

Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug, and Cosmetic Act (FFDCA); environmental, human health, and agricultural advocates; pesticide users; and the public interested in the use of pesticides. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0045. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., 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.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background

### A. What Action is the Agency Taking?

This notice constitutes and announces the closing of the comment period for the triallate RED. The Agency published a notice in the **Federal Register** of May 23, 2001 (66 FR 28469) (FRL-6775-9) and a correction in the **Federal Register** on June 25, 2001 (66 FR 33684) (FRL-6788-1) announcing the availability and start of a 60-day public comment period on the Reregistration Eligibility Decision document for the pesticide active ingredient triallate. This RED was issued as a final document with a 60-day comment period, which closed on July 23, 2001. In this RED, EPA provided its regulatory position on the current registered use of triallate and set forth certain data requirements and label amendments for product reregistration eligibility.

A copy of the triallate RED can be found under docket control number OPP-34226A or on the EPA website at <http://www.epa.gov/pesticides/reregistration/status.htm>.

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

The legal authority for this RED falls under FIFRA, as amended in 1988 and 1996. Section 4(g)(2)(A) of FIFRA directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredients are eligible for reregistration," and either reregister products or take "other appropriate regulatory action."

### List of Subjects

Environmental protection, Pesticide Tolerances.

Dated: March 4, 2003.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03-6299 Filed 3-18-03; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0013; FRL-7288-3]

### Fenbutatin-Oxide; Completion of Comment Period for Tolerance Reassessment Progress and Interim Risk Management Decision

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

**ACTION:** Notice.

**SUMMARY:** This notice, pursuant to section 4(g)(2) of the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA), concludes the 30-day comment period for the Tolerance Reassessment Progress and Interim Risk Management Decision (TRED) for fenbutatin-oxide. No comments were submitted. These tolerances are now reassessed and considered safe under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

**FOR FURTHER INFORMATION CONTACT:** Beth Edwards, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5400; fax number: (703) 308-8041; e-mail address: [edwards.beth@epa.gov](mailto:edwards.beth@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

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

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug, and Cosmetic Act (FFDCA); environmental, human health, and agricultural advocates; pesticide users; and the public interested in the use of pesticides. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0013. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., 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.

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## II. Background

### A. What Action is the Agency Taking?

EPA issued a notice published in the **Federal Register** of June 11, 2002 (67 FR 39980) (FRL-7181-6), for fenbutatin-oxide. That notice announced the availability of the TRED and opened the 30-day comment period. No comments were received. This notice constitutes and announces the closing of the comment period for the fenbutatin-oxide TRED. This decision has been developed as part of the public participation process that EPA and the U.S. Department of Agriculture (USDA) are using to involve the public in the reassessment of pesticide tolerances under FFDCA. EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard of the new law.

In reviewing these tolerances, the Agency must consider, among other things, aggregate risks from non-occupational sources of pesticide exposure, whether there is increased susceptibility to infants and children, and the cumulative effects of pesticides with a common mechanism of toxicity. The tolerances are considered reassessed once the safety finding has been made that aggregate risks are not of concern. A reregistration eligibility decision (RED) was completed for fenbutatin-oxide in June 1996, prior to FQPA enactment, and therefore needed an updated assessment to consider the provisions of the Act.

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

The authority for this TRED is found in section 408(q) of the FFDCA, 21 U.S.C. 346a(q). Section 408(q) requires EPA to review tolerances and exemptions for pesticide chemical residues in effect of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of 408(b)(2) or (c)(2). This review is to be completed by August 3, 2006.

### List of Subjects

Environmental protection, Pesticide Tolerances.

Dated: March 5, 2003.

### Betty Shackelford,

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. 03-6298 Filed 3-18-03; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7470-1]

### Proposed CERCLA Agreement and Covenant Not To Sue; in the Matter of: Tinkham's Garage Superfund Site, Londonderry, New Hampshire

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed agreement and covenant not to sue concerning the Tinkham's Garage Superfund site in Londonderry, New Hampshire with the following settling party: Gilcreast Realty Holdings II, LLC. The settlement requires the settling parties to pay \$25,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public

inspection with the Regional Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts (U.S. EPA Docket No. CERCLA 01-2003-0012).

**DATES:** Comments must be submitted on or before April 18, 2003.

**ADDRESSES:** The proposed settlement is available for public inspection with the Regional Docket Clerk, One Congress Street, Boston, Massachusetts. A copy of the proposed settlement may be obtained from RuthAnn Sherman, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1886. Comments should reference the Tinkham's Garage Superfund Site, Londonderry, New Hampshire, and EPA Docket No. 01-2003-0012 and should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts 02214.

### FOR FURTHER INFORMATION CONTACT:

RuthAnn Sherman, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1886.

Dated: March 5, 2003.

### Robert W. Varney,

*Regional Administrator, Region I, New England.*

[FR Doc. 03-6585 Filed 3-18-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7469-8]

### Clean Water Act Section 303(d): Availability of List Decisions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of EPA decisions identifying water quality limited segments and associated pollutants in Arkansas to be listed pursuant to Clean Water Act section 303(d), and requests public comment. Section 303(d) requires that States submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On March 10, 2003, EPA partially approved and partially disapproved