second-class rates whether as a loose supplement, as a bound-in "preprint," or as a run-of-press (ROP) page. One commenter stated that the prohibitions should be applicable to loose supplements only and not to preprints or ROP pages. The Postal Service considers that, by definition, certain materials are not eligible to be mailed at second-class rates. Further, the Postal Service does not find the manner in which matter would be incorporated in a host publication (e.g., as a loose supplement or bound-in advertisement) to be a relevant factor in determining second-class eligibility. The Postal Service believes that the listed elements for prohibited matter should apply to all material offered for entry at the secondclass rates.

It was further suggested by a commenter that a USPS number be added to the list of prohibited matter. Although separate second-class publications may be combined under certain specified conditions, the Postal Service believed that it was understood that a second-class publication could not be mailed as a supplement. Seeing some merit in this suggestion, the Postal Service has added a USPS number to the list of prohibited matter (see C200.2.2e) to clarify this point.

Two commenters strongly favored the

Postal Service's new list of objective

criteria for defining those independent

publications that are ineligible to be mailed at second-class rates. One commenter stated that the list of prohibited items does not go far enough to ensure that prohibited independent publications not be allowed to mail at second-class rates, and suggested that the standards be revised to retain a specific prohibition against 'independent publications" and to treat the list of components as creating a strong presumption that the item is (or is not) an independent publication. The commenter also suggested that the list be expanded to include a separate table of contents, pagination, and masthead as indicators of a publication's possible independence. Eliminating the confusion surrounding what constitutes an independent publication is a major objective of this rulemaking. The Postal Service believes that the proposed rule as written serves to eliminate such confusion and that it is not necessary to adopt requirements more stringent than those in the proposed rule, especially because the 25% nonadvertising requirement for loose supplements to a bound publication has been retained. Therefore, except for the aforementioned amendment, the proposal is adopted.

17. Products (C200.2.3)

The following proposed language concerning products drew numerous comments: "Printed pages, including oversized pages and calendars, are not considered products if they are not separately distributed or offered for sale, bear the name of the host publication and the issue date, and relate to other advertising or nonadvertising content of the host publication." Five commenters objected to this language as being both too vague and too stringent (except for the prohibition against such pages as calendars being offered for sale). Seven commenters were in favor of the Postal Service's position that noncommercially available oversized pages and calendars be permitted to be mailed at secondclass rates. The Postal Service intended this proposed revision to allow pages (specifically pages prepared as posters) and calendars that are not commercially sold or offered for sale by the publisher to be included in publications mailed at the second-class rates. The requirement for including the host publication name, issue date, and the relation of the page or calendar to other advertising or nonadvertising content of the host publication was intended to demonstrate the piece's relationship to the host piece, thereby reinforcing its acceptability. To minimize the likelihood of misinterpretation, however, the Postal Service has reworded portions of this section for greater clarity.

One commenter suggested that publishers should be allowed to sell their own reprints and other reader service items to their subscribers without paying a "postage penalty." The Postal Service does not believe that it is appropriate to allow publishers to obtain preferential second-class rates for material that is also designed for separate sale. This view is consistent with the exclusion from eligibility for second-class rates of items bearing a separate price (see C200.2.2a). Three commenters suggested that the word "Poster" be included. The Postal Service does not wish to limit oversized pages to posters because other items (e.g., maps, wall charts, and patterns) will also be acceptable at second-class rates if not commercially available or offered for sale.

18. Fourth-Class Mail (C200.2.4)

One commenter suggested that this section be revised to allow second-class matter to be mailed with fourth-class matter at fourth-class rates. However, the proposed section pertains to what may be mailed at second-class rates. The comment goes beyond the scope of this

rulemaking. No other comments concerning this portion of the proposal were received. The proposal is adopted as written.

19. Nonprinted Sheets (C200.2.5)

This section makes clear that any matter not formed of printed sheets (except for small amounts of fastening material such as grommets, string, or rubber bands needed to assemble the page [see C200.1.1b]) is not eligible for second-class rates. No comments were received. The proposal is adopted.

Mailpiece Construction (C200.3.0)

20. Bound/Unbound (C200.3.1)

This section defines bound and unbound publications for the purposes of second-class mail. No comments were received. The proposal is adopted.

21. Physical Size (C200.3.2)

This section explains that publications claimed at certain rates may need to comply with other DMM standards regarding size or weight. Additionally, it provides that requester publications must contain at least 24 pages per issue. No comments were received. The proposal is adopted.

22. Without Wrapper (C200.3.3)

One commenter suggested that the tolerance for protective covers (i.e., ¾ inch of the edge opposite the fold or binding) in C200.3.5 be allowed for attachments to covers as well. The Postal Service agrees that the standards governing protective covers and attachments to covers should be consistent and has added language to permit acceptable attachments to covers (as outlined in C200.1.8b) that come within ¾ inch opposite the fold or binding to be mailed without a wrapper. The proposal is adopted with this clarification.

23. With Wrapper (C200.3.4)

No comments were received concerning the proposed language in this section. The proposal is adopted.

24. Protective Cover (C200.3.5)

Two commenters supported the proposed language in C200.3.5, which would allow a protective cover to be up to ¾ inch shorter than the cover of the edge opposite the fold or binding. No negative comments were received. The proposal is adopted.

25. APO/FPO Copies (C200.3.6)

This section requires that any single copy of an unbound publication that includes any enclosures, supplements, or more than one part or section and that is mailed to an APO/FPO address