

■ 2. Add a temporary section, § 165.T05–0076 to read as follows:

§ 165.T05–0076 Safety Zone; Baltimore Air Show, Patapsco River, Baltimore, MD.

(a) *Regulated areas.* The following locations are a regulated area:

(1) All waters of the Patapsco River, within an area bounded by a line connecting position latitude 39°16'00" N, longitude 076°36'30" W; thence to latitude 39°16'00" N, longitude 076°33'00" W; thence to latitude 39°14'30" N, longitude 076°33'00" W; thence to latitude 39°14'30" N, longitude 076°36'30" W; thence to the point of origin, located adjacent to the Fort McHenry National Monument and Historic Shrine in Baltimore, Maryland.

(2) Within the regulated area described in paragraph (a)(1) of this section, an aerobatic show box is located on all waters of the Patapsco River, within an area bounded by a line connecting position latitude 39°15'44" N, longitude 076°35'55" W; to latitude 39°15'19" N, longitude 076°33'25" W; thence to latitude 39°14'49" N, longitude 076°33'35" W; thence to latitude 39°15'15" N, longitude 076°36'04" W; thence to point of origin. All coordinates reference Datum NAD 1983.

(b) *Definitions:* As used in this section:

(1) *Captain of the Port Baltimore* means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(c) *Regulations:* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this temporary section, § 165.T05–0076.

(1) All persons are required to comply with the general regulations governing safety zones found in 33 CFR 165.23.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port Baltimore. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(3) Persons desiring to transit the area of the safety zone must first request authorization from the Captain of the Port Baltimore or his designated representative. To seek permission to transit the area, the Captain of the Port Baltimore and his designated representatives can be contacted at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel

16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing lights, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Baltimore or his designated representative and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(4) The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Enforcement periods:* This section will be enforced from 10 a.m. until 6 p.m. on June 14, 2012, from 10 a.m. until 6 p.m. on June 15, 2012, from 10 a.m. until 6 p.m. on June 16, 2012, and from 10 a.m. until 6 p.m. on June 17, 2012.

Dated: April 24, 2012.

Brian W. Roche,

Commander, U.S. Coast Guard, Acting Captain of the Port Baltimore.

[FR Doc. 2012–11193 Filed 5–8–12; 8:45 am]

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POSTAL SERVICE

39 CFR Part 111

Periodicals—Recognition of Distribution of Periodicals via Electronic Copies

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service will revise the Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 707.6 to permit limited reporting of electronic copies of Periodicals publications to satisfy the circulation standards for Periodicals qualification. Standards require that at least 50% of the circulated copies be distributed to those who subscribe to a general publication or request a Requester publication.

DATES: *Effective Date:* May 9, 2012.

FOR FURTHER INFORMATION CONTACT: Susan Thomas 202–268–8069.

SUPPLEMENTARY INFORMATION: On, February 3, 2012, the Postal Service published a **Federal Register** proposed rule *Periodicals—Recognition of Distribution of Periodicals via Electronic Copies* (77 FR 5470–5471) revising DMM 707.6 by adding optional

reporting of electronic copies of Periodicals publications as a legitimate form of distribution. Recent advances in technology allow distribution of Periodicals publications through various electronic media channels. According to the standards that govern the Periodicals class, all paid circulation for publications authorized in the General category, and all requested circulation for publications authorized in the Requester category, may be counted toward the publication's eligibility for Periodicals prices.

Efforts to identify the conditions that allow electronic copies of Periodicals to be counted with other distribution outside the mails have been ongoing. During that time, the transition from traditional printed copies of Periodicals to electronic copies of the same publications has grown. Many factors contributed to this migration, including the proliferation of electronic reading devices and the subscriber's desire to read news immediately upon publication.

Comments

We received 28 comments. One included a survey conducted by the National Newspaper Association requesting feedback from publishers of small circulation publications. 27 individuals and all who responded to the survey approved this modification and recommended immediate adoption. One commenter expressed concern stating that this change does not clearly state the conditions of continuing eligibility. Additional language has been added to our proposed standards to clarify eligibility requirements.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), 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)

* * * * *

700 Special Standards

* * * * *

707 Periodicals

* * * * *

6.0 Qualification Categories

6.1 General Publications

* * * * *

6.1.2 Circulation Standards

General publications must meet these circulation standards:

* * * * *

[Revise the first sentence in f as follows:]

f. At least 50% of a publication's distribution must be to persons who have paid above a nominal price. (For explanation of how electronic copies may be included, see 6.5.) * * *

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6.4 Requester Publications

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6.4.2 Circulation Standards

Requester publications must meet these circulation standards:

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[Revise item b as follows:]

b. Subscription copies of the publications that are paid for or promised to be paid for, including those at or below a nominal price, may be included in the determination of whether the 50% request requirement is met. (For explanation of how electronic copies may be included, see 6.5.)

* * * * *

[Renumber current 6.5 through 6.6 as new 6.6 through 6.7 and add new 6.5 as follows:]

6.5 Electronic Copies

Copies of Periodicals publications distributed through email or by accessing a password protected Web site may be counted toward an approved or pending general or requester publication's eligibility for Periodicals prices. The following conditions additionally apply:

a. Electronic copies that may be counted toward a publication's eligibility for Periodicals prices:

1. Must be paid at a price above nominal rate for publications approved in the General category; or
2. Must be requested in writing or by electronic correspondence for publications approved in the Requester category.

b. Electronic copies of a Periodicals publication for which access is offered free in conjunction with printed copies of the same issues may not be counted when determining total circulation for the publication.

c. At least 40% of the total circulation of each issue must consist of printed copies distributed to paying subscribers or requesters, as applicable. Up to 10% of the distributed copies used to qualify or remain eligible for Periodicals prices may be copies that are paid or requested to be sent electronically.

d. If less than 60% of a Periodicals publication's total circulation consists of printed copies distributed to paying subscribers or requesters, as applicable, annual Postal eligibility audits must be conducted by a certified audit bureau.

* * * * *

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

Stanley F. Mires,

Attorney, Legal Policy and Legislative Advice.

[FR Doc. 2012-11107 Filed 5-8-12; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2011-0526; FRL-9340-2]

α -(p-Nonylphenol)- ω -hydroxypoly(oxyethylene) Sulfate and Phosphate Esters; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of α -(p-nonylphenol)- ω -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, potassium, sodium, and zinc salts of the phosphate esters and α -(p-nonylphenol)- ω -hydroxypoly(oxyethylene) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts when used as inert ingredients at levels not to exceed 7% in pesticide formulations applied to growing crops, raw agricultural commodities after harvest and animals. The Joint Inerts Task Force, (JITF) Cluster Support Team Number (CST) 9 submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting

establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of α -(p-nonylphenol)- ω -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, potassium, sodium, and zinc salts of the phosphate esters and α -(p-nonylphenol)- ω -hydroxypoly(oxyethylene) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts.

DATES: This regulation is effective May 9, 2012. Objections and requests for hearings must be received on or before July 9, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2011-0526. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Kerry Leifer, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8811; email address: leifer.kerry@epa.gov.

SUPPLEMENTARY INFORMATION

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially