

determinations regarding whether records exist, and to grant or deny requests for records exempt from disclosure under the provisions of 5 U.S.C. 552(b).

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3. Section 200.8 is revised to read as follows:

§ 200.8 Appeals.

(a) Appeals from denials of requests submitted under § 200.7 shall be submitted in accordance with U.S. Department of Agriculture rules at 7 CFR part 1, subpart A, and the appendix to subpart A to the Chief, Forest Service, U.S. Department of Agriculture, Auditors Building, 14th and Independence Avenue, S.W., P.O. Box 96090, Washington, DC 20090-6090.

(b) The Chief, or other official to whom such authority is delegated, shall determine whether to grant or deny the appeal and make all necessary determinations relating to an extension of the 20-day administrative deadline for reply, discretionary release of records exempt from mandatory disclosure under 5 U.S.C. 552(b), and charging the appropriate fees, pursuant to U.S. Department of Agriculture rules at 7 CFR part 1, subpart A, and the appendix to subpart A.

(c) The Forest Service Freedom of Information Act/Privacy Act Officer must review all proposed responses to appeals prior to signature.

Dated: September 30, 1998.

Anne Kennedy,

Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 98-26813 Filed 10-6-98; 8:45 am]

BILLING CODE 3410-11-M

POSTAL SERVICE

39 CFR Part 501

Manufacture, Distribution, and Use of Postage Meters

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule clarifies and expands the sources of and uses of applicant information derived from applications for a license to lease and use postage meters, both printed and electronic versions.

EFFECTIVE DATE: October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Stankosky, (202) 268-5311.

SUPPLEMENTARY INFORMATION: This rule is intended to provide greater specificity regarding uses of the information derived from the meter license

applications received by the United States Postal Service from meter users and authorized meter Manufacturers. Such information is hereafter referred to as "Applicant Information." Applicant information is derived from postal forms, both printed and electronic versions.

Discussion of Comments

A total of one hundred and forty one parties made comments on the proposed rule. Of this number, an overwhelming number indicated general support for the Postal Service's ability to communicate more effectively with its meter users. One common thought among these comments was that the Postal Service should be able to include the names of the four currently authorized meter manufacturers in customer communications. One party had a number of what were presented as business and legal concerns. These involved the Postal Service in possibly:

1. Using a customer list to promote USPS services in competition with the private sector;
2. Promoting or advancing the business interests of competitors;
3. Listing competitors names in customer communications;
4. Using a list for unspecified future uses;
5. Having access to a manufacturer's computer files; and
6. Issuing a communication without prior notification to the meter manufacturers.

These concerns were specifically addressed and resolved with this party prior to the issuance of the final rule. However, this same party had an objection to the use of the list beyond contacts related to the meter program. The Postal Service considered this comment and concluded that inasmuch as remote set meter customers would no longer have the need to visit a retail facility to have their meter set, it was appropriate to use the list to convey information that a customer could have otherwise obtained from a retail outlet. Since this rule was proposed, the Postal Service has completed relicensing of all meter users. This resulted in an updated customer list.

List of Subjects in 39 CFR Part 501

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 501 is amended as follows:

PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

1. The authority citation for 39 CFR part 501 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 410, 2610, 2605; Inspector General Act of 1978, as amended (Pub L. 95-452, as amended), 5 U.S.C. App 3.

2. Add section 501.29, as follows:

§ 501.29 Licensee information.

(a) As stated in § 501.22(b) manufacturers must transmit electronically, copies of completed PS Forms 3601-A, Application for a License to Lease and Use Postage meters, to the designated Postal Service central data processing facility.

(b) The Postal Service may use applicant information in the administration of postage meter and metered mail activities, and to communicate with customers who may no longer be visiting a traditional USPS retail outlet. The Postal Service will also use applicant information to communicate with USPS customers through any new retail channels, and for the following purposes:

- (1) Issuance (including re-licensing, renewal, transfer, revocation or denial, as applicable) of a meter license to a postal patron that uses a postage meter, and communications with respect to the status of such license.
- (2) Disclosure to a meter manufacturer of the identity of any meter required to be removed from service by that meter manufacturer, and any related licensee data, as the result of revocation of a meter license, questioned accurate registration of that meter, or de-certification by the Postal Service of any particular class or model of postage meter.

(3) Use for the purpose of tracking the movement of meters between a meter manufacturer and its customers and communications to a meter manufacturer (but not to any third party other than the applicant/licensee) concerning such movement. The term "meter manufacturer" includes a meter manufacturer's dealers and agents.

(4) To transmit general information to all meter customers concerning rate and rate category changes implemented or proposed for implementation by the United States Postal Service.

(5) To advertise Postal Service services relating to the acceptance, processing and delivery of, or postage payment for, metered mail.

(6) To allow the Postal Service to communicate with USPS customers on products, services and other information otherwise available to USPS customers through traditional retail outlets. .

(7) Any internal use by Postal Service personnel, including identification and monitoring activities relating to postage meters, provided that such use does not result in the disclosure of applicant

information to any third party or will not enable any third party to use applicant information for its own purposes; except that the applicant information may be disclosed to other governmental agencies for law enforcement purposes as provided by law.

(8) Identification of authorized meter manufacturers or announcements of de-authorization of an authorized meter manufacturer, or provision of currently available public information, where an authorized meter manufacturer is identified.

(9) To promote and encourage the use of postage meters, including remotely set postage meters, as a form of postage payment, provided that the same information is provided to all meter customers, and no particular meter manufacturer will be recommended by the Postal Service.

(10) To contact meter customers in cases of revenue fraud or revenue security except that any meter customer suspected of fraud shall not be identified to other meter customers.

(11) Disclosure to a meter manufacturer of applicant information pertaining to that meter manufacturer's customers that the Postal Service views as necessary to enable the Postal Service to carry out its duties and purposes.

(12) To transmit to a manufacturer all applicant and postage meter information pertaining to that manufacturer's customers and postage meters that may be necessary to permit such meter manufacturer to synchronize its computer meter database with information contained in the computer files of the Postal Service, including but not limited to computerized data that reside in Postal Service meter management databases.

(13) Subject to the conditions stated herein, to communicate in oral or written form with any or all applicants any information that the Postal Service views as necessary to enable the Postal Service to carry out its duties and purposes under part 501.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-26754 Filed 10-6-98; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300729; FRL-6034-7]
RIN 2070-AB78

Tebuconazole; Extension of Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends time-limited tolerances for residues of the fungicide tebuconazole and its metabolites in or on sunflower, seed and sunflower, oil at 0.2 and 0.4 parts per million (ppm) for an additional 1-year period, to September 30, 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 sunflowers. 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.

DATES: This regulation becomes effective October 7, 1998. Objections and requests for hearings must be received by EPA, on or before December 7, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300729], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing 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-300729], 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.

A copy of objections and hearing requests filed with the Hearing Clerk

may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@epamail.epa.gov. Follow the instructions in Unit II. of this preamble. No Confidential Business Information (CBI) should be submitted through e-mail.

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, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-9362; e-mail: schaible.stephen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the **Federal Register** of October 29, 1997 (62 FR 56089) (FRL-5752-4), 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 and its metabolites in or on sunflower, seed and sunflower, oil at 0.2 and 0.4 ppm, with an expiration date of September 30, 1998. EPA established the tolerances because section 408(l)(6) of the 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. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of tebuconazole on sunflowers for this year's growing season due to the continued emergency situation facing sunflower growers in Colorado, Kansas, Nebraska and North Dakota. Rust outbreaks in 1996 and 1997 have resulted in a buildup of inoculum, making the potential for an outbreak probable given favorable environmental conditions. After having reviewed the submission, EPA concurs that emergency conditions exist for these states. EPA has authorized under FIFRA section 18 the use of tebuconazole on sunflowers for control of rust in sunflowers.

EPA assessed the potential risks presented by residues of tebuconazole in or on sunflower seed and sunflower oil. 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