

the rule by inserting, after the words 'omnibus accounts' in paragraph (a), the phrase 'or where the customer or account controller has instructed otherwise.'" *Id.* at 53514 (emphasis added).

Despite this clear statement of the Commission's intent in the preamble of the adopting **Federal Register** release, the regulatory text neglected to include the words "or account controller," so that it appears that only the customer may direct an FCM to deviate from the default rule requiring closing out of offsetting long and short commodity interest positions. *Id.* at 53517. The same discrepancy between the Commission's clear intention as expressed in the preamble and the regulatory text appears in the proposing release,¹ as well as in earlier releases proposing and adopting the same rule amendment.² The Commission's clear intention to permit account controllers as well as customers to instruct an FCM to hold open an offsetting position is bolstered by the fact that, prior to the rule amendments, the rule contained exceptions that permitted account controllers to make such an instruction, albeit subject to certain conditions. Amendments intended to broaden, simplify and streamline the rule would not further restrict those persons able to take advantage of the ability to deviate from the normal procedure.

The Commission, to eliminate the inadvertent confusion that it may have created in this area, has determined to make a technical amendment to the introductory text of Rule 1.46(a) so that it is clear that an account controller, as well as the customer, may instruct an FCM to hold open offsetting commodity interest positions. Of course, an FCM retains the discretion to refuse to honor any such instruction from a customer or account controller and to apply the general rule of closing out offsetting long and short commodity interest positions on a first-in, first-out basis.

¹ 66 FR 45221, 45227, 45230 (August 28, 2001).

² 66 FR 39008, 39017, 39022 (June 22, 2000) (proposed rules); 66 FR 77993, 78007, 78013 (December 13, 2000) (final rules). Due to the intervening enactment of revisions to the Commodity Exchange Act by the Commodity Futures Modernization Act of 2000 (CFMA), the Commission withdrew almost all of the final rules relating to intermediaries adopted in November 2000, including the amendments to Rule 1.46. Upon further review of the amendments to Rule 1.46 in light of the enactment of the CFMA, the Commission re-proposed and re-adopted the amendments to Rule 1.46 in 2001 without substantive change. Although comments were received on both proposals to amend Rule 1.46, no one pointed out the discrepancy between the preamble and the regulatory text cited above.

Need for Correction

As published, the final rules contain regulatory text that may prove to be misleading and is in need of clarification.

List of Subjects in 17 CFR Part 1

Commodity futures; Reporting and recordkeeping requirements.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

■ Accordingly, 17 CFR Part 1 is corrected by making the following technical amendments:

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

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23 and 24.

■ 2. In § 1.46, paragraph (a) introductory text is revised to read as follows:
(a) *Application of purchases and sales.* Except with respect to purchases or sales which are for omnibus accounts, or where the customer or account controller has instructed otherwise, any futures commission merchant who, on or subject to the rules of a designated contract market or registered derivatives transaction execution facility:

* * * * *

§ 1.46 Application and closing out of off setting long and short positions.

Issued in Washington, DC on September 28, 2004 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 04–22298 Filed 10–4–04; 8:45 am]

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POSTAL SERVICE

39 CFR Parts 20 and 211

International Mail Manual; Incorporation by Reference

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service announces the issuance of Issue 30 of the International Mail Manual (IMM), and its incorporation by reference in the Code of Federal Regulations.

EFFECTIVE DATE: This final rule is effective on October 5, 2004. The incorporation by reference of Issue 30 of the IMM is approved by the Director of the Federal Register as of October 5, 2004.

FOR FURTHER INFORMATION CONTACT: Obataiye B. Akinwale, (202) 268–7262.

SUPPLEMENTARY INFORMATION: Issue 30 of the International Mail Manual was issued on August 1, 2004. It replaced the previous issue of the IMM, and contained all IMM revisions from June 13, 2003, through July 22, 2004.

This new Issue of the IMM continues to serve the objectives of the Postal Service's Transformation Plan of April 2000, to enable the Postal Service to fulfill its long-standing mission of providing affordable, universal mail service. The Plan's key strategies include improving operational efficiency, supporting growth through added value to customers, and enhancing the Postal Service's performance-based culture.

In addition, Issue 30 sets forth specific changes affecting international postal services, such as the adoption of new customs forms for international mail and military mail, and the network change that removed Washington Dulles International Airport as a U.S. International Exchange Office. The new Issue also corrects various printing and format errors and omissions in the previous Issue.

The International Mail Manual is available to the public on a subscription basis only from: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. The subscription price for one issue is currently \$36 to addresses in the United States, and \$50.40 to all foreign addresses. The IMM is also published and available to all users on the Internet at <http://pe.usps.gov>.

List of Subjects

39 CFR Part 20

Foreign relations, Incorporation by reference.

39 CFR Part 211

Administrative practice and procedure.

■ In view of the considerations discussed above, the Postal Service hereby amends 39 CFR chapter I as follows:

PART 211—APPLICATION OF REGULATIONS

■ 1. The authority citation for part 211 continues to read as follows:

Authority: 39 U.S.C. 201, 202, 401(2), 402, 403, 404, 410, 1001, 1005, 1209; Pub. L. 91–375, Secs. 3–5, 84 Stat. 773–75.

§ 211.2 [Amended]

■ 2. In § 211.2(a)(2), remove the words "Publication 42 (International Mail)"

and add "International Mail Manual" in their place.

■ 3. Part 20 is revised to read as follows:

PART 20—INTERNATIONAL POSTAL SERVICE

Sec.

20.1 International Mail Manual; incorporation by reference.

20.2 Effective date of the International Mail Manual.

20.3 Availability of the International Mail Manual.

20.4 Amendments to the International Mail Manual.

20.5 [Reserved]

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

§ 20.1 International Mail Manual; incorporation by reference.

(a) Section 552(a) of Title 5, U.S.C., relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that " * * * matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, with 39 U.S.C. 410(b)(1), and as provided in this part, the U.S. Postal Service hereby incorporates by reference its International Mail Manual (IMM), Issue 30, dated August, 2004. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(b) The current Issue of the IMM is incorporated by reference in paragraph (a) of this section. Successive Issues of the IMM are listed in the following table:

International Mail Manual	Date of issuance
Issue 1	November 13, 1981.
Issue 2	March 1, 1983.
Issue 3	July 4, 1985.
Issue 4	September 18, 1986.
Issue 5	April 21, 1988.
Issue 6	October 5, 1988.
Issue 7	July 20, 1989.
Issue 8	June 28, 1990.
Issue 9	February 3, 1991.
Issue 10	June 25, 1992.
Issue 11	December 24, 1992.
Issue 12	July 8, 1993.
Issue 13	February 3, 1994.
Issue 14	August 4, 1994.
Issue 15	July 9, 1995.
Issue 16	January 4, 1996.
Issue 17	September 12, 1996.
Issue 18	June 9, 1997.
Issue 19	October 9, 1997.
Issue 20	July 2, 1998.
Issue 21	May 3, 1999.
Issue 22	January 1, 2000.

International Mail Manual	Date of issuance
Issue 23	July 1, 2000.
Issue 24	January 1, 2001.
Issue 25	July 1, 2001.
Issue 26	January 1, 2002.
Issue 27	June 30, 2002.
Issue 28	January 1, 2003.
Issue 29	July 1, 2003.
Issue 30	August 1, 2004.

§ 20.2 Effective date of the International Mail Manual.

The provisions of the International Mail Manual Issue 30, effective August 1, 2004, are applicable with respect to the international mail services of the Postal Service.

§ 20.3 Availability of the International Mail Manual.

Copies of the International Mail Manual may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9371. The IMM is available for examination on the Internet at <http://pe.usps.gov>. Copies are available for public inspection during regular business hours at area and district offices of the Postal Service and at all post offices, classified stations, and classified branches. You may also inspect a copy at the U.S. Postal Service Library, 475 L'Enfant Plaza West SW., Washington, DC 20260-1641, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

§ 20.4 Amendments to the International Mail Manual.

New issues of the International Mail Manual will be incorporated by reference into this part and will be available at <http://pe.usps.gov>. The text of amendments to the International Mail Manual will be published in the **Federal Register** and will be available in the Postal Bulletin, copies of which may be accessed at <http://www.usps.com/cpim/ftp/bulletin/pb.htm>.

§ 20.5 [Reserved]

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 04-22233 Filed 10-4-04; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[W1117-01-7347a, FRL-7637-2]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Northern Engraving Environmental Cooperative Agreement

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a June 27, 2003, request from Wisconsin to revise its State Implementation Plan (SIP) for a source specific revision for Northern Engraving Corporation (NEC). The Clean Air Act (Act), provides the authority for a state to provide a plan for the implementation, maintenance, and enforcement of the national ambient air quality standards in each air quality control region. The Wisconsin Department of Natural Resources (WDNR) and EPA entered into a memorandum of agreement concerning implementation of a joint cooperative pilot program and agreed to pursue regulatory innovation at two NEC facilities in Holmen, Wisconsin and Sparta, Wisconsin. Since then, the WDNR has amended the agreement to include two additional NEC facilities in Galesville, Wisconsin and West Salem, Wisconsin. Because portions of the Environmental Cooperative Agreement with NEC supercede portions of rules in the Wisconsin SIP, a source-specific SIP revision is required.

DATES: This rule is effective on December 6, 2004, unless EPA receives adverse written comments by November 4, 2004. If EPA receives adverse comments, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You may inspect copies of the documents relevant to this action during normal business hours at the following location: United States Environmental Protection Agency Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Send written comments to: Pamela Blakely, Chief, Permits and Grants Section, United States Environmental Protection Agency (AR-18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments may also be submitted electronically or through hand delivery/courier, please follow the detailed instructions described in part (I)(B)(1)(i)