

Dated: June 24, 1998.

R.D. Sirois,

*Captain, U.S. Coast Guard, Commander,
Eleventh Coast Guard District, Acting.*

[FR Doc. 98-19360 Filed 7-20-98; 8:45 am]

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket Nos. RM98-1, MC97-3 and MC97-4; Order No. 1212]

Amendments to Domestic Mail Classification Schedule

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This final rule sets forth the changes to the Domestic Mail Classification Schedule (DMCS) as a result of the Governors' Decisions on the Recommended Decisions of the Postal Rate Commission in Docket Nos. MC97-3 and MC97-4. The Commission's Decision in Docket No. MC97-3 (issued September 4, 1997) changed the classification provisions for Bound Printed Matter Weight Limitations. The Commission's Recommended Decision in Docket No. MC97-4 (issued September 4, 1997) established classification provisions for Bulk Parcel Return Service and Shipper-Paid Forwarding. For these reasons, Appendix A to Subpart C has been amended to reflect those changes.

DATES: This rule is effective July 21, 1998.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001, (202) 789-6820.

SUPPLEMENTARY INFORMATION: On June 5, 1997, the Commission issued Order No. 1180 exercising its authority under 39 U.S.C. 3623(b) to initiate a proceeding, designated as Docket No. MC97-3, to consider increasing the maximum weight limitation applicable to the bound printed matter subclass from 10 pounds to 15 pounds. This action was taken in response to a joint filing by the Advertising Mail Marketing Association, the Association of American Publishers, and the Direct Marketing Association. On August 1, 1997, the Postal Service filed testimony in support of the proposed classification change, contemporaneous with the filing of a proposed stipulation and agreement. Notice was published in the **Federal Register** at 62 FR 32125-32128.

On September 4, 1997, the Postal Rate Commission transmitted to the

Governors its Opinion and Recommended Decision approving the stipulation and agreement, which was unopposed. The Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Bound Printed Matter Weight Limitations, Docket No. MC97-3, September 8, 1997, accepted the Recommended Decision of the Postal Rate Commission. Resolution No. 97-11 established October 5, 1997, as the implementation date for changes relating to Bound Printed Matter.

On June 6, 1997, the Postal Service, pursuant to its authority under 39 U.S.C. 3621, *et seq.*, filed a request with the Postal Rate Commission for a recommended decision on certain limited changes affecting the classifications and rates for Standard (A) parcels. Contemporaneous with the filing of the Request, the Postal Service filed a Motion to Establish Procedural Mechanisms Concerning Settlement with an attached stipulation and agreement.

On June 11, 1997, the Commission issued Order No. 1184 designating this filing as Docket No. MC97-4, Bulk Parcel Return Service and Shipper-Paid Forwarding Classifications and Fees, outlining the Postal Service request, allowing interested parties an opportunity to intervene, designating the Director of the Office of the Consumer Advocate to represent the interests of the general public, and appointing the Service as settlement coordinator. Notice was published in the **Federal Register** at 62 FR 32832-32837.

The Commission issued its recommended decision on the Postal Service Request on September 4, 1997. The recommended decision adopted the revised stipulation and agreement, filed on August 12, 1997. The revised agreement was signed by 9 of the 12 participants in this proceeding.

The Decision of the Governors of the United States Postal Service on the Recommended Decision of the Postal Rate Commission on Bulk Parcel Return Service and Shipper-Paid Forwarding, Docket Nos. MC97-4 and C97-1, October 6, 1997, accepted the Recommended Decision of the Postal Rate Commission. Resolution No. 97-15 established October 12, 1997, as the effective date for implementation of changes to the Bulk Parcel Return Service; and January 4, 1998, as the effective date for the changes related to Shipper Paid Forwarding.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b) of the Regulatory Flexibility Act, the Commission certifies that this rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, regulatory flexibility analysis is not required.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Confidential business information, Freedom of information, Postal Service, Sunshine Act.

For the reasons stated in the preamble, 39 CFR part 3001 is amended as follows:

PART 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(b), 3603, 3622-24, 3661, 3662.

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

2. Appendix A to Subpart C—Postal Service Rates and Changes is amended as follows:

a. Amend the Table of Contents by adding Classification Schedule SS-21—Bulk Parcel Return Service and Classification Schedule SS-22—Shipper-Paid Forwarding.

b. In section 322.31, remove the number "10" and replace it with "15".

c. Revise section 353.1 to read as set forth below.

d. Add new section 363 to read as set forth below.

e. Amend section 2033 by adding, after "450", the words "and schedules SS-21 and SS-22".

f. Classification Schedules SS-21 and SS-22 are added to read as set forth below.

g. Add Rate Schedule SS-21 to read as set forth below.

h. Amend Schedule 1000 by adding after "Business Reply Mail Permit", a new entry for "Authorization to Use Bulk Parcel Return Service".

Appendix A to Subpart C—Postal Service Rates and Changes

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353.1 Single Piece, Regular, Enhanced Carrier Route, Nonprofit and Nonprofit Enhanced Carrier Route Subclasses (section 321).

Undeliverable-as-addressed Standard Mail mailed under section 321 will be returned on request of the mailer, or forwarded and returned on request of

the mailer. Undeliverable-as-addressed combined First-Class and Standard pieces will be returned as prescribed by the Postal Service. Except as provided in Schedule SS-21, the Single Piece Standard rate is charged for each piece receiving return only service. Except as provided in Schedule SS-22, charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. Except as provided in Schedules SS-21 and SS-22, the charge for those returned pieces is the appropriate Single Piece Standard rate for the piece plus that rate multiplied by a factor equal to the number of section 321 Standard pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

* * * * *

363 Regular and Nonprofit

Regular and Nonprofit subclass mail will receive the following additional services upon payment of the appropriate fees.

Service	Schedule
a. Bulk Parcel Return Service	SS-21
b. Shipper-Paid Forwarding	SS-22

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Classification Schedule SS-21—Bulk Parcel Return Service

21.01 Definition

21.010 Bulk Parcel Return Service provides a method whereby high-volume parcel mailers may have undeliverable-as-addressed machinable parcels returned to designated postal facilities for pickup by the mailer at a predetermined frequency prescribed by the Postal Service or delivered by the Postal Service in bulk in a manner and frequency prescribed by the Postal Service.

21.02 Description of Service

21.020 Bulk Parcel Return Service is available only for the return of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

21.03 Requirements of the Mailer

21.030 Mailers must receive authorization from the Postal Service to use Bulk Parcel Return Service.

21.031 To claim eligibility for Bulk Parcel Return Service at each facility through which the mailer requests Bulk Parcel Return Service, the mailer must demonstrate receipt of 10,000 returned machinable parcels at a given delivery point in the previous postal fiscal year or must demonstrate a high likelihood of receiving 10,000 returned parcels in the postal fiscal year for which the service is requested.

21.032 Payment for Bulk Parcel Return Service is made through advance deposit account, or as otherwise specified by the Postal Service.

21.033 Mail for which Bulk Parcel Return Service is requested must bear endorsements prescribed by the Postal Service.

21.034 Bulk Parcel Return Service mailers must meet the documentation and audit requirements of the Postal Service.

21.04 Other Services

21.040 The following services may be purchased in conjunction with Bulk Parcel Return Service:

	Classification schedule
a. Address Correction Service	SS-1
b. Certificate of Mailing	SS-4
c. Shipper-Paid Forwarding	SS-22

21.05 Fee

21.050 The fee for Bulk Parcel Return Service is set forth in Fee Schedule SS-21.

21.06 Authorizations and Licenses

21.060 A permit fee as set forth in Fee Schedule 1000 must be paid once each calendar year by mailers utilizing Bulk Parcel Return Service.

21.061 The Bulk Parcel Return Service permit may be canceled for failure to maintain sufficient funds in an advance deposit account to cover postage and fees on returned parcels or for failure to meet the specifications of the Postal Service.

Classification Schedule SS-22—Shipper-Paid Forwarding

22.01 Definition

22.010 Shipper-Paid Forwarding provides a method whereby mailers may have undeliverable-as-addressed machinable parcels forwarded at Standard Mail Single Piece rates for up

to one year from the date that the addressee filed a change-of-address order. If the parcel, for which Shipper-Paid Forwarding is elected, is returned, the mailer will pay the appropriate Standard Mail Single Piece rate, or the Bulk Parcel Return Service fee, if that service was elected.

22.02 Description of Service

22.020 Shipper-Paid Forwarding is available only for the forwarding of machinable parcels, as defined by the Postal Service, initially mailed under the following Standard Mail subclasses: Regular and Nonprofit.

22.03 Requirements of the Mailer

22.030 Shipper-Paid Forwarding is available only in conjunction with automated Address Correction Service in Schedule SS-1.

22.031 Mail for which Shipper-Paid Forwarding is purchased must meet the preparation requirements of the Postal Service.

22.032 Payment for Shipper-Paid Forwarding is made through advance deposit account, or as otherwise specified by the Postal Service.

22.033 Mail for which Shipper-Paid Forwarding is requested must bear endorsements prescribed by the Postal Service.

22.04 Other Services

22.040 The following services may be purchased in conjunction with Shipper-Paid Forwarding:

	Classification schedule
a. Certificate of Mailing	SS-4
b. Bulk Parcel Return Service ..	SS-21

22.05 Applicable Rates

22.050 Except as provided in Schedule SS-21, Standard Mail Single Piece Rates, set forth in Rate Schedule 321.1, apply to pieces forwarded or returned in connection with Shipper-Paid Forwarding.

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Special services	Description	Fee
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Schedule SS-21.

Bulk Parcel Return Service Per Returned Piece.

Special services	Description	Fee
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<p>Issued by the Commission on April 20, 1998.</p> <p>Cyril J. Pittack, <i>Acting Secretary.</i></p> <p>[FR Doc. 98-19344 Filed 7-20-98; 8:45 am]</p> <p>BILLING CODE 7710-FW-P</p>		
ENVIRONMENTAL PROTECTION AGENCY		
40 CFR Part 180		
[OPP-300679; FRL-6015-9]		
RIN 2070-AB78		
Tebuconazole; Extension of Tolerances for Emergency Exemptions		
AGENCY: Environmental Protection Agency (EPA).		
ACTION: Final rule.		
<p>SUMMARY: This rule extends time-limited tolerances for residues of the fungicide tebuconazole in or on barley grain at 2.0 parts per million (ppm), barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm; and extends time-limited tolerances for the combined residues of tebuconazole and its metabolite (HGW 2061) in milk at 0.1 ppm and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm for an additional 18-month period, to December 31, 1999. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on barley, wheat, and pistachios. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA.</p> <p>DATES: This regulation becomes effective July 21, 1998. Objections and requests for hearings must be received by EPA, on or before September 21, 1998.</p> <p>ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300679], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing</p>		
<p>requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300679], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.</p> <p>A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Follow the instructions in Unit II. of this preamble. No Confidential Business Information (CBI) should be submitted through e-mail.</p> <p>FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 267, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-9362; e-mail: schaible.stephen@epamail.epa.gov.</p> <p>SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the Federal Register of June 20, 1997 (FRL-5725-7), which announced that on its own initiative and under section 408(e) of the FFDCA, 21 U.S.C. 346a(e) and (l)(6), it established time-limited tolerances for the residues of tebuconazole in or on barley grain at 2.0 ppm, barley hay at 20 ppm, barley straw at 20 ppm, wheat hay at 15 ppm, wheat straw at 2.0 ppm, and pistachios at 1.0 ppm. EPA established time-limited tolerances for the combined residues of tebuconazole and its 1-(4-chlorophenyl)-4,4-dimethyl-3-(1H-1,2,4-triazole-1-yl-methyl)-pentane-3,5-diol metabolite (HGW 2061) in milk at 0.1 ppm and meat byproducts of cattle, goats, hogs, horses, poultry and sheep at 0.2 ppm. All of these tolerances have an expiration date of June 30, 1998. EPA established the tolerances because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited</p>		
<p>tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.</p> <p>EPA received requests to extend the use of tebuconazole on barley, wheat, and pistachios for this year's growing season due to continued non-routine situations for growers of these crops. Numerous States have requested emergency exemptions to control rust in barley and wheat; currently registered alternatives do not allow application at a sufficiently late stage of growth to control the disease. Additionally, North Dakota, Minnesota, South Dakota and Michigan have again requested use of this chemical to control Fusarium head blight on barley and/or wheat; abundant inoculum and wet weather conditions this year are likely to result in a severe outbreak without the requested use. The continued lack of an effective alternative to control late blight on pistachios when disease pressure is high is likely to result in significant economic losses to growers in California if wet weather conditions occur. After having reviewed the submissions, EPA concurs that emergency conditions exist for these States. EPA has authorized under FIFRA section 18 the use of tebuconazole on barley, wheat, and pistachios for control of the above fungal diseases in barley, wheat, and pistachios.</p> <p>EPA assessed the potential risks presented by residues of tebuconazole in or on barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of June 20, 1997. Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerances will continue to meet the requirements of section 408(l)(6).</p>		