Marshall, the 1978 implementing Court Order, the 1980 Report to the Court, and a report describing the 1983–1984 benchmark revision process. Docket Number T–018 is available for public inspection and copying at the Docket Office of the U.S. Department of Labor, Room N–2625.

Public Participation

OSHA is soliciting public participation in its consideration of the approval of the revised North Carolina benchmarks to assure that all relevant information, views, data and arguments are available to the Assistant Secretary during this proceeding. Members of the public are invited to submit written comments in relation to whether the proposed revised benchmarks will provide for a fully effective enforcement program for North Carolina in accordance with the Court Order in AFL-CIO v. Marshall. Comments must be received on or before April 11, 1995, and be submitted in quadruplicate to the Docket Office, Docket No. T-015A, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Written submissions must be directed to the specific benchmarks proposed for North Carolina and must clearly identify the issues which are addressed and the positions taken with respect to each issue.

All written submissions as well as other information gathered by OSHA will be considered in any action taken. The record of this proceeding, including written comments and all material submitted in response to this notice, will be made available for public inspection and copying in the Docket Office, Room N–2625, at the previously mentioned address, between the hours of 8:15 a.m. and 4:45 p.m.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033))

Signed at Washington, DC, this 28th day of February 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–5503 Filed 3–6–95; 8:45 am]

BILLING CODE 4510-26-M

POSTAL SERVICE

39 CFR Part 111

Special Bulk Third-Class Eligibility Restrictions

AGENCY: Postal Service. **ACTION:** Proposed rule.

SUMMARY: This proposed rule implements provisions of Public Laws 103–123 and 103–329, the Treasury, Postal Service, and General Government Appropriations Acts for 1994 and 1995, respectively. The proposed rule is necessary to clarify and implement further restrictions on the use of special bulk third-class rates. DATES: Comments must be received on or before April 6, 1995. ADDRESSES: Written comments should be mailed or delivered to Manager, Mailing Standards, USPS Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260-2419. Copies of all written comments will be available for inspection and photocopying from 9 a.m. to 4 p.m., Monday through Friday, in Room 6800 at the above address. FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 268-5316. SUPPLEMENTARY INFORMATION: On October 28, 1993, the President signed into law Public Law 103-123, the Treasury, Postal Service, and General Government Appropriations Act for 1994. Title VII of the Act, the Revenue Forgone Reform Act, amended 39 U.S.C. 3626 by adding provisions to subsections (j) and new subsection (m) (1993 amendments). These sections add further restrictions on the use of special bulk third-class postage rates by qualified organizations. Specifically, the law makes certain types of advertisements, promotions, and offers, as well as some products, ineligible to be mailed at the special bulk third-class rates. The final rule implementing the new statutory restrictions was published by the Postal Service on May 5, 1994, with an implementation date of September 4, 1994. It was subsequently delayed indefinitely by notice in the Federal Register (59 FR 39967) on August 5, 1994.

On September 30, 1994, the President signed into law Public Law 103–329, the Treasury, Postal Service, and General Government Appropriations Act for 1995 (1994 amendment), amending provisions of Public Law 103–123. The amendment creates an exception to the 1993 amendments for advertisements printed in materials that meet the content requirements for periodical publications as prescribed by the Postal Service.

The 1993 amendments established new content-based restrictions on matter eligible for special bulk thirdclass rates. In order for material that advertises, promotes, offers, or, for a fee or consideration, recommends, describes, or announces the availability of any product or service to qualify for mailing at the special bulk third-class rates, the sale of the product or the providing of the service must be substantially related to the exercise or performance by the organization of one or more of the purposes constituting the basis for the organization's authorization to mail at such rates. The determination whether a product or service is substantially related to an organization's purpose is to be made in accordance with standards established under the Internal Revenue Code. The amendments also added restrictions on the mailing of products at the special bulk third-class rates.

The 1994 amendment provides that advertisements mailed at the special bulk third-class rates need not meet the substantially related test if the material of which the advertisement is a part meets the content requirements of a periodical publication, as specified by the Postal Service. The 1994 amendment does not affect the restrictions on the mailing of products established in the 1993 amendments.

This proposal republishes for comment the rules adopted on May 5, 1994, with certain changes. The major change is the addition of new sections E370.5.4(d)(2) and 5.8 of the Domestic Mail Manual (DMM) that implement the new exception to the restrictions in the 1993 amendments. Specifically, the new rule provides that the 1993 amendments do not apply to advertisements for products or services that appear in third-class material meeting the content requirements for periodical publications. These content requirements are listed in DMM E370.5.8.

Other changes from the rules published May 5, 1994, include the following. Several sections in the DMM have been renumbered to accommodate the addition of new DMM E370.5.8; section 5.7(c) has been deleted. This provision excluded certain material in newsletters and other publications from the new advertising restrictions. Because the publications that were intended to benefit from the provision are among those that are expected to benefit from the new 1994 exception, this section has been deleted as unnecessary and potentially confusing. Products and services advertised in materials meeting the content requirements for a periodical

12490