

States-based companies to compete with foreign-based companies in domestic and import markets.

*Executive Order 12866: Regulatory Review*

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of the proposed regulation justify its costs. The Department does not consider the rule to be an economically significant action within the scope of section 3(f)(1) of the Executive Order, since it is not likely to have an annual effect on the economy of \$100 million or more or to adversely affect in a material way the economy, a sector of the economy, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

*Executive Orders 12372 and 13132: Federalism*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

*Executive Order 12988: Civil Justice Reform*

The Department has reviewed the proposed regulations in light of sections 3(a) and 3(b)(2) of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

*Paperwork Reduction Act*

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

**List of Subjects in 22 CFR Part 62**

Cultural Exchange Programs.

Accordingly, 22 CFR part 62 is proposed to be amended as follows:

**PART 62—EXCHANGE VISITOR PROGRAM**

1. The authority citation for part 62 is revised to read as follows:

**Authority:** 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258, 1372 (2001), 1701–1775 (2002); 22 U.S.C. 1431–1442, 2451–2460; 6501 (1998); 5 U.S.C. app. § 1–11 (1977); Reorganization Plan No. 2 of 1977, 3 CFR, 1977 Comp. p. 200; E.O. 12048 of March 27, 1978; 3 CFR, 1978 Comp. p. 168.

2. Revise § 62.17 to read as follows:

**§ 62.17 Fees and charges.**

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 9701 must be submitted as directed by the Department and must be in the amount prescribed by law or regulation.

(b) *Amounts of fees.* The following fees are prescribed for Fiscal Years 2008–2009 (October 1, 2007–September 30, 2009):

(1) For filing an application for program designation and/or redesignation (Form DS–3036)—\$1,748.

(2) For filing an application for exchange visitor status changes (i.e., extension beyond the maximum duration, change of category, reinstatement, reinstatement-update SEVIS status, ECFMG sponsorship authorization, and permission to issue)—\$246.

**Subpart H—[Removed]**

**§ 62.90 [Removed]**

3. Remove Subpart H—Fees and § 62.90.

Dated: June 12, 2007.

**Stanley S. Colvin,**

*Director, Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs, Department of State.*

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**POSTAL REGULATORY COMMISSION**

**39 CFR Part 3001**

[Docket No. PI2007–1; Order No. 21]

**Administrative Practice and Procedure, Postal Service**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Order and request for comments.

**SUMMARY:** Recent legislation alters the postal ratemaking process, and tasks the Postal Regulatory Commission with developing regulations to implement this process. This document invites public comment, in advance of formulating substantive rule proposals,

on establishing service standards and performance measurement for market dominant products.

**DATES:** Initial comments are due July 16, 2007; reply comments are due July 30, 2007.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202–789–6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** Regulatory History, 72 FR 33261 (June 14, 2007).

**I. Background**

The Postal Accountability and Enhancement Act, Public Law 109–435 (PAEA), directs that “the Postal Service shall, in consultation with the Postal Regulatory Commission, by regulation establish (and may from time to time thereafter by regulation revise) a set of service standards for market-dominant products.” 39 U.S.C. 3691. It also directs the establishment of performance measurements for market-dominant products. 39 U.S.C. 3691(b)(1)(D), (b)(2). The statute requires that these tasks be completed by December 20, 2007. *Id.* at 3691(a).

Prior to fulfilling its consultative role under 39 U.S.C. 3691(a) and its obligations under title III of the PAEA, the Postal Regulatory Commission (Commission) is issuing this Public Inquiry to obtain public comment on these topics. The Commission is establishing Docket No. PI2007–1 for the purpose of receiving such comments. The Commission intends to evaluate the comments received and use those suggestions to help carry out its service standards and performance measurement responsibilities under the PAEA. Docket PI2007–1 is established for the purpose of obtaining a broad spectrum of opinion to inform Commission consultation providing guidance to the Postal Service in connection with the Commission's responsibilities regarding service standards and performance measurement under the PAEA. *Id.*

Interested persons are invited to provide written comments and suggestions on what the modern service standards should be and what system or systems of performance measurement should be utilized to evaluate whether those service standards have been met. Comments and suggestions are due by July 16, 2007. All comments and suggestions received will be available for review on the Commission's Web site, <http://www.prc.gov>. Interested

persons are further invited to review these submissions and provide replies, including follow-up comments and suggestions by July 30, 2007.

Commenters are requested to specifically explain how suggestions will comport with the specific applicable statutory objectives and factors as set out below.

#### A. Objectives

The modern service standards for market dominant products shall be designed to meet the following objectives:

1. Enhance the value of postal services to both senders and recipients;
2. Preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining;
3. Reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices; and
4. Provide a system of objective external performance measurements for each market dominant product as a basis for measurement of Postal Service performance. (**Note:** An internal measurement system may be implemented instead with the Commission's approval.)

#### B. Factors

The modern service standards for market dominant products shall take into account the following factors:

1. The actual level of service that the Postal Service customers receive under any service guidelines previously established;
2. The degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;
3. The needs of Postal Service customers, including those with physical impairments;
4. Mail volumes and revenues projected for future years;
5. The projected growth in the number of addresses the Postal Service will be required to serve in future years;
6. The current and projected future cost of serving Postal Service customers;
7. The effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and
8. The policies of title 39 and other factors as the Postal Service determines are appropriate.

## II. Ordering Paragraphs

*It is ordered:*

1. Docket No. PI2007-1 is established for the purpose of receiving comments to provide guidance to the Postal Service in connection with the Commission's obligations regarding service standards and performance measurement.

2. Interested persons are invited to provide written comments and suggestions on what the modern service standards should be and what system or systems of performance measurement should be utilized to evaluate whether those service standards have been met by July 16, 2007.

3. Reply comments also may be filed by July 30, 2007.

4. Kenneth E. Richardson, acting director of the Office of the Consumer Advocate, is designated to represent the interests of the general public in this docket.

5. The Secretary shall arrange for publication of this document in the **Federal Register**.

By the Commission.

**Steven W. Williams**,  
*Secretary*.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 405, 413, and 417

[CMS-1727-RCN]

RIN 0938-AL54

#### Medicare Program; Provider Reimbursement Determinations and Appeals; Extension of Timeline for Publication of Final Rule

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Extension of timeline.

**SUMMARY:** Section 1871(a)(3)(A) of the Social Security Act (the Act) requires us to publish a Medicare final rule no later than 3 years after the publication date of the proposed rule. This notice announces an extension of the timeline for publication of a Medicare final rule in accordance with section 1871(a)(3)(B) of the Act, which allows us to extend the timeline for publication of final rules under exceptional circumstances.

**DATES:** The timeline for the publication of a final rule is extended until June 25, 2008.

**FOR FURTHER INFORMATION CONTACT:** Morton Marcus, (410) 786-4477. Donald Romano, (410) 786-1401.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 1871(a)(3)(A) of the Act requires us to establish and publish a regular timeline for the publication of final regulations based on the previous publication of a proposed regulation. In accordance with section 1871(a)(3)(B) of the Act, the timeline may vary among different regulations based on differences in the complexity of the regulation, the number and scope of comments received, and other relevant factors, but may not be longer than 3 years except under exceptional circumstances. If the Secretary intends to vary the timeline for publication of a final rule, the Secretary is required to publish notice of the different timeline in the **Federal Register** no later than the timeline previously established for the final rule. The notice is required to include a brief explanation of the justification for the variation in timeline.

##### II. Notice of Continuation

In the June 25, 2004 **Federal Register** (69 FR 35716), we published a proposed rule that would update, clarify, and revise various provisions of the regulations governing provider reimbursement determinations, appeals before the Provider Reimbursement Review Board (PRRB), appeals before the intermediaries and Administrator review of decisions made by the PRRB.

This notice extends the timeline for publication of the final rule. We are not able to meet the 3-year timeline for publication due to the complexity of the public comments received, and the complex policy and legal issues raised by those comments, which require extensive consultation and analysis. These extraordinary circumstances require an extension of the timeline; therefore this notice extends the timeline for publication of the final rule until June 25, 2008.

**Authority:** Section 1871 of the Social Security Act (42 U.S.C. 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 12, 2007.

**Ann Agnew**,

*Executive Secretary to the Department.*

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