

docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 20

Confidential business information, Courts, Freedom of information, Government employees.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 20 be amended as follows:

#### PART 20—PUBLIC INFORMATION

1. The authority citation for part 20 continues to read as follows:

**Authority:** 5 U.S.C. 552; 18 U.S.C. 1905; 19 U.S.C. 2531–2582; 21 U.S.C. 321–393, 1401–1403; 42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1.

2. Section 20.65 is added to read as follows:

##### **§ 20.65 National defense and foreign policy.**

(a) Records or information may be withheld from public disclosure if they are:

- (1) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and
- (2) In fact properly classified under such Executive order.

(b) [Reserved]

3. Section 20.66 is added to read as follows:

##### **§ 20.66 Internal personnel rules and practices.**

Records or information may be withheld from public disclosure if they are related solely to the internal personnel rules and practices of the Food and Drug Administration (FDA). Under this exemption, FDA may withhold records or information about routine internal agency practices and procedures. Under this exemption, the agency may also withhold internal records whose release would help some persons circumvent the law.

4. Section 20.67 is added to read as follows:

##### **§ 20.67 Records exempted by other statutes.**

Records or information may be withheld from public disclosure if a statute specifically allows the Food and Drug Administration (FDA) to withhold them. FDA may use another statute to justify withholding records and

information only if it absolutely prohibits disclosure, sets forth criteria to guide our decision on releasing material, or identifies particular types of matters to be withheld.

Dated: August 24, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–19995 Filed 9–1–04; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG–150562–03]

**RIN 1545–BC67**

#### **Section 1045 Application to Partnerships; Hearing**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Change in date of public hearing; extension of time to submit outlines of oral comments.

**SUMMARY:** This document changes the date of the public hearing on the notice of proposed rulemaking that relates to the application of section 1045 of the Internal Revenue Code (Code) to partnerships and their partners. It also extends the time to submit outlines of oral comments for the hearing.

**DATES:** The public hearing originally scheduled for November 2, 2004, at 10 a.m. will be held November 9, 2004, at 10 a.m. Additional outlines of oral comments must be received by October 19, 2004.

**ADDRESSES:** The public hearing will be held in the Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC:PA:LPD:PR (REG–150562–03), Room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–150562–03), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the IRS Internet site at <http://www.irs.gov/regs> or via the Federal eRulemaking Portal at <http://www.regulations.gov> (IRS and REG–150562–03).

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Charlotte Chyr, (202) 622–3070, or Jian H. Grant, (202) 622–3050; concerning

submissions, the hearing, and/or placement on the building access list to attend the hearing, Sonya M. Cruse of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration), at (202) 622–4693 (not toll-free numbers).

#### **SUPPLEMENTARY INFORMATION:**

##### **Backgrounds**

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Thursday, July 15, 2004, (69 FR 42370), announced that a public hearing on the notice of proposed rulemaking relating to the application of section 1045 of the Internal Revenue Code (Code) to partnerships and their partners would be held on November 2, 2004, in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has been changed to November 9, 2004, at 10 a.m. in the IRS Auditorium. Outlines of oral comments must be received by October 19, 2004.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedures and Administration).*

[FR Doc. 04–20056 Filed 9–1–04; 8:45 am]

**BILLING CODE 4830–01–P**

## POSTAL SERVICE

### 39 CFR Part 111

#### **Periodicals Mail Enclosures With Merchandise Sent at Parcel Post or Bound Printed Matter Rates**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule provides standards that would allow sample copies of authorized Periodicals publications to be mailed with merchandise mailed at Parcel Post® or Bound Printed Matter rates of postage.

**DATES:** Comments on the proposed standards must be received on or before October 4, 2004.

**ADDRESSES:** Written comments should be mailed or delivered to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3436, Washington DC 20260–3436. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at USPS Headquarters Library, 475 L'Enfant Plaza SW., Washington, DC 20260–0004.

**FOR FURTHER INFORMATION CONTACT:**

Donald Lagasse, 202–268–7269,  
*Donald.T.Lagasse@usps.gov*.

**SUPPLEMENTARY INFORMATION:**

On February 25, 2004, pursuant to 39 U.S.C. 83623, the Postal Service filed with the Postal Rate Commission a request for a decision recommending a minor mail classification change. The proposed change will permit sample copies of authorized and pending Periodicals publications to be enclosed with merchandise mailed at Parcel Post or Bound Printed Matter rates. This change was recommended by the Postal Rate Commission on July 7, 2004, and approved by the Board of Governors on July 19, 2004. The Board of Governors established October 3, 2004, as the implementation date for the change.

The proposed change will not affect any existing classification regarding eligibility (such as the subscriber percentage) for Periodicals rates. The weight of the sample publication would be included in the postage calculation to cover any additional costs in transporting slightly heavier parcels. The proposed change will benefit both publishers and the Postal Service by providing another venue for promoting publications. The proposed change also benefits customers, printers, advertisers, and all affected parties by providing an opportunity to get additional subscriptions by creating more revenue and volume.

Because advertising is not permitted in items mailed at Library Mail and Media Mail rates, enclosures of Periodicals publications sample copies are limited to enclosures in Parcel Post and Bound Printed Matter and will be charged according to the weight of the parcel.

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR part 111 continues to read as follows:

**Authority:** U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Amend the following sections of the *Domestic Mail Manual* (DMM) as set forth below:

**Domestic Mail Manual (DMM)**

\* \* \* \* \*

**E Eligibility**

\* \* \* \* \*

**E700 Package Services****E710 Basic Standards****1.0 Basic Information****1.1 Definition**

*[Revise the first sentence in 1.1 to read as follows:]*

Package Services mail consists of mailable matter that is neither mailed nor required to be mailed as First-Class Mail nor entered as Periodicals except as permitted under 1.7 unless permitted or required by standard or as Customized MarketMail under E660.

\* \* \*

\* \* \* \* \*

*[Add new section 1.7 to read as follows:]*

**1.7 Attachments or Enclosures of Periodicals Sample Copies**

Sample copies of authorized Periodicals publications may be enclosed or attached with merchandise sent at Parcel Post or Bound Printed Matter rates. Postage at the Parcel Post or Bound Printed Matter rate is based on the combined weight of the host piece and the sample copies enclosure.

\* \* \* \* \*

An appropriate amendment to 39 CFR part 111 to reflect these changes will be published if the proposal is adopted.

**Neva R. Watson,**

*Attorney, Legislative.*

[FR Doc. 04–19991 Filed 9–1–04; 8:45 am]

**BILLING CODE 7710–12–P**

**POSTAL SERVICE****39 CFR Part 111****Signature Confirmation Service: Elimination of Signature Waiver Option**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule provides a change to the *Domestic Mail Manual* (DMM™) that would eliminate the signature waiver option for Signature Confirmation™ service under DMM S919.1.10. The Postal Service™ is proposing this change because the signature waiver option is no longer necessary. Additionally, this option has caused confusion for customers.

**DATES:** Submit comments on or before October 4, 2004.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3436, Washington, DC 20260–3436. Written comments may also be submitted via fax

to (202) 268–4955. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the Postal Service Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor North, Washington, DC 20260.

**FOR FURTHER INFORMATION CONTACT:**

Donald Lagasse, (202) 268–7269,  
*Donald.T.Lagasse@usps.gov*.

**SUPPLEMENTARY INFORMATION:** Signature Confirmation service provides Postal Service customers with information about the date and time a mailpiece was delivered and, if delivery was attempted but not successful, the date and time of the delivery attempt. A delivery record, including the recipient's signature, is maintained by the Postal Service and is available to the customer via fax, e-mail, or mail, upon request. No acceptance record is kept at the office of mailing.

Signature Confirmation service currently includes a signature waiver option that allows the sender to waive the signature requirement and accept the Postal Service delivery employee's signature and date of delivery as proof of delivery. If a customer selects the signature waiver option, the customer is provided only with the date of delivery in the delivery record. The signature waiver option is not available when Signature Confirmation service is combined with other special services.

Signature waiver was requested initially by Delivery Confirmation™ service mailers that agreed to participate in testing the Signature Confirmation service but did not want to inconvenience their customers by requiring them to sign for their items. Now that Signature Confirmation service is fully implemented and widely recognized, the signature waiver feature is no longer necessary.

By definition, Signature Confirmation service is designed to provide a signature. Including an option for waiver of the signature for this service can be confusing for customers who wonder why the Postal Service would offer a signature service where the signature could be waived.

Therefore, the Postal Service proposes to eliminate the signature waiver option for Signature Confirmation service. Customers who do not need to obtain a signature but wish to know if their mailpiece was delivered would be able to do so using Delivery Confirmation service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), the