

It will also ensure that those parties do not unintentionally violate the laws of those states that regulate the financial arrangements between nonprofits and certain types of professional fundraisers.

We have several cautions regarding the breadth of this proposal. First, it only exempts fundraising mailings seeking monetary donations. Mailings that include solicitations for products or services, whether through sale, lease, or other arrangements, will not be exempt from application of the cooperative mail rule. If there is a cooperative arrangement involving such goods or services, the mailpiece will not be eligible for Nonprofit Standard Mail rates. Exempting mailings advertising goods or services from application of the cooperative mail rule would create significant potential for abuse by commercial organizations and may also place small businesses and other for-profit organizations who sell similar goods and services at a significant competitive disadvantage.

Second, the only exemption is from application of the cooperative mail rule. The mailings affected will continue to be subject to all other applicable postal standards.

Third, the exemption only applies to nonprofit organizations authorized to mail at Nonprofit Standard Mail rates. Other organizations authorized to mail at those rates, currently voter registration officials and certain qualified political committees, will not be exempt from application of the cooperative mail rule on fundraising mail.

Fourth, the rule, if adopted, will be a change in postal policy rather than a clarification of existing standards. Accordingly, it would be prospective only, effective on the date of adoption. It will not provide the basis for a refund claim on mail previously entered and paid at the commercial rates nor will it provide a defense for any action, whether under the False Claims Act or otherwise, based on previous entry of ineligible material at the nonprofit rate.

Fifth, the proposed rule would not establish safeguards to address the concern that some professional fundraisers may seek to take advantage of unsophisticated clients. In our discussions with nonprofit representatives and Congressional representatives, no consensus was reached on an effective and administratively feasible method to accomplish this goal. However, this rulemaking does not prevent other interested federal or state agencies from regulating such practices. Moreover, it is also hoped that the nonprofit sector may

undertake educational efforts to inform potential targets of such practices.

Finally, the Postal Service will be alert to the consequences of this new standard, should it be adopted. If it results in the types of abuses discussed here or any other unintended consequences, the Postal Service may revisit the exception and consider a further rulemaking or other appropriate administrative measures.

Although exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553(b), (c)] regarding proposed rulemaking by 39 U.S.C 410(a), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Add the following to Domestic Mail Manual section E670.5.3: “Exception: this standard does not apply to mailings by a nonprofit organization authorized to mail at Nonprofit Standard Mail rates soliciting monetary donations and not promoting or otherwise facilitating the sale or lease of any goods or service.”

An appropriate amendment to 39 CFR part 111 will be published if the proposal is adopted.

Stanley F. Mires,
Chief Counsel, Legislative.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7486–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Pepe Field Superfund Site (Site) from the National Priorities List; request for comments.

SUMMARY: The EPA Region II Office announces its intent to delete the Pepe

Field Superfund Site, located in Boonton, New Jersey from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further fund-financed remedial actions are appropriate at this Site and actions taken to date are protective of public health, welfare, and the environment.

DATES: Comments concerning this Site may be submitted on or before June 5, 2003.

ADDRESSEES: Comments may be mailed to: Romona Pezzella, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007–1866, pezzella.romona@epa.gov.

Comprehensive information on this Site is available through the EPA Region II public docket, which is located at EPA's Region II Office in New York City, and is available for viewing, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. Requests for appointments should be directed to: Romona Pezzella, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007–1866, (212) 637–4385, pezzella.romona@epa.gov.

Background information from the Regional public docket is also available for viewing at the Site's information repositories located at: Boonton Holmes Public Library, 621 Main Street, Boonton, New Jersey 07005, Phone: 973–334–2980.

FOR FURTHER INFORMATION CONTACT: Romona Pezzella, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007, Phone: (212) 637–4385, pezzella.romona@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletions

I. Introduction

The Environmental Protection Agency (EPA) Region II announces its intent to delete the Pepe Field Superfund Site,