

authorized to receive such information under the Act. These persons include States (for driver licensing, driver improvement and transportation safety purposes), employers of motor vehicle and locomotive operators, certain Federal agencies involved in transportation safety, the individuals about whom the records relate and, now, air carriers regarding individuals who are seeking employment with the air carrier as a pilot.

In addition, any request for NDR information by an employer, a prospective employer or any Federal agency, other than the National Transportation Safety Board or the Federal Highway Administration during the course of an investigation, must be initiated by the individual about whom records are being requested. Further, the NDR has nearly completed its conversion to the Problem Driver Pointer System (PDPS), a system under which the NDR will no longer contain substantive records about traffic offenses, but will instead contain only pointer records. The pointer records include identifying information about individuals that have been the subject of driver licensing actions and the name of the State that took the action. The actual substantive information about these offenses must be requested from the States of record.

Congress has determined, and the agency maintains, that the public interest that is served by using NDR information to promote transportation safety outweighs the privacy concerns that are raised by the limited disclosure that is made of NDR information to the select group of persons authorized to receive such information, under Federal law.

More importantly, the agency is not at liberty simply to withdraw the interim final rule. Federal legislation was enacted by Congress and signed into law by the President, requiring air carriers to check and authorizing them to receive information from the NDR regarding the motor vehicle driving records of individuals who are seeking employment with air carriers as pilots. This agency has an obligation to amend its regulations to implement this amendment to the NDR Act.

Accordingly, the interim final rule has not been withdrawn. The interim final rule, as amended herein, becomes effective upon publication of this final rule in the **Federal Register**.

Regulatory Analyses and Notice

Executive Order 12778 (Civil Justice Reform)

This final rule will not have any preemptive or retroactive effect. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The agency has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or Department of Transportation Regulatory Policies and Procedures. The changes in this final rule merely reflect amendments contained in Public Law 104-264. Accordingly, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), the agency has evaluated the effects of this action on small entities. Based on the evaluation, we certify that this action will not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act

There are reporting requirements contained in the regulation that this rule is amending that are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Accordingly, these requirements have been submitted previously to and approved by OMB, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements have been approved through the year 2000 under OMB No. 2127-0001.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and

criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Accordingly, the preparation of a Federalism Assessment is not warranted.

List of Subjects in 23 CFR Part 1327

Highway safety, Intergovernmental relations, National Driver Register, Reporting and recordkeeping requirements.

In consideration of the foregoing, the interim final rule published in the **Federal Register** of May 19, 1997, 62 FR 27193, amending 23 CFR part 1327, is adopted as final, with the following changes:

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

1. The authority citation for Part 1327 continues to read as follows:

Authority: Pub.L. 97-364, 96 Stat. 1740, as amended (49 U.S.C. 30301 *et seq.*); delegation of authority at 49 CFR 1.50.

§ 1327.6 [Amended]

2. Section 1327.6 is amended by changing the date "September 30, 1997" in paragraph (f)(2) to "December 31, 1997".

Issued on: December 30, 1997.

John Womack,

Acting Chief Counsel, National Highway Traffic Safety Administration.

[FR Doc. 97-34228 Filed 12-30-97; 1:56 pm]

BILLING CODE 4910-59-P

POSTAL SERVICE

39 CFR Part 111

Presort Requirements for Periodicals Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule sets forth revised Domestic Mail Manual (DMM) standards adopted by the Postal Service to implement a sectional center facility (SCF) level of sack for Periodicals automation and nonautomation mailings of nonletter-size pieces. An SCF level of package will not be added. Only 5-digit and 3-digit packages will be permitted in the SCF sack. SCF sacks will be prepared after 5-digit and 3-digit sacks, and prior to preparing ADC sacks.

EFFECTIVE DATES: Optional preparation effective January 5, 1998. Preparation of

the SCF level of sack will become required with implementation of the R-97 rate case.

FOR FURTHER INFORMATION CONTACT:

Lynn M. Martin, (202) 268-6351.

SUPPLEMENTARY INFORMATION: As part of the streamlining of presort requirements under Classification Reform, the Postal Service eliminated SCF packages and sacks on July 1, 1996. Some Periodicals mailers have indicated that they believe the inability to sack mail to the SCF level has affected the service of their publications. Many mailers of Periodicals publications prepare 5-digit and 3-digit packages that contain fewer than six pieces, and 5-digit and 3-digit sacks that contain fewer than the required 24 pieces, to ensure good levels of service. This results in increased sack usage by mailers and increased sack handlings by the Postal Service. Re-instituting SCF sacks would allow Periodicals mailers to consolidate 5-digit and 3-digit packages, including "skin" packages containing fewer than six pieces, to the applicable processing plant for service reasons without having to prepare "skin" 3-digit sacks. Preparing SCF sacks also will provide the opportunity for the Postal Service to receive many 5-digit and 3-digit packages sorted to a finer level than an area distribution center (ADC) sack.

On September 15, 1997, the Postal Service published for public comment in the **Federal Register** (62 FR 48191-48192) a proposed rule to re-institute an SCF level of sack for Periodicals automation and nonautomation mailings of nonletter-size pieces. The proposed rule did not provide for preparing SCF packages. The rule proposed that preparing the SCF sack would be optional for the period beginning on the date the final rule was published and ending on the effective date of the preparation rules that will be placed into effect as a result of the Docket No. R97-1 rate case proceedings, and that when the preparation rules resulting from the rate case proceedings are implemented, preparing the SCF sack would become mandatory.

Comments were received from eight commenters, including three mailer associations. Three commenters supported the proposal to prepare only SCF sacks.

Four commenters requested that Periodicals mailers be permitted to prepare SCF packages as well as SCF sacks. Allowing an SCF package would add another level of piece distribution for many of the larger Postal Service plants. Mail processing plants can sort the pieces prepared in 3-digit packages to 5-digit ZIP Codes in one handling.

Mail received in an SCF package would in most cases require two handlings to sort the mail to the 5-digit ZIP Code level. This extra handling equates to higher costs and possible delay in delivery of the pieces in these packages. The Postal Service believes that the SCF sack by itself should help improve service for Periodicals publications, since it will capture volumes from ADC sacks that currently are not being prepared in 3-digit "skin" sacks. Also, the SCF sack should help to reduce some of the workload for mailers that are preparing 3-digit "skin" sacks since they will be able to prepare a single SCF sack instead of multiple 3-digit sacks for those SCFs that process mail for more than one 3-digit ZIP Code area. Accordingly, the Postal Service has determined to implement only an SCF sack at this time, and not an SCF package. The Postal Service will monitor the effects of the SCF sack on service to determine if it will give future consideration to implementing an SCF package.

Two commenters stated that preparing the SCF sack should remain optional and not become a required level of presort with implementation of the rules for the Docket No. R97-1 rate case proceedings. One of these commenters did not provide a reason for this comment. The other commenter erroneously believed that the Postal Service planned to require preparing SCF sacks whenever there were 24 pieces for the SCF area, rather than whenever there were 24 pieces prepared in 5-digit and 3-digit packages remaining for the SCF area after preparing 5-digit and 3-digit sacks. This commenter was concerned that such a revised 24-piece rule would have required mailers to prepare 5-digit and 3-digit packages containing fewer than six pieces ("skin" packages) in certain instances for inclusion in SCF sacks, which would have had an adverse affect on some bindery operations. The Postal Service is not revising the current process for preparing packages and sacks for Periodicals mail. Accordingly, mailers will still have the option of preparing 5-digit and 3-digit packages of fewer than six pieces for service reasons under the provisions of revised DMM M200.1.5 and M820.1.7 in this final rule, but will not be required to prepare such packages. The Postal Service believes a required SCF sack level will result in many 5-digit and 3-digit packages being prepared to the SCF level, rather than being placed in ADC sacks, which should improve service. Accordingly, the Postal Service has determined to make an SCF sack a

required level of sack preparation on the effective date of the preparation rules that will be placed into effect as a result of the Docket No. R97-1 rate case proceedings, and to make the SCF sack optional prior to that time.

One commenter requested that, for consistency, an SCF level of sack also be added to Standard Mail (A) preparation requirements. The SCF level of sack is being added to Periodicals mail preparation standards to improve service for Periodicals mail and to mitigate some of the need for mailers to prepare skin sacks. Standard Mail (A) mailers are not permitted to prepare sacks that contain less than the minimum sacking quantity of 125 pieces or 15 pounds of mail. The Postal Service therefore has determined not to add an SCF level of sack to the preparation standards for Standard Mail (A) at this time.

Accordingly, the Postal Service has determined to reinstitute, for only nonletter-size Periodicals publications, an SCF sack that would be prepared after all required 5-digit and 3-digit sacks, and prior to preparing required ADC sacks. Effective immediately, preparing SCF sacks will be optional. Beginning on the effective date of the preparation rules that are placed in effect as a result of the Docket No. R97-1 rate case proceedings, preparing SCF sacks will become mandatory.

During the period in which preparation of the SCF sack is optional, mail in SCF sacks in nonautomation rate mailings will be eligible for the basic per-piece rates. For mail in SCF sacks in automation rate mailings, 5-digit and unique 3-digit packages of six or more pieces will qualify for the 3/5 automation rate, and nonunique 3-digit packages as well as 5-digit and 3-digit packages of fewer than six pieces will qualify for the basic automation per-piece rates.

For the interim period when preparing SCF sacks is optional, mailers who choose to prepare SCF sacks must prepare them for each SCF in the mailing for which there are 24 or more pieces of mail prepared in 5-digit and/or 3-digit packages remaining after preparing 5-digit and 3-digit sacks. At the mailer's option, SCF sacks also may be prepared that contain fewer pieces (a minimum of one package).

The standard to prepare required origin/optional entry 3-digit sacks will not apply to Periodicals publications for which SCF sacks are prepared. Instead, mailers opting to prepare SCF sacks must prepare required origin/optional entry SCF sacks. At the time SCF sacks become a required level of sortation, the standard to prepare required origin/

optional entry 3-digit sacks will be deleted and preparation of required origin/optional entry SCF sacks will become the new standard.

For the reasons discussed above, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

List of Subjects in 39 CFR Part 111

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, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual as set forth below:

M Mail Preparation and Sortation

M000 General Preparation Standards

M010 Mailpieces

M011 Basic Standards

1.0 Terms and Conditions

* * * * *

1.2 Presort Levels

[Redesignate current 1.2j through 1.2m as 1.2k through 1.2n respectively; insert new 1.2j to read as follows:]

j. Origin/optional entry SCF: the separation includes packages for one or more 3-digit areas served by the same sectional center facility (SCF) (see L002, Column C or L005) in whose service area the mail is verified/entered. Subject to standard, this separation is required regardless of the volume of mail.

* * * * *

1.3 Preparation Instructions

[Redesignate current 1.3j through 1.3p as 1.3k through 1.3q respectively; insert new 1.3j to read as follows:]

j. An origin/optional entry SCF sack contains all 5-digit and 3-digit packages (regardless of quantity) for the SCF in whose service area the mail is verified. At the mailer's option, such a sack may be prepared for the SCF area of each entry post office. This presort level applies only to nonletter-size Periodicals prepared in sacks.

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M030 Containers

* * * * *

M032 Barcoded Labels

1.0 Basic Standards—Tray and Sack Labels

* * * * *

1.3 Content Line (Line 2)

[Amend Exhibit 1.3a by inserting the following between 3-digit sacks and ADC sacks for PER Flats—Automation to read as follows:]

Class and mailing	Human readable	
	CIN	Content line
PER Flats—Automation	*	*
SCF sacks	377	PER FLTS SCF BC
* * *	*	*

[Amend Exhibit 1.3a by inserting the following between 3-digit sacks and ADC sacks for PER Flats—3/5 and Basic to read as follows:]

PER Flats—3/5 and Basic

Class and mailing	Human readable	
	CIN	Content line
SCF sacks	384	PER FLTS SCF NON BC
* * *	*	*

[Amend Exhibit 1.3a by inserting the following between 3-digit sacks and ADC sacks for NEWS Flats—Automation to read as follows:]

Class and mailing	Human readable	
	CIN	Content line
EWS Flats—Automation	*	*
SCF sacks	477	NEWS FLTS SCF BC
* * *	*	*

[Amend Exhibit 1.3a by inserting the following between 3-digit sacks and ADC sacks for NEWS Flats—3/5 and Basic to read as follows:]

NEWS Flats—3/5 and Basic

Class and mailing	Human readable	
	CIN	Content line
SCF sacks	484	NEWS FLTS SCF NON BC
* * *	*	*

M200 Periodicals (Nonautomation)

1.0 BASIC STANDARDS

* * * * *

1.5 Low-Volume Packages and Sacks

[Amend 1.5 to read as follows:] size Periodicals may be prepared in packages containing fewer than six pieces, and in sacks containing as few as one such package, when the publisher determines that such preparation improves service. These low-volume packages may be placed on 5-digit, 3-digit, and SCF pallets under M045.

[Add new 1.6 to read as follows:]

1.6 Optional SCF Sack

Mailers of nonletter-size Periodicals have the option to prepare an SCF sack level. If mailers choose to prepare SCF sacks, they must prepare them for all SCF destinations in the mailing for which there are 24 or more pieces prepared in 5-digit or 3-digit packages, under 3.1. When SCF sacks are prepared, required origin/optional entry 3-digit sacks must not be prepared and required origin/optional entry SCF sacks must be prepared.

* * * * *

3.0 Sack Preparation (Flat-Size Pieces and Irregular Parcels)

3.1 Sack Preparation

[Redesignate current 3.1e and 3.1f as 3.1f and 3.1g respectively; insert new 3.1e to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

* * * * *

e. Optional SCF: required at 24 pieces (no minimum for required origin/optional entry SCF), optional with one six-piece package minimum except under 1.5; for Line 1, use L002, Column C.

* * * * *

M820 Flat-Size Mail

1.0 Basic Standards

* * * * *

1.7 Exception—Periodicals

[Amend 1.7 to read as follows:]

As a general exception to 3.1a, 3.1b, and 3.2a through 3.2c, Periodicals may be prepared in packages containing fewer than six pieces, and in sacks containing as few as one such package, when the publisher determines that such preparation improves service. These low-volume packages may be placed on 5-digit, 3-digit, and SCF pallets under M045.

[Add new 1.8 to read as follows:]

1.8 Optional SCF Sack—Periodicals
Mailers of Periodicals have the option to prepare an SCF sack level. If mailers choose to prepare SCF sacks, they must prepare them for all SCF destinations in the mailing for which there are 24 or

more pieces prepared in 5-digit or 3-digit packages, under 3.2. When SCF sacks are prepared, required origin/optional entry 3-digit sacks must not be prepared and required origin/optional entry SCF sacks must be prepared.

* * * * *

3.0 Periodicals

* * * * *

3.2 Sack Preparation

[Redesignate current 3.2c and 3.2d as 3.2d and 3.2e respectively; add new 3.2c to read as follows:]

Sack size, preparation sequence, and Line 1 labeling:

* * * * *

c. Optional SCF: required at 24 pieces (no minimum for required origin/optional entry SCF), optional with one six-piece package minimum except under 1.7; for Line 1, use L002, Column C.

* * * * *

An appropriate amendment to 39 CFR 111.3 will be published to reflect these changes.

Neva R. Watson,

Alternative Liaison.

[FR Doc. 98-8 Filed 1-2-98; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300596; FRL-5762-4]

RIN 2070-AB78

Dicloran; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of dicloran, 2,6-dichloro-4-nitroaniline in or on peanuts. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on peanuts. This regulation establishes a maximum permissible level for residues of dicloran in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on October 31, 1999.

DATES: This regulation is effective January 5, 1998. Objections and requests

for hearings must be received by EPA on or before March 6, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300596], 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-300596], 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. 1132, CM #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: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300596]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Virginia Dietrich, 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: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9359, e-mail: dietrich.virginia@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the fungicide, dicloran, 2,6-dichloro-4-nitroaniline, in or on peanuts at 3 part per million (ppm) for peanuts and 6 ppm for peanut

oil. This tolerance will expire and is revoked on October 31, 1999. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL-5572-9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

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