 109
- 55. Priority Mail Express & Priority Mail Contract 110
- 56. Priority Mail Express & Priority Mail Contract 51
- 57. Priority Mail Express & Priority Mail Contract 64
- 58. Priority Mail Express & Priority Mail Contract 66
- 59. Priority Mail Express & Priority Mail Contract 77
- 60. Priority Mail Express Contract 78
- 61. Priority Mail Express Contract 79
- 62. Priority Mail Express Contract 80
- 63. Priority Mail Express, Priority Mail & First-Class Package Service Contract 15
- 64. Priority Mail Express, Priority Mail & First-Class Package Service Contract 17
- 65. Priority Mail Express, Priority Mail & First-Class Package Service Contract 61
- 66. Priority Mail Express, Priority Mail & First-Class Package Service Contract 27

The above-referenced changes to the market dominant product list and the competitive product list are incorporated into 39 CFR Appendix A and B to Subpart A of Part 3040—Competitive Product List.

V. Ordering Paragraphs

It is ordered:

1. Part 3040 of title 39, Code of Federal Regulations, is amended as set forth below the signature of this Notice, effective 45 days after the date of publication of the Notice in the **Federal Register** without further action, unless adverse comments are received.
2. The Secretary shall arrange for publication of the Notice in the **Federal Register**.
3. Interested persons may submit adverse comments no later than 30 days from the date of the publication of this Notice in the **Federal Register**.
4. If adverse comments are received, the Secretary will publish a timely withdrawal of the Notice in the **Federal Register**.

By the Commission.

Erica A. Barker,
Secretary.

List of Subjects in 39 CFR Part 3040

Administrative practice and procedure, Postal Service.

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

PART 3040—PRODUCT LISTS

■ 1. The authority citation for part 3040 continues to read as follows:

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

■ 2. Revise Appendix A to Subpart A of Part 3040 to read as follows:

Appendix A to Subpart A of Part 3040—Market Dominant Product List

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

- FIRST-CLASS MAIL *
 - Single-Piece Letters/Postcards
 - Presorted Letters/Postcards
 - Flats
 - Outbound Single-Piece First-Class Mail International
 - Inbound Letter Post
- USPS MARKETING MAIL (COMMERCIAL AND NONPROFIT)*
 - High Density and Saturation Letters
 - High Density and Saturation Flats/Parcels
 - Carrier Route Letters
 - Flats
 - Parcels
 - Every Door Direct Mail—Retail
- PERIODICALS *
 - In-County Periodicals
 - Outside County Periodicals
- PACKAGE SERVICES *
 - Alaska Bypass Service
 - Bound Printed Matter Flats
 - Bound Printed Matter Parcels
 - Media Mail/Library Mail
- SPECIAL SERVICES *
 - Ancillary Services
 - International Ancillary Services
 - Address Management Services
 - Caller Service
 - Credit Card Authentication
 - International Reply Coupon Service
 - International Business Reply Mail Service
 - Money Orders
 - Post Office Box Service
 - Customized Postage
 - Stamp Fulfillment Services
- NEGOTIATED SERVICE AGREEMENTS *
 - Domestic*
 - International*
 - Inbound Market Dominant Multi-Service Agreements with Foreign Postal Operators
- NONPOSTAL SERVICES *
 - Alliances with the Private Sector to Defray Cost of Key Postal Functions
 - Philatelic Sales
- MARKET TESTS *
 - Plus One
 - Commercial P.O. Box Redirect Service
 - Extended Mail Forwarding

■ 3. Revise Appendix B to Subpart A of Part 3040 to read as follows:

- Parcel Select
- Parcel Return Service
- First-Class Package Service
- USPS Retail Ground
- INTERNATIONAL PRODUCTS *
 - Outbound International Expedited Services
 - Inbound Parcel Post (at UPU rates)
 - Outbound Priority Mail International
 - International Priority Airmail (IPA)
 - International Surface Air Lift (ISAL)
 - International Direct Sacks—M-Bags
 - Outbound Single-Piece First-Class Package International Service
 - Inbound Letter Post Small Packets and Bulky Letters
- NEGOTIATED SERVICE AGREEMENTS *
 - Domestic*
 - Priority Mail Express Contract 53
 - Priority Mail Express Contract 54
 - Priority Mail Express Contract 55
 - Priority Mail Express Contract 56
 - Priority Mail Express Contract 57
 - Priority Mail Express Contract 60
 - Priority Mail Express Contract 61
 - Priority Mail Express Contract 62
 - Priority Mail Express Contract 64
 - Priority Mail Express Contract 65
 - Priority Mail Express Contract 74
 - Priority Mail Express Contract 75
 - Priority Mail Express Contract 77
 - Priority Mail Express Contract 81
 - Priority Mail Express Contract 82
 - Parcel Return Service Contract 11
 - Parcel Return Service Contract 14
 - Parcel Return Service Contract 15
 - Parcel Return Service Contract 16
 - Parcel Return Service Contract 17
 - Parcel Return Service Contract 18
 - Priority Mail Contract 80
 - Priority Mail Contract 125
 - Priority Mail Contract 153
 - Priority Mail Contract 203
 - Priority Mail Contract 231
 - Priority Mail Contract 292
 - Priority Mail Contract 334
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 - Priority Mail Contract 396
 - Priority Mail Contract 397
 - Priority Mail Contract 398
 - Priority Mail Contract 400
 - Priority Mail Contract 401
 - Priority Mail Contract 402
 - Priority Mail Contract 403

Appendix B to Subpart A of Part 3040—Competitive Product List

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

- DOMESTIC PRODUCTS *
 - Priority Mail Express
 - Priority Mail

