

general, they supported the Postal Service proposed rule.

One medical lab stated they were pleased with the Postal Service changes that would improve packaging integrity and they supported them. The commenter further stated that they approved of the text in DMM C023.8.10a that included the phrase “\* \* \* for drug testing programs or for insurance purposes \* \* \*” within the definition of the term diagnostic (clinical) specimen. The commenter stated that the slightly stricter packaging requirements would help to ensure their receipt of safely packaged specimens.

Three commenters, including one medical lab, the institute, and the law firm, supported the Postal Service effort to align the mailing standards with the DOT regulations in 49 CFR. These commenters felt that harmonization of the packaging requirements among all agencies and regulators would be a positive benefit for all mailers and shippers.

The institute also stated that they recognized and supported the continued role of the Postal Service in providing mailing options for senders of infectious substances and mail-back systems.

One medical lab stated they appreciated the Postal Service proposal to provide specific packaging requirements for dry specimens. They further noted they supported the development of mailing standards that benefit both the industry and the Postal Service.

### Part C—Summary of Changes

In this final rule, the Postal Service adopts the following changes to the mailing standards in DMM C023.8.0 for Division 6.2 infectious substances:

- New classification criteria for Division 6.2 infectious substances based on the defining criteria developed by the World Health Organization (WHO) and consistent with the DOT Federal regulations in 49 CFR for domestic transport and the International Civil Aviation Organization (ICAO) technical instructions for international transport.

- New DOT packaging requirements that are applicable to the mailable types of Division 6.2 materials and consistent with the ICAO technical instructions. For safety reasons, in some instances the Postal Service volume limits are lower than the DOT limits.

- New DOT Federal requirements that regulate diagnostic (clinical) specimens in Risk Groups 2, 3, or 4 as hazardous materials.

- New DOT Federal requirements that do not regulate certain Risk Group 1 materials, including diagnostic (clinical) specimens, as hazardous materials.

- Revisions and modifications in the DOT Federal regulations related to the definitions of Division 6.2 materials and clarification of the use of the biohazard symbol on regulated and nonregulated material.

In addition, the Postal Service is adopting a few minor clarifications and changes to the hazardous materials standards in DMM C023 and certain related standards in DMM C021, C023, C024, C050, and F010. These changes will improve clarity in the standards and reduce misunderstandings. They will also improve packaging integrity for mailable types of regulated medical waste and sharps waste, and provide a greater level of safety during handling for both Postal Service employees and the public. These changes include:

- Minor revisions to the text in DMM C021 to improve clarity.

- Minor clarifications to the definitions in DMM C023.1.1 including added text in the definition for “air transportation requirements” to note that the Postal Service does not guarantee air transportation service for any class of mail. Air transportation service is usually provided for First-Class Mail®, Priority Mail®, and Express Mail® destined to zones 5 through 8; however, air transportation service is dependent on the ability of the Postal Service to procure an air carrier.

- Standardization of the terminology used in DMM C023 for identifying the different components required for the proper packaging of mailable hazardous materials.

- Expansion of the requirements in DMM C023.8.0 to establish that mailable types of regulated medical waste are subject to the same authorization requirements as sharps waste.

- Clarifications and minor changes to the requirements in DMM C023.8.0 for regulated medical waste and sharps waste containers to enhance the accuracy of the regulations and reduce misunderstanding of the standards. In addition, the Postal Service adopts additional limitations for regulated medical waste and sharps waste containers to ensure packaging integrity during Postal Service handling and to provide a greater level of safety for Postal Service employees and the public.

- Standardization of the maximum weight limit in DMM C023 for several different types of mailable hazardous materials as 25 pounds or less. This change affects nonflammable compressed gases, matches, regulated medical waste, sharps waste, and nonspillable wet batteries.

- Reinstatement of former DMM C024.18.0 (DMM Issue 56) with revised text to clarify the mailability of odd-shaped items in paper envelopes and to support the restrictions for harmful matter in DMM C021. Additional clarifying text is also added to DMM C050.2.2d.

- Revisions to DMM F010 that prohibit the use of the ancillary service endorsement “Change Service Requested” on Priority Mail, First-Class Mail, Standard Mail, and Package Services mail containing mailable hazardous materials under DMM C023. Also, a revision to require a return or forwarding endorsement on Standard Mail containing mailable hazardous materials.

These changes are effective June 12, 2003. However, mailers are provided with a phase-in period through January 1, 2004, for implementation of the new packaging requirements for diagnostic specimen mailpieces using a business reply mail format and medical waste mailpieces (including sharps waste) using a merchandise return service format. This time period will allow mailers to exhaust any existing packaging stock already in circulation.

The Postal Service believes that the adoption of the changes in this final rule will help to ensure an acceptable level of security and safety during Postal Service handling for the limited types and quantities of hazardous materials that are permitted in the U.S. mail.

Based on the proposed rule, and after careful consideration of the comments received, as described above, the Postal Service adopts the following changes to the Domestic Mail Manual, which are incorporated by reference in the Code of Federal Regulations. See 39 CFR part 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. Revise the following sections of the *Domestic Mail Manual* (DMM) as follows:

### Domestic Mail Manual (DMM)

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### C Characteristics and Content

#### C000 General Information

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