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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]

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## 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]

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## 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