

**156 Deposit****1.0 Deposit for Parcel Post**

\* \* \* \* \*

*[Add new item 1.6 as follows:]***1.6 Stamped Pieces over 13 Ounces**

Parcel Post weighing more than 13 ounces bearing only postage stamps as postage may not be deposited into a collection box, Postal Service lobby drop, Automated Postal Center (APC) drop, Postal Service dock, customer mailbox, or other unattended location. These mailpieces are also precluded from pickup service. The sender must present such items to an employee at a retail service counter in a Postal Service facility. The Postal Service will return improperly presented items to the sender for proper entry and acceptance.

\* \* \* \* \*

**170 Media Mail**

\* \* \* \* \*

**176 Deposit****1.0 Deposit for Media Mail**

\* \* \* \* \*

*[Add new item 1.2 as follows:]***1.2 Stamped Pieces over 13 Ounces**

Media Mail weighing more than 13 ounces bearing only postage stamps as postage may not be deposited into a collection box, Postal Service lobby drop, Automated Postal Center (APC) drop, Postal Service dock, customer mailbox, or other unattended location. These mailpieces are also precluded from pickup service. The sender must present such items to an employee at a retail service counter in a Postal Service facility. The Postal Service will return improperly presented items to the sender for proper entry and acceptance.

\* \* \* \* \*

**180 Library Mail**

\* \* \* \* \*

**186 Deposit****1.0 Deposit for Library Mail****1.1 Single-Piece Price Mailing***[Add new item 1.2 as follows:]***1.2 Stamped Pieces Over 13 Ounces**

Library Mail weighing more than 13 ounces bearing only postage stamps as postage may not be deposited into a collection box, Postal Service lobby drop, Automated Postal Center (APC) drop, Postal Service dock, customer mailbox, or other unattended location. These mailpieces are also precluded from pickup service. The sender must present such items to an employee at a retail service counter in a Postal Service

Facility. The Postal Service will return improperly presented items to the sender for proper entry and acceptance.

\* \* \* \* \*

**400 Commercial Parcels**

\* \* \* \* \*

**420 Priority Mail**

\* \* \* \* \*

**426 Enter and Deposit**

*[Delete 1.1 and 1.2 in their entirety, and add new item 1.0 as follows:]*

**1.0 Time and Location of Deposit**

Commercial Parcels at the Presorted price must be deposited at locations and items designated by the postmaster. Permit imprint mail must be presented at a Post Office under 604.5.0, *Permit Imprint (Indicia)*, or 705, *Advanced Preparation and Special Postage Payment Systems*.

\* \* \* \* \*

**507 Mailer Services**

\* \* \* \* \*

**6.0 Pickup on Demand Service**

\* \* \* \* \*

**6.2 Basic Standards****6.2.1 Availability**

*[Renumber current items 6.2.2 thru 6.2.8 as 6.2.3 thru 6.2.9, and add new item as 6.2.2 and as follows:]*

**6.2.2. Stamped Pieces Over 13 Ounces**

Mailpieces weighing more than 13 ounces bearing only postage stamps as postage must be presented to an employee at a retail service counter in a Postal Service facility. Letter carriers may not pick up or accept mail weighing more than 13 ounces bearing only stamps as postage. If this mail is discovered in collection boxes, Postal Service lobby drop, Automated Postal Center (APC) drops, Postal Service dock, or customer mailbox it will be returned to the sender for proper presentation at a retail counter.

\* \* \* \* \*

**600 Basic Standards for All Mailing Services****601 Mailability**

\* \* \* \* \*

**11.0 Other Restricted and Nonmailable Matter**

\* \* \* \* \*

*[Add new item 11.21 as follows:]***11.21 Mail Weighing More Than 13 Ounces**

A mailpiece weighing more than 13 ounces bearing only postage stamps as

postage may not be deposited into a collection box, Postal Service lobby drop, Automated Postal Center (APC) drop, Postal Service dock, customer mailbox, or other unattended location. These mailpieces are also precluded from pickup service. The sender must present such items to an employee at a retail service counter in a Postal Service Facility. The Postal Service will return improperly presented items to the sender for proper entry and acceptance.

\* \* \* \* \*

**700 Special Standards****703 Nonprofit Standard Mail and Other Unique Eligibility**

\* \* \* \* \*

**2.0 Overseas Military Mail****2.1 Basic Standards**

\* \* \* \* \*

**2.1.7 Restrictions***[Revise 2.1.7 to read as follows:]*

Regardless of postage payment method, single-piece Priority Mail and single-piece Package Services weighing more than 13 ounces may *not* be deposited into a collection box, Postal Service lobby drop, Automated Postal Center (APC) drop, Postal Service dock, customer mailbox, or other unattended location. These mailpieces are also precluded from pickup service. The sender must present such items to an employee at a retail service counter in a Postal Service facility. The Postal Service will return improperly presented items to the sender for proper entry and acceptance

\* \* \* \* \*

**Neva R. Watson,***Attorney, Legislative.*

[FR Doc. E9-24332 Filed 10-8-09; 8:45 am]

BILLING CODE 7710-12-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[EPA-HQ-OPP-2009-0601; FRL-8794-1]

**Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment**

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

**ACTION:** Direct final rule.

**SUMMARY:** This document moves the effective date of the revocation of six inert ingredient tolerance exemptions as

set forth in the **Federal Register** on August 7, 2009 (74 FR 39543).

**DATES:** In the final rule published August 9, 2006 (71 FR 45415), and delayed on August 4, 2008 (73 FR 45312), and August 7, 2009 (74 FR 39543):

1. The effective date is delayed from October 9, 2009, to February 9, 2010, for the following amendments to §180.910: 2.m., n., and cc.

2. The effective date is delayed from October 9, 2009, to February 9, 2010, for the following amendments to §180.930: 4.t., u., and v.

Objections and requests for hearings must be received on or before December 8, 2009, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0601. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (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 in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Kerry Leifer, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8811; e-mail address: [leifer.kerry@epa.gov](mailto:leifer.kerry@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 code 111).

- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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?*

In addition to accessing electronically available documents at <http://www.regulations.gov>, you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office’s e-CFR site at <http://www.gpoaccess.gov/ecfr>.

###### *C. Can I File an Objection or Hearing Request?*

Under section 408(g) of FFDCA, 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2009-0601 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before December 8, 2009.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number

EPA-HQ-OPP-2009-0601, by one of the following methods:

• **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

• **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility’s normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

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

###### *A. Background*

In a final rule published in the **Federal Register** on August 9, 2006 (71 FR 45415) (FRL-8084-1), EPA revoked inert ingredient tolerance exemptions because insufficient data were available to the Agency to make the safety determination required by Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(c)(2). In reassessing the safety of the tolerance exemptions, EPA considered the validity, completeness, and reliability of the data that are available to the Agency [FFDCA section 408 (b)(2)(D)] and the available information concerning the special susceptibility of infants and children (including developmental effects from *in utero* exposure) [FFDCA section 408(b)(2)(C)]. EPA concluded it had insufficient data to make the safety finding of FFDCA section 408(c)(2) and revoked the inert ingredient tolerance exemptions identified in the final rule under 40 CFR 180.910, 180.920, 180.930, and 180.940, with the revocations effective on August 9, 2008.

In a direct final rule published in the **Federal Register** on August 4, 2008 (73 FR 45312) (FRL-8372-7), EPA moved the effective date of the revocation of certain inert ingredient tolerance exemptions from August 9, 2008, until August 9, 2009. This determination was made based on requests for an extension of the revocation date from pesticide registrants and inert ingredient manufacturers who had demonstrated their intent to support certain inert ingredient tolerance exemptions and who had provided data development plans and schedules for data submission to the Agency. In a subsequent direct

final rule published in the **Federal Register** on August 7, 2009 (74 FR 39543) (FRL-8431-8), EPA moved the effective date of the revocation of six inert ingredient tolerance exemptions from August 9, 2009, until October 9, 2009. This action was based on the fact that EPA had received petitions for the establishment of tolerance exemptions which included the submission of data for these inert ingredients. Notices of filing of these petitions (PP 8E7466 and PP 8E7478) were published in the **Federal Register** on March 25, 2009 (74 FR 12856) (FRL-8399-4). The August 7, 2009, direct final rule was published to allow for the completion of the Agency's risk assessments needed to evaluate the petitions and to complete the safety determinations for the six tolerance exemptions.

#### *B. Moving the Effective Date of the Revocation for Six Tolerance Exemptions*

Following the publication of the August 7, 2009, final rule delaying the effective date for the six revoked tolerance exemptions, EPA received significant additional toxicity, metabolism and environmental fate data from the petitioners in further support of pesticide tolerance petitions 8E7466 and 8E7478 which have been determined by the Agency to have a significant bearing on its safety evaluation under FFDCA section 408(c)(2) of the petition proposing that these exemptions be reestablished. Much of the data submitted were not previously available and thus could not have been submitted sooner. EPA, therefore, concludes that additional time is necessary to complete the safety determinations for these six tolerance exemptions and that the effective date of the revocation of these tolerance exemptions should be moved by four months to February 9, 2010.

#### *C. What is the Agency's Authority for Taking this Action?*

A "tolerance" represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA, Public Law 104-170, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under FFDCA section 402(a), 21 U.S.C. 342(a). Such

food may not be distributed in interstate commerce (21 U.S.C. 331(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*). Food-use pesticides not registered in the United States must have tolerances in order for commodities treated with those pesticides to be imported into the United States. Under FFDCA section 408(e)(1)(B), 21 U.S.C. 346a(e)(1)(B), EPA may take action establishing, modifying, suspending, or revoking a tolerance exemption.

### **III. Delayed Effective Date for Certain Tolerance Exemptions**

The amendatory designations listed in this unit are reprinted from the final rule published in the **Federal Register** issue of August 7, 2009 (74 FR 39543) for the convenience of the user. The structure mirrors the amendatory designations in the original document. The amendatory designations shown are those with the effective date delayed until February 9, 2010.

#### *Section 180.910*

m.  $\alpha$ -(p-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles or 30 moles.

n.  $\alpha$ -(p-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene)sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.

cc.  $\alpha$ -[p-(1,1,3,3-Tetramethylbutyl)phenyl]- $\omega$ -hydroxypoly(oxyethylene) produced by the condensation of 1 mole of p-(1,1,3,3-tetramethylbutyl)phenol with a range of 1–14 or 30–70 moles of ethylene oxide: if a blend of products is used, the average range number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 1–14 or 30–70.

#### *Section 180.930*

t.  $\alpha$ -(p-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the

corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.

u.  $\alpha$ -(p-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.

v.  $\alpha$ -(p-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene)sulfate, and its ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 or 30–90 moles of ethylene oxide.

### **IV. Statutory and Executive Order Reviews**

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by

Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note).

## V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 5, 2009.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I is amended as follows:

## PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346a and 371.

## § 180.910 [Amended]

■ 2. In the final rule published August 9, 2006 (71 FR 45415), and delayed on August 4, 2008 (73 FR 45312), and August 7, 2009 (74 FR 39543) the effective date is delayed from October 9, 2009, to February 9, 2010, for the following amendments to §180.910: 2.m., n., and cc.

## § 180.930 [Amended]

■ 3. In the final rule published August 9, 2006 (71 FR 45415), and delayed on August 4, 2008 (73 FR 45312), and August 7, 2009 (74 FR 39543) the effective date is delayed from October 9, 2009, to February 9, 2010, for the following amendments to §180.930: 4.t., u., and v.

[FR Doc. E9-24415 Filed 10-6-09; 4:15 pm]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 09-2155; MB Docket No. 09-156; RM-11556]

### Television Broadcasting Services; Jackson and Laurel, MS

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants a petition for rulemaking filed by commonly-owned WLBT License Subsidiary, LLC and WDAM License Subsidiary, LLC, the licensees of stations WLBT(TV), channel 7, Jackson, Mississippi, and WDAM-TV, channel 28, Laurel, Mississippi, requesting the substitution of channel 30 for WLBT(TV)'s assigned channel 7 at Jackson and the substitution of channel 7 for WDAM-TV's assigned channel 28 at Laurel.

**DATES:** This rule is effective October 9, 2009.

**FOR FURTHER INFORMATION CONTACT:** Joyce L. Bernstein, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09-156, adopted September 30, 2009, and released October 1, 2009. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document

will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via e-mail <http://www.BCPIWEB.com>. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

## List of Subjects in 47 CFR Part 73

Television, Television broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

## § 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Mississippi, is amended by adding channel 30 and removing channel 7 at Jackson.

■ 3. Section 73.622(i), the Post-Transition Table of DTV Allotments under Mississippi, is amended by adding channel 7 and removing channel 28 at Laurel.