

**BILLING CODE 7710-12-P**

An appropriate amendment to 39 CFR part 111 will be published to reflect these changes.

**Neva Watson,**

*Attorney, Legislative.*

[FR Doc. 05-135 Filed 1-6-05; 8:45 am]

**BILLING CODE 7710-12-C**

**POSTAL SERVICE****39 CFR Part 501****Authorization to Manufacture and Distribute Postage Meters**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** Under 39 CFR 501.1, only manufacturers and distributors authorized by the Postal Service,<sup>(tm)</sup> may manufacture and/or distribute postage meters in the United States. This final rule provides that the Postal Service may revoke or suspend, wholly

or in part, authorization to distribute postage meters if the authorized entity or its agent makes or distributes false or misleading statements about actions or proposed actions of the Postal Service regarding the postage meter program. In addition, minor editorial changes were made to correct references to sections of part 501 that were in error.

**DATES:** This rule is effective January 7, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Wilkerson, Manager of Postage Technology Management, at 703-292-3691 or by fax at 703-292-4073.

**SUPPLEMENTARY INFORMATION:** The Postal Service published a proposed rule in the **Federal Register** on November 20, 2003, to amend 39 CFR part 501, Authorization to Manufacture and Distribute Postage Meters. Comments on the proposed rule were due on or before December 20, 2003. We received no comments objecting to the proposed rule or requesting any changes. Therefore, the rule is adopted as final

without any changes. The editorial changes to correct references to sections of part 501 necessitated by the redesignation of certain sections are as follows: In section 501.2(c), the reference to section 501.21 is corrected to 501.22. In section 501.4, the reference to section 501.23 is corrected to 501.24. In section 501.6(d), the reference to section 501.20(c) is corrected to section 501.6(c). In section 501.23(i), reference to section 501.26 is corrected to section 501.27. In section 501.24(b), the reference to section 501.26 is corrected to section 501.27 and the reference to section 501.25 is corrected to section 501.26. In section 501.27(e), the reference to section 501.23 is corrected to section 501.24. In section 501.30(a), the reference to section 501.22(b) is corrected to section 501.23(b).

**List of Subjects in 39 CFR Part 501**

Administrative practice and procedure, Postal Service.

For the reasons set out in this document, the Postal Service is amending 39 CFR part 501 as follows:

### **PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS**

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

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605; Inspector General Act of 1978, as amended (Pub. L. 95-452, as amended); 5 U.S.C. App. 3.

■ 2. Revise current § 501.13 title to read “Reporting and Communications” and add new paragraph (e) to read as follows:

#### **§ 501.13 Reporting and Communications.**

(e) Authorized postage meter manufacturers and distributors, and their agents and employees, must not intentionally misrepresent to customers of the Postal Service decisions, actions, or proposed actions of the Postal Service respecting its regulation of postage meters in the United States. The Postal Service reserves the right to suspend and/or revoke the authorization to manufacture and/or distribute postage meters throughout the United States or in any part thereof under § 501.5 when the manufacturer, distributor, or agent or employee of either fails to comply with this requirement.

**Neva Watson,**

*Attorney, Legislative.*

[FR Doc. 05-279 Filed 1-6-05; 8:45 am]

**BILLING CODE 7710-12-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 180**

[OPP-2004-0042; FRL-7691-4]

#### **Spinosad; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for residues of spinosad in or on grain, cereal, group 15 at 1.5 ppm; grain as aspirated fractions at 200 ppm; rice hulls at 4 ppm; meat of cattle, goats, hogs, horse and sheep at 1.5 ppm; fat of cattle, goats, hogs, horse and sheep at 33 ppm; meat byproducts of cattle, goats, hogs, horse and sheep at 8 ppm; milk at 6 ppm; milk fat at 75 ppm; fat of poultry at 0.5 ppm; meat byproducts of poultry at 0.03 ppm; eggs at 0.05 ppm. EPA is also deleting certain spinosad tolerances that are no longer needed as a result of

this action. Dow AgroScience requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

**DATES:** This regulation is effective January 7, 2005. Objections and requests for hearings must be received on or before March 8, 2005.

**ADDRESSES:** To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under Docket identification (ID) number OPP-2004-0042. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** George LaRocca, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8587; e-mail address: [larocca.george@epa.gov](mailto:larocca.george@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers;

commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

###### *B. How Can I Access Electronic Copies of this Document and Other Related Information?*

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm/>.

## **II. Background and Statutory Findings**

In the **Federal Register** of June 23, 2004 (69 FR 35024) (FRL-7358-3), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition PP 3F6754 by Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR 180.495 be amended by establishing a tolerance for residues of the insecticide spinosad, in or on the raw agricultural commodity stored grain (wheat, barley, corn, oats, rice, and sorghum milo) at 1 ppm, soybean, sunflower, peanut, and cotton seed at 1 part per million (ppm); and birdseed at 3 ppm. That notice included a summary of the petition prepared by Dow AgroScience LLC, the registrant.

Based on EPA's review, the petition described in Unit II. was revised by the petitioner (Dow AgroSciences) to propose tolerances for residues of spinosad for cereal grains group at 1.5 ppm; grain as aspirated fractions at 200 ppm; rice hulls at 4 ppm; meat of cattle, goats, hogs, horse and sheep at 1.5 ppm; fat of cattle, goats, hogs, horse and sheep at 33 ppm; meat byproducts of cattle, goats, hogs, horse and sheep at 8 ppm; milk at 6 ppm; milk fat at 75 ppm; fat