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Contents

Federal Register

Vol. 68, No. 185

Wednesday, September 24, 2003

Agricultural Research Service

NOTICES

Patent licenses; non-exclusive, exclusive, or partially exclusive:

Mainstream Engineering Corp., 55287

Waterbury Companies, Inc., 55287

Agriculture Department

See Agricultural Research Service

Air Force Department

NOTICES

Meetings:

Community College Board of Visitors, 55289–55290

Scientific Advisory Board; correction, 55290

Alcohol and Tobacco Tax and Trade Bureau

PROPOSED RULES

Alcoholic beverages:

Distilled spirits; exportation evidence; alternate documentation, 55281–55283

Commerce Department

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

NOTICES

Meetings; Sunshine Act, 55289

Defense Department

See Air Force Department

Environmental Protection Agency

RULES

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Cyromazine, 55261–55269

Sulfentrazone, 55269–55280

Federal Reserve System

NOTICES

Meetings; Sunshine Act, 55290

Food and Drug Administration

NOTICES

Meetings:

Dermatologic and Ophthalmic Drugs Advisory Committee, 55290–55291

Government Printing Office

NOTICES

Meetings:

Depository Library Council, 55290

Health and Human Services Department

See Food and Drug Administration

Interior Department

See National Park Service

Labor Department

See Mine Safety and Health Administration

Mine Safety and Health Administration

NOTICES

Safety standard petitions:

Foggy Mountain Coal Co., Inc., et al., 55292–55293

National Aeronautics and Space Administration

NOTICES

Meetings:

Aerospace Medicine Occupational Health Advisory Committee, 55293–55294

National Archives and Records Administration

NOTICES

Agency records schedules; availability, 55294–55295

National Credit Union Administration

NOTICES

Meetings; Sunshine Act, 55295

National Institute of Standards and Technology

NOTICES

Meetings:

Export market barriers; standards issues and foreign markets; technical input request, 55287–55289

National Oceanic and Atmospheric Administration

PROPOSED RULES

Fishery conservation and management:

Northeastern United States fisheries—

Summer flounder, scup, and black sea bass, 55283–55286

National Park Service

NOTICES

National Register of Historic Places:

Pending nominations, 55291–55292

Personnel Management Office

NOTICES

Agency information collection activities; proposals, submissions, and approvals, 55296

Retirement:

Federal Employees Retirement System—

Normal cost percentages, 55296–55297

Surface Transportation Board

NOTICES

Railroad operation, acquisition, construction, etc.:

Norfolk Southern Railway Co., 55297–55298

Transportation Department

See Surface Transportation Board

Treasury Department

See Alcohol and Tobacco Tax and Trade Bureau

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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archives, FEDREGTOC-L, Join or leave the list (or change
settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

27 CFR

Proposed Rules:

252.....55281

40 CFR

180 (2 documents)55261,
55269

50 CFR

Proposed Rules:

648.....55283

Rules and Regulations

Federal Register

Vol. 68, No. 185

Wednesday, September 24, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-2003-0269; FRL-7326-5]

Cyromazine; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyromazine in or on leek; onion, green; onion, potato; onion, tree; onion, welsh; shallot, fresh leaves; garlic, bulb; garlic, great-headed, bulb; onion, dry bulb; rakkyo, bulb; shallot, bulb; vegetable, brassica, leafy, group 5, except broccoli; broccoli; turnip, greens; cabbage, abyssinian; cabbage, seakale; hanover salad, leaves; kidney of cattle, goat, hog, horse, and sheep; and meat byproducts, except kidney, of cattle, goat, hog, horse, and sheep. The petitioner has requested that existing tolerances for residues of cyromazine in/on dry bulb onion at 2.0 ppm, green onion at 0.1 ppm, and mustard greens and cabbage, Chinese at 3.0 ppm be deleted. Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective September 24, 2003. Objections and requests for hearings, identified by docket ID number OPP-2003-0269, must be received on or before November 24, 2003.

ADDRESSES: Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Shaja R. Brothers, Registration Division

(7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: brothers.shaja@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, and pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Industry (NAICS 111), e.g., Crop production.
- Industry (NAICS 112), e.g., Animal production.
- Industry (NAICS 311), e.g., Food manufacturing.
- Industry (NAICS 32532), e.g., Pesticide manufacturing.

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 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-2003-0269. 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/>. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

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 submit or 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 and Statutory Findings

In the **Federal Register** of August 6, 2003 (68 FR 46616) (FRL-7319-3), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA (Public Law 104-170), announcing the filing of pesticide petitions (PP 2E6507 and 2E6510) by IR-4, 681 US Highway #1 South, New Brunswick, NJ 08902-3390. That notice included a summary of the petitions prepared by Syngenta Crop Protection Incorporated, the registrant.

The petitions requested that 40 CFR 180.414 be amended by establishing tolerances for residues of the insecticide, cyromazine, (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine), in or on the following commodities: leek; onion, green; onion, potato; onion, tree; onion, welsh; and shallot, fresh leaves at 3.0 parts per million (ppm) (2E6507), garlic, bulb; garlic, great-headed, bulb; onion, dry bulb; rakkyo, bulb; and shallot, bulb at 0.2 ppm (2E6507), vegetable, brassica,

leafy, group 5, except broccoli at 10.0 ppm (2E6510), broccoli at 1.0 ppm, turnip, greens; cabbage, abyssinian; cabbage, seakale; and hanover salad, leaves at 10.0 ppm, and kidney of cattle, goat, hog, horse, and sheep at 0.2 ppm, and meat byproducts, except kidney, of cattle, goat, hog, horse, and sheep at 0.05 ppm (2E6510).

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure

that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the FFDCA, for tolerances for residues of cyromazine on leek; onion, green; onion, potato; onion, tree; onion, welsh; and shallot, fresh leaves at 3.0 ppm, garlic, bulb; garlic, great-headed, bulb; onion, dry bulb; rakkyo, bulb; and

shallot, bulb at 0.2 ppm, vegetable, brassica, leafy, group 5, except broccoli at 10.0 ppm, broccoli at 1.0 ppm, turnip, greens; cabbage, abyssinian; cabbage, seakale; and hanover salad, leaves at 10.0 ppm, and kidney of cattle, goat, hog, horse, and sheep at 0.2 ppm, and meat byproducts, except kidney, of cattle, goat, hog, horse, and sheep at 0.05 ppm. EPA's assessment of exposures and risks associated with establishing the tolerances follow.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by cyromazine are discussed in Table 1 of this unit as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	Subchronic oral-Dog	The systemic toxicity LOAEL is 1,000 ppm (25 mg/kg/day) based on alteration in liver weight in males. The systemic toxicity NOAEL is 300 ppm (7.5 mg/kg/day).
870.3100	Subchronic oral-Rat	The systemic toxicity LOAEL is 300 ppm (30 mg/kg/day), based on alteration in the liver weight changes in males. The systemic toxicity NOAEL is 30 ppm (3 mg/kg/day).
870.3200	21-day dermal toxicity-Rabbit	No treatment related systemic toxicity was noted. The systemic toxicity NOAEL > 2,000 mg/kg/day. The systemic toxicity LOAEL > 2,000 mg/kg/day. No dermal irritation was noted. The dermal toxicity NOAEL > 2,000 mg/kg/day. The dermal toxicity LOAEL > 2,000 mg/kg/day.
870.3200	21-day dermal toxicity-Rabbit	No treatment related systemic toxicity was noted. The systemic toxicity NOAEL > 2,010 mg/kg/day. The systemic toxicity LOAEL > 2,010 mg/kg/day. No dermal irritation was noted. The dermal toxicity NOAEL > 2,010 mg/kg/day. The dermal toxicity LOAEL > 2,010 mg/kg/day.
870.4100	Chronic oral (6-months)-Dog	The systemic toxicity LOAEL is 3,000 ppm (75 mg/kg/day) based on alteration in hematological parameters (hemoglobin, and hematocrit). The systemic toxicity NOAEL is 300 ppm (7.5 mg/kg/day).
870.4300	Combine Chronic/Carcinogenicity-Rat	The systemic toxicity LOAEL is 300 ppm (15 mg/kg/day) based on decreased body weight. The systemic toxicity NOAEL is 30 ppm. (1.5 mg/kg/day). There is no evidence of carcinogenicity.
870.4200	Carcinogenicity-Mouse	The systemic toxicity LOAEL is 1,000 ppm (150 mg/kg/day) based on decreased body weight. The systemic toxicity NOAEL is 50 ppm. (7.5 mg/kg/day). There is no evidence of carcinogenicity.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3700	Developmental toxicity-Rabbit	The maternal toxicity LOAEL is 30 mg/kg/day, based on reduced body weight gain and food consumption. The maternal toxicity NOAEL is 10 mg/kg/day. The developmental toxicity LOAEL was not established. The developmental toxicity NOAEL > 60 mg/kg/day (HDT).
870.3700	Developmental toxicity-Rat	The maternal toxicity LOAEL is 300 mg/kg/day, based on clinical signs (red or clear nasal discharge) and decreased body weights. The maternal toxicity NOAEL = 100 mg/kg/day. The developmental toxicity LOAEL is 600 mg/kg/day (HDT), based on increased incidence of minor skeletal variations. The developmental toxicity NOAEL is 300 mg/kg/day.
870.3800	Two-generation reproduction-Rat	The parental systemic toxicity LOAEL is 3,000 ppm (150 mg/kg/day) based on decreased body weights that were associated with decreased food efficiency. The parental systemic toxicity NOAEL is 1,000 ppm (50 mg/kg/day). The offspring systemic/developmental toxicity LOAEL is 3,000 ppm (150 mg/kg/day), based on decreased body weights at birth and through weaning. The systemic/developmental toxicity NOAEL is 1,000 ppm (50 mg/kg/day). No effects were noted on reproductive parameters and no reproductive toxicity LOAEL was determined. The reproductive toxicity NOAEL is \geq 3,000 ppm (150 mg/kg/day).
870.7485	Metabolism-Rat	Cyromazine was well absorbed after oral administration. Excretion was rapid at the dose (3 mg/kg), but an apparent delay in excretion occurred at the high dose (300 mg/kg). Fecal elimination was equivalent among dose groups except the high dose males, where a greater percentage was eliminated by this route. The origin of fecal radioactivity was via biliary elimination. Residual radioactivity in tissues was minimal in all dose groups. Urinary and fecal metabolites of ¹⁴ C-cyromazine were isolated and identified by TLC, HPLC, and GC/MS. The major compounds were the N-dealkylated product melamine, hydroxycyromazine, and unmetabolized cyromazine identified.
870.7600	Dermal Absorption-Rat	Absorption at 10 hrs = 13 %. Cyromazine apparently rapidly absorbed into the skin in an inverse dose related manner. The absorption into the skin is followed by a slower release into the body. The main route of excretion is apparently by the urine. There is no evidence that the compound is sequestered in the skin. Mean absorption based on blood, urinary/fecal excretion, and carcass, ranged from 0.6 to 7% for animals sacrificed at the end of the exposure periods. For animals exposed for 10 and 24 hours and followed for 48 hours post-exposure, mean absorption ranged from 8 to 14.5%. Total radioactivity absorbed generally decreased as dose increased indicating saturation of absorption with increasing dose. Amounts remaining in/on the skin at termination ranged from 4.5% (10 mg dose/2 h exposure) to 24% (0.1 mg dose/24 hour exposure). The majority of the absorbed radioactivity was found in the urine and carcass. Most of the unabsorbed radioactivity was found in the skin washes from each dose/duration.
870.7600	Dermal Absorption-Rat	Absorption at 10 hrs = 10%. Mean total recoveries of applied radioactivity from all dose groups ranged from 85 to 101%. Mean absorption based on blood, urinary/fecal excretion, and carcass, ranged from 2% to 11%. Total radioactivity absorbed generally increased with increasing exposure time but decreased with increasing dose indicating saturation of penetration with increasing dose. The majority of the absorbed radioactivity was found in the urine and carcass. Most of the unabsorbed radioactivity was found in the skin washes from each dose/duration (35–90%). However, based on measurements of skin absorption, a significant amount of radioactive dose was also found in the skin itself (9–40%). Mean absorption with inclusion of radioactivity in dissolved skin ranged from 10 to 45%. The ratio of the amount of radioactive dose in the skin wash to the radioactivity in the skin itself decreased with time indicating penetration into the subsurface of the skin with time after treatment.
870.5395	Gene mutation in Hamster (Chinese)-Mutagenic-Nucleus Anomaly	Negative mutagen.
870.5100	Mutagenic-Point Mutation Salmonella typhimurium	Negative results for point mutations in TA1537, TA1537, TA98, and TA100 with and without activation.
870.5450	Mutagenic-Dominant lethal test species: Mouse	Negative mutagen.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where

the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factors (SF) is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA SF.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach

assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1 x 10⁻⁶ or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a “point of departure” is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for cyromazine used for human risk assessment is shown in Table 2 of this unit:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR CYROMAZINE FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	Special FQPA SF and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary (All populations)	NA	NA	An appropriate endpoint attributable to a single dose (exposure) of cyromazine was not observed in oral toxicity studies. Thus, an acute dietary endpoint was not chosen.
Chronic Dietary (All populations)	NOAEL= 7.5 mg/kg/day UF = 100 Chronic RfD = NOAEL/UF = 0.075 mg/kg/day	FQPA SF = 1x cPAD = chronic RfD + FQPA SF = 0.075 mg/kg/day	Chronic Oral Toxicity in Dogs. LOAEL = 75 mg/kg/day based on alterations in hematological parameters [hematocrit and hemoglobin (males)], decreased body weight/body weight gain and increases in several organ weights.
Short-Term Incidental Oral (1–30 days)	NOAEL = 10 mg/kg/day	Residential LOC for MOE = 100	Developmental Toxicity study in rabbits. LOAEL = 30 mg/kg/day based on decreases in body weight gain and food consumption.
Intermediate-Term Incidental Oral (1–6 months)	NOAEL = 7.5 mg/kg/day	Residential LOC for MOE = 100	Chronic Oral Toxicity in Dogs. LOAEL = 75 mg/kg/day based on alterations in hematological parameters [hematocrit and hemoglobin (males)], decreased body weight/body weight gain and increases in several organ weights.
Short-, Intermediate- and Long-Term Dermal	NA	NA	No hazard was identified via the dermal route of exposure.
Short-Term Inhalation (1 to 30 days)	Inhalation (oral) study NOAEL = 10 mg/kg/day (inhalation absorption rate = 100%)	Residential LOC for MOE = 100	Chronic Oral Toxicity in Dogs. LOAEL = 75 mg/kg/day based on alterations in hematological parameters [hematocrit and hemoglobin (males)], decreased body weight/body weight gain and increases in several organ weights.
Intermediate-Term Inhalation (1 to 6 months)	Inhalation (or oral) study NOAEL = 7.5 mg/kg/day (inhalation absorption rate = 100%)	Residential LOC for MOE = 100	Chronic Oral Toxicity in Dogs. LOAEL = 75 mg/kg/day based on alterations in hematological parameters [hematocrit and hemoglobin (males)], decreased body weight/body weight gain and increases in several organ weights.

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR CYROMAZINE FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	Special FQPA SF and Level of Concern for Risk Assessment	Study and Toxicological Effects
Long-Term Inhalation (> 6 months)	Inhalation (or oral) study NOAEL = 7.5 mg/kg/day (inhalation absorption rate = 100%)	Occupational LOC for MOE = 100 Residential LOC for MOE = 100	Chronic Oral Toxicity in Dogs. LOAEL = 75 mg/kg/day based on alterations in hematological parameters [hematocrit and hemoglobin (males)], decreased body weight/body weight gain and increases in several organ weights.
Cancer (oral, dermal, inhalation)	NA	NA	Group E carcinogen - evidence of non-carcinogenicity for humans.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.414) for the residues of cyromazine, in or on the following raw agricultural commodities: dry bean, except cowpea, cabbage, chinese; mustard greens, mango, potato, leafy vegetables (except Brassica) group, cucurbit vegetables group, tomato, onions, mushroom, lima beans and pepper. Cyromazine tolerances are established for milk and tissues of cattle, goat, hog, horse, and sheep as a result of feeding cyromazine treated feed items. Rotational crop tolerances are established for sweet corn, radishes, and cotton. Additionally, cyromazine is registered for use as a feed through treatment for poultry for the control of flies and maggots in poultry manure. As a result of the feed-through use, tolerances are established for residues of cyromazine in egg and poultry tissues. Risk assessments were conducted by EPA to assess dietary exposures from cyromazine in food as follows:

i. *Acute exposure.* Quantitative acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. For this assessment, an appropriate endpoint attributable to a single dose (exposure) of cyromazine was not observed in oral toxicity studies.

ii. *Chronic exposure.* In conducting this acute dietary risk assessment EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM-FCID™) which incorporates food consumption data as reported by respondents in the USDA 1994–1996 and 1998 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessment: An

unrefined chronic exposure analysis (Tier 1) was conducted for cyromazine using the DEEM software. The assumptions of the chronic dietary exposure assessment are tolerance-level residues and one hundred percent crop-treated.

iii. *Cancer.* Cyromazine is classified as a Group E carcinogen (evidence of non-carcinogenicity for humans), and was shown not to be carcinogenic in mice or rats following long-term dietary administration. The available mutagenicity data suggest that cyromazine does not have genotoxic activity.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for cyromazine in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of cyromazine.

The Agency uses the FQPA Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone model/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The SCI-GROW model is used to predict pesticide concentrations in shallow groundwater. For a screening-level assessment for surface water EPA will use FIRST (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. FIRST and PRZM/EXAMS incorporate an index reservoir environment, and a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing

(mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a screen for sorting out pesticides for which it is unlikely that drinking water concentrations would exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to cyromazine they are further discussed in the aggregate risk sections in Unit III.E.

In soil, cyromazine is stable to hydrolysis and photolysis and is rather persistent in aerobic soil (half-life value of 150 days). The field studies confirmed this half-life value, where average half-lives varied from 75 days to more than 250 days. Soil adsorption coefficients are generally low. This would indicate that cyromazine has the potential to leach through soils, especially sand and silt loam soils.

The EECs for cyromazine reflect six applications of cyromazine at 0.125 lbs ai/A. For surface water, the annual average of 15.5 µg/L (or ppb) is based on use of the FIRST model. The groundwater EEC of 5.3 µg/L has been estimated by the SCI-GROW2 program. Both of these surface and groundwater values represent upper-bound conservative estimates for concentrations that might be found in

surface water and groundwater due to the use of cyromazine.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Cyromazine is not registered for use on any sites that would result in residential exposure. There are no currently existing or proposed uses for cyromazine in residential or public sites and therefore no residential risk assessment was performed.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of the FFDCFA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether cyromazine has a common mechanism of toxicity with other substances. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to cyromazine and any other substances and cyromazine does not appear to produce a toxic metabolite produced by other substances. EPA has determined, however, that there is no known mechanism of toxicity that would support grouping cyromazine by a common mechanism with atrazine, simazine, and cyanazine. For the purposes of this tolerance action, therefore, EPA has not assumed that cyromazine has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at <http://www.epa.gov/pesticides/cumulative/>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408 of the FFDCFA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal

and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* There is no evidence of susceptibility and no residual uncertainties for pre- and post-natal toxicity resulting from exposure to cyromazine.

3. *Conclusion.* There is a complete toxicity data base for cyromazine and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X Safety factor to protect infants and children should be reduced to 1X because:

- There is no evidence of increased susceptibility (quantitative or qualitative) to rats or rabbits following in utero exposure or post-natal exposure to rats. In the prenatal developmental toxicity study in rats, the NOAEL for developmental toxicity was higher than the maternal NOAEL. In the developmental toxicity study in rabbits, no evidence of developmental toxicity was noted. For developmental toxicity, the NOAEL was > 60 mg/kg/day highest dose tested (HDT). In the two-generation reproduction study in rats no reproductive effects were observed. In this study, the reproductive NOAEL is \geq 150 mg/kg/day (HDT). No neurotoxic effects were observed in the available data, and there is no requirement for a developmental neurotoxicity study. Further, exposure assessments have been conducted in a manner unlikely to underestimate exposure.

- The dietary drinking water assessment utilizes water concentration values generated by models and associated modeling parameters which are designed to provide conservative, health protective, high-end estimates of water concentrations which will not likely be exceeded.

- The dietary food exposure assessment is based on current and proposed registrations and is completely unrefined (i.e. tolerance level residues and 100% crop treated). The dietary exposure analysis will not underestimate exposure/risk.

- No residual uncertainties were identified in the exposure database.

- There are no residential uses for cyromazine.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water [e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure)]. This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2 liter (L)/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* An appropriate endpoint attributable to a single dose (exposure) of cyromazine was not observed in oral toxicity studies. Thus, an acute dietary endpoint was not chosen, and cyromazine is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to cyromazine from food will utilize 8.3% of the cPAD for the U.S. population, 5.0% of the cPAD for all infants (< 1 year old), 13% of the

cPAD for children 1–2 years old, and 7.5% of the cPAD for females 13–49 years old. Based on the use pattern, chronic residential exposure to residues of cyromazine is not expected. In addition, there is potential for chronic dietary exposure to cyromazine in

drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in Table 3 of this unit:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO CYROMAZINE

Population Subgroup	cPAD (mg/kg/day)	% cPAD (Food)	Ground Water EEC (ppb)	Surface Water EEC (ppb)	Chronic DWLOC (ppb)
General U.S. Population	0.075	8.3	5.3	15.5	2.4 x 10 ³
All Infants (< 1 year old)	0.075	5.0	5.3	15.5	7.1 x 10 ²
Children 1–2 years old	0.075	13	5.3	15.5	6.5 x 10 ²
Females 13–49 years old	0.075	7.5	5.3	15.5	2.1 x 10 ³

3. *Aggregate cancer risk for U.S. population.* Cyromazine is not expected to pose a cancer risk to humans.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to cyromazine residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Methods AG–408 (HPLC./UV) and AG–417A (GLC/NPD) are the tolerance enforcement methods for cyromazine as published in the Pesticide Analytical Manual (PAM), Vol. II. These methods combined and with minor modifications comprise Method AG–621. The residue data submitted in support of these petitions were generated using Methods AG–408 and AG–621. Method AG–621 has been adequately validated for use for the determination of residues of cyromazine in/on bulb vegetables, leafy Brassica vegetables, and turnip greens. Method AG–408 is adequate for enforcement of the proposed tolerance for residues of cyromazine.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

Codex, Canadian or Mexican Maximum Residue Limits (MRLs) are not established for cyromazine in/on leafy Brassica vegetables, bulb vegetables, and turnip greens. Therefore, no compatibility problems exist for the tolerances established by this rule.

V. Conclusion

Therefore, the tolerances are established for residues of cyromazine, (*N*-cyclopropyl-1,3,5-triazine-2,4,6-triamine) in or on leek; onion, green; onion, potato; onion, tree; onion, welsh; and shallot, fresh leaves at 3.0 ppm, garlic, bulb; garlic, great-headed, bulb; onion, dry bulb; rakkyo, bulb; and shallot, bulb at 0.2 ppm, vegetable, brassica, leafy, group 5, except broccoli at 10.0 ppm, broccoli at 1.0 ppm, turnip, greens; cabbage, abyssinian; cabbage, seakale; and hanover salad, leaves at 10.0 ppm, and kidney of cattle, goat, hog, horse, and sheep at 0.2 ppm, and meat byproducts, except kidney, of cattle, goat, hog, horse, and sheep at 0.05 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, 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. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to “object” to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2003–0269 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 November 24, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor’s contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Rm.104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through

Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603-0061.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP-2003-0269, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of the FFDCFA 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 rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). 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.*, or 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). 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); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). 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). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCFA, 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. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCFA. For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, 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: September 10, 2003.

Debra Edwards,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR part 180 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), 346(a) and 371.

■ 2. Section 180.414 is amended as follows:

■ a. By revising the commodities cattle, goat, hog, horse, and sheep meat byproducts in the table in paragraph (a).

■ b. By revising the commodities onion, dry bulb and onion, green in the table in paragraph (a).

■ c. By alphabetically adding commodities in the table in paragraph (a).

■ d. By removing and reserving paragraph (c).

§ 180.414 Cyromazine; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * *	* *
Broccoli	1.0
Cabbage, abyssinian	10.0
Cabbage, seakale	10.0
* * *	* *
Cattle, kidney	0.2

Commodity	Parts per million
* * *	* *
Cattle, meat byproducts, except kidney	0.05
* * *	* *
Garlic, bulb	0.2
Garlic, great-headed, bulb	0.2
* * *	* *
Goat, kidney	0.2
* * *	* *
Goat, meat byproducts, except kidney	0.05
Hanover salad, leaves	10.0
* * *	* *
Hog, kidney	0.2
* * *	* *
Hog, meat byproducts, except kidney	0.05
* * *	* *
Horse, kidney	0.2
* * *	* *
Horse, meat byproducts, except kidney	0.05
* * *	* *
Leek	3.0
* * *	* *
Onion, dry bulb	0.2
Onion, green	3.0
Onion, potato	3.0
Onion, tree	3.0
Onion, welsh	3.0
* * *	* *
Rakkyo, bulb	0.2
Shallot, bulb	0.2
Shallot, fresh leaves	3.0
* * *	* *
Sheep, kidney	0.2
* * *	* *
Sheep, meat byproducts, except kidney	0.05
* * *	* *
Turnip, greens	10.0
Vegetable, brassica, leafy, group 5, except broccoli	10.0
* * *	* *

(c) *Tolerances with regional registrations.* [Reserved]

* * * * *
[FR Doc. 03-24012 Filed 9-23-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-2003-0270; FRL-7324-5]

Sulfentrazone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of the herbicide sulfentrazone and its metabolites in or on asparagus; bean, lima, succulent; cabbage; corn, field, forage; corn, field, grain; corn, field, stover; horseradish, roots; pea and bean, dried shelled, except soybean, subgroup 6C; peanut; peanut, meal; peppermint, tops; potato; spearmint, tops; sugarcane, cane; sugarcane, molasses; and sunflower, seed. EPA is also deleting certain sulfentrazone tolerances that are no longer needed as result of this action. The Interregional Research Project Number 4 and FMC Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective September 24, 2003. Objections and requests for hearings, identified by docket ID number OPP-2003-0270, must be received on or before November 24, 2003.

ADDRESSES: Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703)308-9368; e-mail address: jamerson.hoyt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 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 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-2003-0270. 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/>. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

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 submit or 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 and Statutory Findings

In the **Federal Register** of March 7, 2003 (68 FR 11096) (FRL-7290-1), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA (Public Law 104-170), announcing the filing of pesticide petitions (PP 0E6149, 1E6311, 2E6405, 2E6498, and 2E6500) by the Interregional Research Project Number 4 (IR-4), and 681 U.S. Highway #1 South, North Brunswick, NJ 08902, and PP 0F6116 and 2F6391 by FMC Corporation, Agricultural Products Group, 1735 Market Street, Philadelphia, PA 19103. That notice included a summary of the petitions prepared by FMC Corporation, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.498 be amended by establishing tolerances for combined residues of the herbicide sulfentrazone, [*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenylmethanesulfonamide) and its metabolites HMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenylmethanesulfonamide) and DMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl)phenylmethanesulfonamide), in or on food commodities as follows: Sunflower, seed at 0.2 parts per million (ppm) (PP 0E6149); horseradish, roots at 0.2 ppm (PP 1E6311); cabbage at 0.2 ppm (PP 1E6311); peppermint, tops and spearmint, tops at 0.3 ppm (1E6311); potato at 0.1 ppm (PP 2E6405); bean, lima, succulent at 0.15 ppm (PP 2E6498); asparagus at 0.15 ppm (2E6500); peanut nutmeat and its processed parts at 0.2 ppm and sugarcane and its processed parts at 0.1 ppm (PP 0F6116); corn, field forage at 0.25 ppm (PP 2F6391); corn, field stover at 0.35 ppm (PP 2F6391); pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm (PP 2F6391). Pesticide petitions 0F6116, 2F6391 and 2E6405 were subsequently amended to propose tolerances for peanut at 0.20 ppm; peanut, meal at 0.40 ppm; sugarcane, cane at 0.15 ppm; sugarcane, molasses at 0.20 ppm; corn, field, forage at 0.20 ppm; corn, field, grain at 0.15 ppm; corn, field, stover at 0.30 ppm and potato at 0.15 ppm. EPA is also deleting

several time-limited tolerances established in connection with section 18 emergency exemption under 40 CFR 180.498(b) that are no longer needed, as a result of this action. The deletions to 40 CFR 180.498(b) are as follows:

1. Delete horseradish, roots at 0.1 ppm; replace with horseradish, roots at 0.20 ppm.
2. Delete pea, dry, seed at 0.10 ppm; replace with pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm.
3. Delete potato at 0.10 ppm; potato, granules/flakes at 0.20 ppm; and potato, wet peel at 0.15 ppm; replace with potato at 0.15 ppm.
4. Delete sugarcane at 0.05 ppm; replace with sugarcane, cane 0.15 ppm and sugarcane, molasses at 0.20 ppm.
5. Delete sunflower at 0.1 ppm; replace with sunflower, seed at 0.20 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the

FFDCA, for tolerances for combined residues of sulfentrazone and its major metabolites on asparagus at 0.15 ppm; bean, lima, succulent at 0.15 ppm; cabbage at 0.20 ppm; corn, field, forage at 0.20 ppm; corn, field, grain at 0.15 ppm; corn, field, stover at 0.30 ppm; horseradish, roots at 0.20 ppm; pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm; peanut at 0.20 ppm; peanut, meal at 0.40 ppm; peppermint, tops at 0.30 ppm; potato at

0.15 ppm; spearmint, tops at 0.30 ppm; sugarcane, cane 0.15 ppm; sugarcane, molasses 0.20 ppm; and sunflower, seed at 0.20 ppm. EPA's assessment of exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the

studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by sulfentrazone are discussed in Table 1 of this unit as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rodents (rats)	NOAEL = 19.9 milligrams/kilogram/day (mg/kg/day) for males and 23.1 mg/kg/day for females LOAEL = 65.8 mg/kg/day for males and 78.1 mg/kg/day for females based on clinical signs of anemia (reduced hematocrit, hemoglobin, mean cell volume, and mean cell hemoglobin values during treatment)
870.3100	90-Day oral toxicity rodents (mice)	NOAEL = 60 mg/kg/day for males and 79.8 mg/kg/day for females LOAEL = 108.4 mg/kg/day for males and 143.6 mg/kg/day for females based on decreased body weights, body weight gains, red blood cells, hemoglobin, hematocrit, and severity of splenic micropathology (increased incidence and severity of extramedullary hematopoiesis)
870.3150	90-Day oral toxicity in nonrodents (dogs)	NOAEL = 28 mg/kg/day LOAEL = 57 mg/kg/day for males and 73 mg/kg/day for females based on decreased body weights (7-10%) and body weight gains during first 5 weeks of study; decreased hemoglobin, hematocrit, mean cell volume, mean cell hemoglobin and mean cell hemoglobin concentration, and increased absolute liver weights and alkaline phosphatase levels, and microscopic changes in the liver and spleen (pigmented sinusoidal macrophages in the liver, swollen centrilobular hepatocytes and pigmented reticuloendothelial cells in the spleen)
870.3200	21/28-Day dermal toxicity	Systemic and dermal NOAEL = 1,000 mg/kg/day, highest dose tested (HDT)
870.3700	Prenatal developmental in rodents (rats)	Maternal NOAEL = 25 mg/kg/day LOAEL = 50 mg/kg/day based on increased relative splenic extramedullary hematopoiesis Developmental NOAEL = 10 mg/kg/day LOAEL = 25 mg/kg/day based on decreased mean fetal weights, and retardation in skeletal development evidenced by an increased number of litters with any variation and by decreased number of caudal vertebral and metacarpal ossification sites

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3700	Prenatal developmental in rodents (rats)	<p><i>Maternal</i> NOAEL = 250 mg/kg/day LOAEL was not established.</p> <p><i>Developmental</i> NOAEL = 100 mg/kg/day LOAEL = 250 mg/kg/day based on decreased fetal body weight; increased incidence of fetal variations: hypoplastic or wavy ribs, incompletely ossified lumbar vertebral arches, and incompletely ossified ischia or pubis; and reduced number of thoracic vertebral and rib ossification sites</p>
870.3700	Prenatal developmental in non-rodents (rabbits)	<p><i>Maternal</i> NOAEL = 100 mg/kg/day LOAEL = 250 mg/kg/day based on increased abortions, clinical signs (hematuria and decreased feces), and reduced body weight gain</p> <p><i>Developmental</i> NOAEL = 100 mg/kg/day LOAEL = 250 mg/kg/day based on increased resorptions, decreased live fetuses per litter, and decreased fetal weights</p>
870.3800	2-Generation reproduction and fertility effects (rats)	<p><i>Parental/Systemic</i> NOAEL = 14 mg/kg/day for males and 16 mg/kg/day for females LOAEL = 33 mg/kg/day for males and 40 mg/kg/day for females based on decreased maternal body weight/body weight gain during gestation in both generation (P and F1) and reduced pre-mating body weight gain in second generation (F1) males</p> <p><i>Reproductive</i> NOAEL = 14 mg/kg/day for males and 16 mg/kg/day for females LOAEL = 33 mg/kg/day for males and 40 mg/kg/day for females based on increased duration of gestation in females and degeneration and/or atrophy of the germinal epithelium of the testes and oligospermia and intratubular degenerated seminal material in the epididymis of F1 males</p> <p><i>Offspring</i> NOAEL = 14 mg/kg/day for males and 16 mg/kg/day for females LOAEL = 33 mg/kg/day for males and 40 mg/kg/day for females based on reduced prenatal viability (fetal and litter), reduced litter size, increased number of stillborn pups, reduced pup and litter postnatal survival and decreased pup body weights throughout lactation</p>
870.3800	Reproduction and fertility effects (rat) Nonguideline	<p><i>Parental/Systemic</i> NOAEL = 20 mg/kg/day LOAEL = 51 mg/kg/day (F1 females) based on decrease in pre-mating body weight gain (10%)</p> <p><i>Offspring and Reproductive</i> NOAEL = 16 mg/kg/day LOAEL = 40 mg/kg/day based on reduced gestation day 20 fetal weights; decreased postnatal day 0, 4 and 7 pup weights; decreased pup survival; delayed vaginal patency; reduced epididymal, prostate, and testicular weights</p> <p>Additional information supports the conclusions reached in the 2-generation reproduction study in rats</p>

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.4100	Chronic toxicity dogs	NOAEL = 24.9 mg/kg/day for males and 29.6 mg/kg/day for females LOAEL = 61.2 mg/kg/day for males and 61.9 mg/kg/day for females based on compensated normochromic microcytosis
870.4200	Carcinogenicity mice	NOAEL = 93.9 mg/kg/day for males and 116.9 mg/kg/day for females LOAEL = 160.5 mg/kg/day for males and 198.0 mg/kg/day for females based on dose-related decreases in hemoglobin and hematocrit by study termination No evidence of carcinogenicity
870.4300	Combined chronic toxicity/carcinogenicity rats	NOAEL = 40 mg/kg/day for males and 36.4 mg/kg/day in females LOAEL = 82.2 mg/kg/day for males and 67 mg/kg/day for females based on dose-related decreased body weights (11 and 19%), body weight gains (13 and 26%), food consumption (13 and 19%), hemoglobin, hematocrit, mean cell volume, and mean cell hemoglobin. Increased nucleated red blood cells and reticulocytes in bone of females at 124.7 mg/kg/day No evidence of carcinogenicity
870.5100	Gene mutation	No evidence of compound-induced cytotoxicity was evident in <i>Salmonella typhimurium</i> strains TA1535, TA1538, TA1537, TA98 and TA100 either in presence or in absence of S9 activation. The positive controls induced the expected mutagenic responses in the appropriate tester strain. Sulfentrazone was considered not mutagenic under any test condition.
870.5300	<i>In vitro</i> mammalian cell gene mutation assay (mouse lymphoma)	In a forward gene mutation assay, sulfentrazone at precipitating levels was equivocally positive in the absence of S9 activation. This response was not repeated at doses up to 1,800 µg/ml in the presence of S9 activation.
870.5395	Mammalian erythrocyte micronucleus test	The test was negative in mice administered single intraperitoneal doses of 85 to 340 mg/kg. The 340 mg/kg dose was estimated to be approximately 80% of the LD ₅₀ . No evidence of a cytotoxic effect on the target organ and no significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow cells.
870.5450	Dominant lethal assay- rodent	There were no significant difference from negative controls in the proportion of early dead: total implants, and (total) dead: total implants. Based on the results, sulfentrazone is considered negative for inducing dominant lethal mutations in pre-meiotic, meiotic, and post-meiotic germ cells of male rats under conditions of this assay up to the estimated MTD.
870.6200	Acute neurotoxicity screening battery	NOAEL = 250 mg/kg/day LOAEL = 750 mg/kg/day based on increased incidence of clinical signs, FOB findings, and decreased motor activity which was reversed by day 14 postdose. No evidence of neuropathology at any dose tested.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.6200	Subchronic neurotoxicity screening battery	NOAEL = 30 mg/kg/day for males and 37 mg/kg/day for females LOAEL = 150 mg/kg/day for males and 180 mg/kg/day for females based on increased incidence of clinical signs; decreased body weight, body weight gains, and food consumption in females; and increased motor activity in females. At 5,000 ppm, included increased mortality; decreased body weights, and body weight gains in males; decreased hindlimb grip strength and increased tail flick latency in males at week 8; distended bladders with red fluid and enlarged spleen. No evidence of neuropathology at 2,500 and 5,000 ppm.
870.7485	Metabolism and pharmacokinetics (rats)	Sulfentrazone (Phenyl -14C - sulfentrazone) was readily absorbed and 84 to 104% of the administered dose was excreted in urine and feces within 72 hours. There were no major sex differences in the pattern of excretion. Almost all the radioactivity in the urine was 3-hydroxy-methyl-F6285 (84 - 104% of the administered dose). In the feces, HMS accounted for 1.26 to 2.55% of the administered dose. The proposed metabolic pathway appeared to be conversion of the parent compound mainly to 3-hydroxymethyl-F6285 (excreted in the urine). A small amount of 3-hydroxymethyl-F6285 was also converted to 3-carboxylic acid-F6285 (excreted in the urine and feces).

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where

the RfD is equal to the NOAEL divided by the appropriate UF ($RfD = NOAEL / UF$). Where an additional safety factor (SF) is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA SF.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = $NOAEL / \text{exposure}$) is calculated and compared to the LOC.

The linear default risk methodology (Q^*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q^* approach

assumes that any amount of exposure will lead to some degree of cancer risk. A Q^* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a "point of departure" is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure ($MOE_{\text{cancer}} = \text{point of departure} / \text{exposures}$) is calculated. A summary of the toxicological endpoints for sulfentrazone used for human risk assessment is shown in Table 2 of this unit:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR SULFENTRAZONE FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary (females 13-50 years of age)	NOAEL = 25 mg/kg/day UF = 100 Acute RfD = 0.25 mg/kg/day	FQPA SF = 1X aPAD = acute RfD/ FQPA SF = 0.25 mg/kg/day	Developmental toxicity study in rats LOAEL = 50 mg/kg/day based on decreased live fetuses, and increased early resorptions
Acute dietary (general population including infants and children)	NOAEL = 250 mg/kg/day UF = 100 Acute RfD = 2.5 mg/kg/day	FQPA SF = 1X aPAD = acute RfD/ FQPA SF = 2.5 mg/kg/day	Acute neurotoxicity study in rats LOAEL = 750 mg/kg/day based on increased incidence of clinical signs and FOB parameters and decreased motor activity.
Chronic dietary (all populations)	NOAEL = 14 mg/kg/day UF = 100 Chronic RfD = 0.14 mg/kg/day	FQPA SF = 1X cPAD = chronic RfD/ FQPA SF = 0.14 mg/kg/day	2-Generation reproduction study LOAEL = 33 mg/kg/day based on decreased body weight and body weight gains
Short-term (1 to 30 days) and intermediate-term (1 to 6 months) incidental oral	Offspring NOAEL = 14 mg/kg/day	LOC for MOE = 100 (Residential)	2-Generation reproduction study LOAEL = 33 mg/kg/day based on decreased pup body weights during lactation in both generations
Short-term dermal (1 to 30 days), intermediate-term dermal (1 to 6 months) and long-term dermal (>6 months)	Dermal study NOAEL = 100 mg/kg/day (dermal absorption rate = 10%)	LOC for MOE = 100 (Residential)	Dermal developmental study in rats LOAEL = 250 mg/kg/day based on decreased fetal body weight; increased incidences of fetal variations: hypoplastic or wavy ribs, incompletely ossified lumbar vertebral arches, and incompletely ossified ischia or pubes; and reduced number of thoracic vertebral and rib ossification sites
Short-term inhalation (1 to 30 days), intermediate-term inhalation (1 to 6 months) and long-term inhalation (> 6 months)	Oral study NOAEL = 14 mg/kg/day (inhalation rate = 100%)	LOC for MOE = 100 (Residential)	2-Generation reproduction study LOAEL = 33 mg/kg/day based on decreased body weight and body weight gains
Cancer (oral, dermal, inhalation)	Not applicable	Not applicable	No evidence of carcinogenicity in rats and mice

*The reference to the FQPA SF refers to any additional SF retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. Dietary exposure from food and feed uses.

Tolerances have been established (40 CFR 180.498) for the combined residues of sulfentrazone, in or on soybean, seed at 0.05 ppm. Time-limited tolerances (set to expire on December 31, 2004) are established in connection with section 18 emergency exemptions for bean, succulent seed without pod at 0.1; horseradish, roots at 0.1 ppm; chickpea, seed at 0.10 ppm; pea, dry, seed 0.10 ppm; potato at 0.10 ppm; potato, wet peel at 0.15; flax, seed at 0.20 ppm; potato, granules/flakes at 0.20 ppm; strawberry at 0.60 ppm. Time-limited tolerances (set to expire on December 31, 2005) are established in connection with section 18 emergency exemptions for sugarcane at 0.05 ppm and sunflower at 0.1 ppm. Tolerances are also established for indirect or inadvertent residues in or on cereal

grain (excluding sweet corn). Risk assessments were conducted by EPA to assess dietary exposures from sulfentrazone in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. In conducting the acute dietary risk assessment EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM™) which incorporates food consumption data as reported by respondents in the United States Department of Agriculture (USDA) 1994–1996 and 1998 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. Separate Tier I, acute dietary exposure assessments

were performed for females 13 to 49 years old and for the general U.S. population (including infants and children) using tolerance-level residues and 100 percent crop treated (PCT).

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment EPA used the DEEM™ software with the Food Commodity Intake Database which incorporates food consumption data as reported by respondents in the USDA 1994–1996 and 1998 nationwide CSFII and accumulated exposure to the chemical for each commodity. An unrefined, Tier I chronic dietary exposure assessment was performed using tolerance-level residues and 100 PCT.

2. *Dietary exposure from drinking water.* Sulfentrazone and the degradate 3-carboxylic acid sulfentrazone are the residues of concern for the drinking-water risk assessment. Environmental

fate data suggest that sulfentrazone and 3-carboxylic acid sulfentrazone are persistent and mobile. Based on the structure similarity, 3-carboxylic acid sulfentrazone could potentially have similar toxicity as the parent.

The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for sulfentrazone in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of sulfentrazone.

The Agency uses the FQPA Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The Screening Concentrations in Ground Water (SCI-GROW) model is used to predict pesticide concentrations in shallow ground water. For a screening-level assessment for surface water EPA will use FIRST (a Tier 1 model) before using PRZM/EXAMS (a Tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. FIRST and PRZM/EXAMS incorporate an index reservoir environment, and both models include a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is unlikely that drinking water concentrations would exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from

residential uses. Since DWLOCs address total aggregate exposure to sulfentrazone, they are further discussed in the aggregate risk sections in Unit E.

Based on the FIRST and SCI-GROW models the EECs of sulfentrazone plus its major metabolite 3-carboxylic acid for acute exposures are estimated to be 35.8 parts per billion (ppb) for surface water and 26.0 ppb for ground water. The EECs for chronic exposures are estimated to be 7.8 ppb for surface water and 26.0 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Sulfentrazone is proposed for use on use on turf by professional lawn care operators as a broadcast spray at a maximum application rate of 0.03 lbs active ingredient. Based on the proposed use pattern, potential residential/non-occupational post-application exposures include the following: Short-term oral turfgrass exposure (toddler hand-to-mouth, object-to-mouth); short-term dermal turfgrass exposure (adult and toddler) and short-term dermal golfer exposure (adult and adolescent). Incidental ingestion of soil is assumed to be negligible. Exposure over intermediate-term (1-6 months) or long-term (chronic, more than 6 months) exposure is not expected. Homeowner handler exposure is not expected since sulfentrazone will be applied by professional lawn care operators.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether sulfentrazone has a common mechanism of toxicity with other substances. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to sulfentrazone and any other substances and sulfentrazone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfentrazone has a common mechanism of toxicity with

other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at <http://www.epa.gov/pesticides/cumulative/>.

D. Safety Factor for Infants and Children

1. *In general.* Section 408 of the FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* There is evidence of increased quantitative susceptibility following *in utero* exposure in the developmental-toxicity studies in rats via the oral and dermal routes, and there is evidence for increased qualitative susceptibility following prenatal and/or postnatal exposure in the 2-generation reproduction study in rats. A Degree of Concern Analysis was performed by EPA and it was concluded that concerns are low for the quantitative susceptibility of rat fetuses observed following oral and dermal exposures, the qualitative susceptibility of rabbit fetuses seen via the oral route, and the qualitative susceptibility seen in the 1- and 2-generation reproduction studies. The conclusion was based on the following:

- The dose-response was well characterized.
- There were clear NOAELs and LOAELs for developmental, offspring, maternal, and parental toxicities.
- The developmental effects in rabbits and the offspring effects in the rats were seen in the presence of maternal and parental toxicities, respectively.
- The parental reproductive and offspring effects were reproducible between the two reproductive studies.

3. *Conclusion.* There is a complete toxicity data base for sulfentrazone and

exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be reduced to 1X for the following reasons:

1. There are no residual uncertainties for prenatal and/or postnatal toxicities via the oral route since the doses selected for overall risk assessments would address the concerns for the developmental and offspring toxicities seen in the above mentioned studies.
2. There are no residual uncertainties for prenatal and/or postnatal toxicities via the dermal route since the dose/endpoint/study/species of concern was used for dermal-risk assessment.
3. The toxicology data base is complete.
4. The dietary (food) exposure assessment utilizes existing and proposed tolerance level residues and assumes 100% of crops treated with sulfentrazone. The assessment is based on reliable data and is not expected to underestimate exposure/risk.
5. Conservative assumptions are used in the drinking water models. The drinking water exposure assessment is not expected to underestimate exposure/risk.
6. The residential exposure assessment is based on conservative assumptions and is not expected to underestimate risk.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2 liter (L)/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk

assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to sulfentrazone will occupy <1% of the aPAD for the U.S. population, <1% of the aPAD for females 13 years and older, and <1% of the aPAD for children 1 to 2 years old, the population at greatest exposure. In addition, there is potential for acute dietary exposure to sulfentrazone in drinking water. After calculating DWLOCs and comparing them to the EECs for surface water and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in Table 3 of this unit:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO SULFENTRAZONE

Population Subgroup	aPAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S. population	2.5	<1	35.8	26	87,000
Children (1 to 2 years old)	2.5	<1	35.8	26	25,000
Females (13 to 49 years old)	2.5	<1	35.8	26	75,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to sulfentrazone from food will utilize 1% of the cPAD for the U.S. population, 1% of the cPAD for females 13 to 49 years old and 1 % of the cPAD for children, 3 to 5 years old, the

population at greatest exposure. Based on the proposed use pattern for turf grass, chronic residential exposure to residues of sulfentrazone is not expected. In addition, there is potential for chronic dietary exposure to sulfentrazone and its degraded, 3-carboxylic acid sulfentrazone, in

drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in Table 4 of this unit:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO SULFENTRAZONE

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.14	1	7.8	26	4,900
Children (3 to 5 years old)	0.14	1	7.8	26	1,400
Females (13 to 49 years old)	0.14	1	7.8	26	4,200

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Sulfentrazone is proposed for registration for use that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for

sulfentrazone. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs ranging from 6,900 for the U.S. population to 3,200 for children 3 to 5 years old. These aggregate MOEs do not exceed the Agency's level of concern for aggregate exposure to food and residential uses. In addition, short-term

DWLOCs were calculated and compared to the EECs for chronic exposure of sulfentrazone in ground water and surface water. After calculating DWLOCs and comparing them to the EECs for surface water and ground water, EPA does not expect short-term aggregate exposure to exceed the Agency's level of concern, as shown in Table 5 of this unit:

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR SHORT-TERM EXPOSURE TO SULFENTRAZONE

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Short-Term DWLOC (ppb)
U.S. population	6,900	100	7.8	26	4,900
Children (3 to 5 years old)	3,200	100	7.8	26	1,400
Females (13 to 49 years)	7,600	100	7.8	26	4,200

5. *Aggregate cancer risk for U.S. population.* There is no evidence of carcinogenicity to humans based on carcinogenicity studies in male and female rats and mice. The Agency concludes that pesticidal uses of sulfentrazone are not likely to pose a cancer hazard to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to sulfentrazone residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement method using gas chromatography (GC) for the determination of sulfentrazone, DMS, and HMS residues is available for enforcement. The method was forwarded to the Food and Drug Administration (FDA) for inclusion in Pesticide Analytical Method Volume II (PAM II). The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-

2905; e-mail address: residuemethods@epa.gov.

B. International Residue Limits

There are no established Codex, Canadian or Mexican maximum residue limits (MRLs) for residues of sulfentrazone in/on the subject commodities. Therefore, no compatibility problems exist for the tolerances established by this rule.

V. Conclusion

Therefore, the tolerance is established for combined residues of sulfentrazone and its metabolites HMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide) and DMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide), in or on asparagus at 0.15 ppm; bean, lima, succulent at 0.15 ppm; cabbage at 0.20 ppm; corn, field, forage at 0.20 ppm; corn, field, grain at 0.15 ppm; corn, field, stover at 0.30 ppm; horseradish, roots at 0.20 ppm; pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm; peanut at 0.20 ppm; peanut,

meal at 0.40 ppm; peppermint, tops at 0.30 ppm; potato at 0.15 ppm; spearmint, tops at 0.30 ppm; sugarcane, cane 0.15 ppm; sugarcane, molasses 0.20 ppm; and sunflower, seed at 0.20 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, 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. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period

for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP-2003-0270 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 November 24, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. You may also deliver your request to the Office of the Hearing Clerk in Rm. 104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603-0061.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the

waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP-2003-0270, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of the 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 rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). 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.*, or 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). 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); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). 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). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the 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. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the

development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, 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: September 10, 2003.

Debra Edwards,

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), 346(a) and 371.

■ 2. Section 180.498 is amended by redesignating existing paragraph (a) as (a)(1), by adding paragraph (a)(2), and in the table to paragraph (b) by removing the entries “horseradish, roots”; “pea, dry, seed”; “potato”; “potato, granules/flakes”; “potato, wet peel”; “sugarcane”; and “sunflower, seed.”

§ 180.498 Sulfentrazone; tolerances for residues.

(a) *General.* (1) * * *

(2) Tolerances are established for combined residues of the herbicide sulfentrazone and its metabolites HMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide) and DMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide) in or on the following food commodities:

Commodity	Parts per million
Asparagus	0.15
Bean, lima, succulent	0.15
Cabbage	0.20
Corn, field, forage	0.20
Corn, field, grain	0.15
Corn, field, stover	0.30
Horseradish, roots	0.20
Pea and bean, dried shelled, except soybean, subgroup 6C	0.15
Peanut	0.20
Peanut, meal	0.40
Peppermint, tops	0.30
Potato	0.15
Spearmint, tops	0.30
Sugarcane, cane	0.15
Sugarcane, molasses	0.20
Sunflower, seed	0.20

* * * * *

[FR Doc. 03–24011 Filed 9–23–03; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register

Vol. 68, No. 185

Wednesday, September 24, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 252

[TTB Notice No. 16]

RIN 1513-AA78

Evidence of Exportation for Distilled Spirits; Use of Alternative Documentation (2002R-045P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau proposes to amend its regulations listing the documents that provide adequate evidence of export for shipments of distilled spirits. We also propose to require submission of these documents within a specific 90-day timeframe. This action is being taken to clarify the existing regulations as to the types of acceptable documentation and to inform the public that the Bureau will consider the approval of alternative types of documentation as adequate export evidence.

DATES: Written comments must be received by November 24, 2003.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 50221, Washington, DC 20091-0221 (Attn: TTB Notice No. 16). See the "Public Participation" section of this notice for alternative means of commenting.

Copies of the proposed regulation, background materials, and any written comments received will be available for public inspection by appointment at the ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone 202-927-7890. You may also view online copies of this proposed regulation and any comments received regarding it under this notice number at <http://www.ttb.gov/alcohol/rules/index/htm>.

FOR FURTHER INFORMATION CONTACT:

Joanne Brady, Specialist, Regulations and Procedures Division (Philadelphia, PA), Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 45797, Philadelphia, PA 19149; telephone 215-333-7050 or e-mail Joanne.Brady@ttb.gov.

SUPPLEMENTARY INFORMATION:

Impact of the Homeland Security Act on Rulemaking

Effective January 24, 2003, the Homeland Security Act of 2002 divided the Bureau of Alcohol, Tobacco and Firearms (ATF) into two new agencies, the Alcohol and Tobacco Tax and Trade Bureau (TTB) in the Department of the Treasury and the Bureau of Alcohol, Tobacco, Firearms and Explosives in the Department of Justice. Regulation of distilled spirits, including evidence of exportation, is the responsibility of the new TTB. References to ATF in this document relate to events that occurred prior to January 24, 2003, or to functions that the Bureau of Alcohol, Tobacco, Firearms and Explosives continues to perform.

Background

Under the provisions of the Internal Revenue Code at 26 U.S.C. 5214, distilled spirits can be withdrawn from bonded premises for exportation, free of tax or without payment of tax, subject to regulations prescribed by the Secretary of the Treasury. To help carry out these statutory provisions, the Alcohol and Tobacco Tax and Trade Bureau (TTB) has issued regulations which list several types of evidence that a proprietor can submit as adequate proof of export for shipments of distilled spirits. The proprietor is relieved of the tax liability at the time the distilled spirits are exported to a foreign or export destination, provided the proper evidence of exportation is submitted to TTB in a timely manner.

The Proposal

We propose to amend 27 CFR part 252, Exportation of Liquors, in order to clarify the existing regulations regarding evidence of exportation for shipments of distilled spirits. A new section, 27 CFR 252.39, clarifies the types of documentation that TTB will accept as adequate proof of export for shipments of distilled spirits. This new section will also require the documentation to be

submitted within 90 days of the date of withdrawal of the distilled spirits.

We are taking this action regarding the submission of export documents for distilled spirits at the recommendation of the Office of the Inspector General. TTB's current internal processing procedures are directed by order TTB O 5020.8A. According to this order, it is our policy that exporters submit adequate proof of exportation within 90 days. An extension may be granted due to just cause. It is critical that TTB act promptly in tax assessment matters.

The tobacco export regulations at 27 CFR part 44 require that export evidence be furnished within 90 days of the date of removal of the tobacco products, or cigarette papers or tubes. In order to maintain consistency in TTB's internal processing procedures, we propose to apply the 90-day requirement to shipments of distilled spirits. We consider this time period to be a reasonable time for exporters to obtain and submit documentation to us in support of an export shipment. This period may be extended for just cause. At this time we are concentrating on revising the regulations for exporters of distilled spirits only. We will also be developing updated procedures for the beer and wine industries in the future.

We propose to revise 27 CFR 252.40 to reflect a change in the section heading. We also propose to add 27 CFR 252.44 to clarify and remind the industry of the opportunity to submit alternative types of documentation as adequate proof of export, provided such documentation is:

- Complete and accurate;
- Third-party verifiable; and
- Contains the same information

required in an export bill of lading as outlined in 27 CFR 252.250.

In addition, we propose to add two new sections, 27 CFR 252.254 and 252.255, addressing certification of form TTB F 5100.11 by U.S. Customs Service and certificates of receipt issued by officials of foreign countries, both of which qualify as evidence of exportation.

TTB believes these additions and changes to the regulations will provide the public with a better understanding of its export documentation requirements, while allowing the industry the opportunity to submit alternative documents for approval.

Public Participation

TTB requests comments from all interested parties on the proposals contained in this notice. We specifically request comments on the clarity of this proposed rule and how it may be made easier to understand.

What Is a Comment?

In order for a submission to be considered a "comment," it must clearly indicate a position for or against the proposed rule or some part of it, or express neutrality about the proposed rule. Comments that use reasoning, logic, and, if applicable, good science to explain the commenter's position are the most persuasive in the formation of a final rule.

To be eligible for consideration, comments must:

- Contain your name and mailing address;
- Reference this notice number;
- Be legible and written in language generally acceptable for public disclosure;
- Contain a legible, written signature if submitted by mail or fax; and
- Contain your e-mail address if submitted by e-mail.

To assure public access to our office equipment, comments submitted by fax must be no more than five pages in length when printed on 8½ x 11" paper. Comments submitted by U.S. mail or e-mail may be of any length.

How May I Submit Comments?

By Mail: You may send written comments by U.S. mail to the address shown above in the **ADDRESSES** section of this notice.

By Fax: You may submit comments by facsimile transmission to 215-333-8871. We will treat faxed transmissions as originals.

By E-Mail: You may submit comments by e-mail by sending the comments to nprm@ttb.treas.gov. We will treat e-mail transmissions as originals.

By On-line Form: You may also submit comments using the comment form provided with the online copy of this proposed rule on the TTB Internet Web site at <http://www.ttb.treas.gov/>. We will treat comments submitted via the Web site as originals.

How Does TTB Use the Comments?

We will carefully consider all comments we receive on or before the closing date. We will not acknowledge receipt of comments or reply to individual comments. We will summarize and discuss pertinent comments in the preamble to any subsequent notices or the final rule published as a result of the comments.

May I Review Comments Received?

You may view copies of the comments on this notice of proposed rule making by appointment at the ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC 20226, telephone (202) 927-7890. You may also request copies of comments (at 20 cents per page) by contacting the ATF Librarian at the above address.

For the convenience of the public, TTB will post comments received in response to this notice on the TTB web site. All comments posted on our web site will show the name of the commenter, but will not show street addresses, telephone numbers, or e-mail addresses. We may also omit voluminous attachments or material that we do not consider suitable for posting. In all cases, the full comment will be available in the ATF library as noted above. To access online copies of the comments on this rulemaking, visit <http://www.ttb.treas.gov/alcohol/rules/index.htm>, and click on the "View comments" button under this notice number.

Will TTB Keep My Comments Confidential?

TTB cannot recognize any material in comments as confidential. All comments and materials may be disclosed to the public in the ATF library. We may also post the comment on our web site. (See "May I Review Comments Received?") Finally, we may disclose the name of any person who submits a comment and quote from the comment in the preamble to a final rule on this subject. If you consider your material to be confidential or inappropriate for disclosure to the public, you should not include it in your comments.

Regulatory Analyses and Notices

Does the Paperwork Reduction Act Apply to This Proposed Rule?

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no new requirement to collect information is proposed.

How Does the Regulatory Flexibility Act Apply to This Proposed Rule?

TTB certifies that this proposed regulation would not have a significant economic impact on a substantial number of small entities. We expect no negative impact on small entities. We are not proposing new requirements.

Accordingly, the Act does not require a regulatory flexibility analysis.

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

This is not a significant regulatory action as defined by Executive Order 12866. Therefore, the order does not require a regulatory assessment.

Drafting Information

The principal author of this document is Joanne Brady, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects in 27 CFR Part 252

Aircraft, Alcohol and alcoholic beverages, Armed forces, Beer claims, Excise taxes, Exports, Foreign trade zones, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Vessels, Warehouses, Wine.

Authority and Issuance

For the reasons set forth in the preamble, TTB proposes to amend 27 CFR part 252 as follows:

PART 252—EXPORTATION OF LIQUORS

1. The authority citation for part 252 continues to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5054, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

Subpart C—Miscellaneous Provisions

2. Section 252.39 is added to read as follows:

§ 252.39 Filing of evidence of exportation for distilled spirits.

(a) *Required evidence of exportation.* You must provide acceptable export evidence that covers the transportation of the specified shipments of distilled spirits from your plant to the foreign or export destination. This evidence must be accurate and complete and verified by the signature of an authorized individual. We accept the following documents as proof of exportation:

- (1) A copy of an export bill of lading, such as an ocean bill of lading, signed by the carrier or its agent (§ 252.250); or
- (2) A copy of the railway express receipt (§ 252.251), signed by the carrier or its agent, containing the same information required in an export bill of lading (§ 252.250); or
- (3) A copy of the air express receipt (§ 252.252), signed by the carrier or its agent, containing the same information

required in an export bill of lading (§ 252.250); or

(4) A copy of the through bill of lading, signed by the carrier or its agent, where exportation is to a contiguous foreign country (§ 252.250); or

(5) A certificate from the export carrier or its agent, showing actual exportation, when a bill of lading is required and not obtainable, executed under the penalties of perjury, as provided for in § 252.253. It must contain the same information required in an export bill of lading (§ 252.250); or

(6) U.S. Customs certification on TTB F 5100.11, or a certificate of receipt as provided for in § 252.254; or

(7) A certificate of receipt issued by an official of the country or possession where the shipment of distilled spirits has actually landed, as provided for in § 252.255.

(b) *Time period for filing evidence.* You must submit the evidence of exportation of any shipment of distilled spirits to the appropriate TTB officer within 90 days of the date of withdrawal and removal of the distilled spirits from the premises of the distilled spirits plant covered by the bond of the proprietor. The appropriate TTB officer may grant an extension in cases where just cause is shown.

3. The heading of § 252.40 is revised to read as set forth below:

§ 252.40 Filing of evidence of exportation for wine.

* * * * *

4. Section 252.44 is added to read as follows:

§ 252.44 Alternative documentation.

We may approve alternative types of documentation, upon letterhead request, provided such documentation is complete and accurate, third party verifiable, and contains the same information required in an export bill of lading (§ 252.250). You must follow the procedures in § 252.20 if you wish to request approval for use of alternative types of documentation.

Subpart M—Shipment or Delivery for Export

5. Section 252.254 is added as follows:

§ 252.254 Certification on withdrawal of spirits, specially denatured spirits, or wines for exportation, TTB F 5100.11.

To use TTB F 5100.11 as proof of export you must obtain certification by U.S. Customs Service in Part VII, Certificate of Clearance or Use, of the form. A signed certificate of receipt from U.S. Customs Service is also acceptable, if it contains the same information

required in an export bill of lading (§ 252.250).

6. Section 252.255 is added as follows:

§ 252.255 Certificate by foreign official.

TTB will accept an appropriate certification from a foreign official as proof of export. If you use this proof, you must provide a signed certificate of receipt by an authorized official of a foreign country or possession verifying actual exportation. The certificate must contain sufficient information to identify the shipment and the TTB F 5100.11 covering the shipment.

Signed: August 8, 2003.

Arthur J. Libertucci,
Administrator.

Approved: August 8, 2003.

Timothy E. Skud,
Deputy Assistant Secretary, Regulatory, Tariff & Trade Enforcement.

[FR Doc. 03-23886 Filed 9-23-03; 8:45 am]

BILLING CODE 4810-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 030912231-3231-01; I.D. 090403A]

RIN 0648-AR43

50 CFR Part 648

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 3

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes measures contained in Framework Adjustment 3 (Framework 3) to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) that would allow the rollover of unused commercial scup quota from the Winter I period to the Winter II period, and to change the regulations regarding the scup commercial quota counting procedures. **DATES:** Comments on this proposed rule must be received on or before October 9, 2003.

ADDRESSES: Copies of the Framework 3 document, its Regulatory Impact Review (RIR), the Initial Regulatory Flexibility Analysis (IRFA), the Environmental Assessment, and other supporting

documents for the framework adjustment are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South Street, Dover, DE 19901-6790. The EA/RIR/IRFA is also accessible via the Internet at <http://www.nero.nmfs.gov>. Written comments on the proposed rule should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Framework 3." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, Fishery Policy Analyst, (978) 281-9279, fax (978) 281-9135, e-mail sarah.mclaughlin@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council), in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for scup (*Stenotomus chrysops*), specified in the FMP, is defined as U.S. waters of the Atlantic Ocean from 35°13.3' N. lat. (the latitude of Cape Hatteras Lighthouse, Buxton, NC) northward to the U.S./Canada border. The FMP and its implementing regulations found at 50 CFR part 648, subparts A, G (summer flounder), H (scup), and I (black sea bass), describe the process for specifying annual commercial scup measures that apply in the Exclusive Economic Zone (EEZ). The states manage these fisheries within 3 miles of their coast, under the Commission's Interstate Summer Flounder, Scup, and Black Sea Bass FMP. The Federal regulations govern vessels fishing in the EEZ, as well as vessels possessing a Federal fisheries permit, regardless of where they fish.

Scup was most recently assessed at the 35th Northeast Regional Stock Assessment Review Committee (SARC 35) in June 2002. SARC 35 concluded that scup are no longer overfished, but stock status with respect to overfishing cannot currently be evaluated. SARC 35 indicated that relative exploitation rates on scup have declined in recent years, although the absolute value of the fishing mortality rate cannot be determined because of a lack of reliable

discard estimates and information regarding the length composition of scup landings and discards. Overall, most recent scup survey observations indicate strong recruitment and some rebuilding of age structure.

The Council has initiated this framework adjustment, pursuant to 50 CFR 648.127(a), to allow the commercial scup fishery to be more efficient and to better achieve the management objectives of the FMP, specifically regarding attainment of optimum yield from the scup fishery. The Council intends to continue the management programs detailed in the FMP and reduce overfishing and rebuild the scup stock.

The commercial scup fishery is managed under a system that allocates the annual quota to three periods: Winter I, January-April (45.11 percent); Summer, May-October (38.95 percent); and Winter II, November-December (15.94 percent). During the Winter periods, the quota is monitored on a coastwide basis. During the Summer period, the quota is also monitored on a coastwide basis, but the Commission uses a state-by-state allocation system to help manage the Federal quota. The Federal commercial scup fishery is closed coastwide when the allocation for a period is reached. In addition, any overages during a quota period are subtracted from that period's allocation for the following year. Any quota overages by a state during the Summer period (whether or not the total Summer period quota is exceeded) are subtracted by the Commission from the state's Summer period share the following year. The current regulations do not allow for the transfer of quota between periods within a fishing year. The final rule to implement the 2003 annual quota specifications (68 FR 60, January 2, 2003) established possession limits of 15,000 lb (6,804 kg) per trip during Winter I and 1,500 lb (680 kg) during Winter II, and specified that the Winter I possession limit be reduced to 1,000 lb (454 kg) per trip when 80 percent of the commercial quota allocated to that period is projected to be harvested.

Quota Rollover From Winter I to Winter II

Framework 3 proposes a process, for years in which the full Winter I commercial scup quota is not harvested, to allow unused quota from the Winter I period to be added to the quota for the Winter II period. During the development of this framework adjustment, the Council considered and analyzed three alternatives for unused Winter I quota: Taking no action, which would continue the current regulations

without the ability to transfer unused quota between periods (Alternative 1); the proposed option (Alternative 2); and combining the Winter I and Winter II quotas into a single quota spanning the two periods (Alternative 3). A fourth option, to roll over unused quota from both the Winter I and Summer periods into Winter II, was considered but rejected for further analysis due to the impracticability of monitoring the Summer period quota through the end of the Summer period, calculating the amount of unused combined Winter I and Summer period quota, if any, and effecting the quota rollover prior to the beginning of the Winter II period. The proposed option was selected by the Council because, under Alternative 1, regulatory discarding in Winter II would continue to occur, and Alternative 3 introduces the risk that the entire combined winter quota could be taken during Winter I, resulting in no fishery during Winter II. Additionally, it may be difficult to develop possession limits that would accommodate the merged periods under Alternative 3. Alternative 2 is not associated with any risk to the scup stock or stocks of other species, and should provide economic and social benefits while meeting the objectives of National Standard 1.

In addition, commercial possession limits for the Winter II period would be adjusted, based on the amount of quota rolled over from the Winter I period. It is the Council's intention that the quota rollover and any necessary possession limit adjustments would be accomplished via a notification of changes prior to the beginning of the Winter II fishery.

For 2003, the Winter II quota is 1,979,689 lb (897,981 kg), and preliminary Winter I landings information indicates that 2,203,751 lb (999,605 kg) remain of the Winter I quota. Framework 3 proposes that the entire amount of unused 2003 Winter I quota be transferred to Winter II; assuming the transfer of 2,203,751 lb (999,605 kg), the total Winter II quota would be 4,183,440 lb (1,897,576 kg). The amount to be transferred will be updated in the final rule based on the latest landings information for the 2003 Winter I period. In addition to the quota transfer, Framework 3 proposes to increase the 2003 Winter II possession limit to 4,000 lb (1,814 kg) per trip. For 2004 and future years, the Council will recommend Winter II possession limits, adjusted as appropriate based on the amount rolled over from Winter I to Winter II, as part of the annual commercial quota specification process.

Quota Counting Procedures

The distribution of scup is such that they are occasionally available in nearshore (state) waters prior to the beginning of the Summer period (May 1). The Commission has informed the Council and NMFS that an addendum to the Interstate FMP will be prepared, in the event of a Federal Winter I closure prior to April 15, to allow scup landed April 15 through April 30 to be counted against the states' Summer period quota allocation. State permit holders would be allowed to land and sell scup to state and federally permitted dealers after April 15 and prior to the Federal opening of the Summer period on May 1, in order to reduce discards. In order to effect the planned change to the Commission allocation system, Framework 3 proposes a mechanism, for years when the Winter I commercial scup quota is completely harvested and the Winter I fishery is closed prior to April 15, and upon a state's written request, to allow for commercial landings of scup by state-only permitted vessels in said state that occur from April 15 through April 30 to be counted against the Summer period quota allocation.

During the development of this framework adjustment, the Council considered and analyzed two options for the quota counting procedures: A no-action alternative, which would not allow these landings to be counted against the Summer period quota, but would continue to require that they be recorded as an overage to the Winter I period quota; and the proposed option. The Council selected the proposed action because it would not alter the current quota period or allocations, would require only a minimal change to current Federal regulations, would reduce the negative effects associated with harvest demand when scup availability is high but landings are not allowed, and would not place the scup stock or stocks of other species at risk.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the reasons why this action is being considered, and the objectives of and legal basis for this action are contained at the beginning of this section in the preamble. The preamble to this proposed rule also includes complete descriptions of the proposed, no action, and other alternatives discussed here.

There are no new recordkeeping or reporting requirements proposed in this rule. There are no relevant Federal rules that duplicate, overlap, or conflict with this proposed rule. All vessels that would be impacted by this proposed rulemaking are considered to be small entities; therefore, there would be no disproportionate impacts between large and small entities. A summary of the analysis follows:

The purpose of this framework is to better coordinate the timing of the fishery's harvest potential with availability of the resource. Under the no-action quota rollover alternative, the current allocation system as specified in the FMP would remain unchanged, and any negative economic impacts associated with it could persist. More specifically, a portion of the annual quota allocated to Winter I may be left unharvested, which would result in foregone economic opportunities to the fishing industry. Additionally, the existing regulations require that once the Winter II quota has been achieved, additional scup captured by the fishery operating during that time of year be discarded.

Allowing the transfer of unused scup quota from the Winter I period to the Winter II period could potentially increase landings of scup during the Winter II period. Applying the nominal average ex-vessel price of scup for the 1998–2002 Winter II period of \$0.80/lb, and assuming the transfer of 2,203,751 lb (999,605 kg), the additional amount of scup available for harvest during the 2003 Winter II period would be valued at \$1.763 million. If this increase in revenue is equally distributed among the 213 vessels that landed scup during the 2002 Winter II period, then overall ex-vessel gross revenues could increase by \$8,277 per vessel. However, as it is possible that the average price for scup during Winter II may decrease, given the potential increase in scup landings, the estimate of the increase to ex-vessel gross revenues most likely represents an upper limit.

The proposed Winter II possession limit for 2003 of 4,000 lb (1,814 kg) per trip is not expected to impact the scup fishery negatively. In fact, the increased possession limit may have positive impacts by providing the market a regular product supply, and avoiding market gluts and price fluctuations.

It is expected that the proposed action regarding quota rollover from Winter I to Winter II would reduce social burdens associated with early closures that may occur under the current system for managing scup. It is expected that this alternative would have a positive impact on the ports and communities

associated with the vessels participating in this fishery.

The impacts of the combination of Winter I and Winter II into one period are expected to be similar to those for the proposed action. However, it is possible that the entire quota could be harvested during Winter I. If this were to occur, fishermen would not be able to fish for scup during the Winter II period, potentially disrupting product supply, increasing discards, and contributing to price fluctuations, as well as severely constraining fishing opportunities for those fishermen that depend upon access to the Winter II quota period fishery. The proposed action would provide the maximum economic benefit to the fishing industry by ensuring that any unused Winter I period scup quota would be made available in the Winter II period.

Federal Northeast permit data indicate that there were 878 vessels with scup commercial permits in 2001. This action would affect only how certain landings are attributed, and would not affect the ability of vessels holding only a state permit to land and sell scup during a Federal closure.

The preferred quota counting procedures alternative would not affect overall scup landings, as total landings would continue to be restricted to the annual commercial quota. It is possible that, if the Winter I fishery were closed and inshore fishermen were allowed to land and sell scup, scup prices could increase. However, given the short length of time that inshore fishermen would have to land any scup harvested during a Winter I closure, i.e., April 15 through April 30, it is not expected that the scup price would be significantly affected. Nevertheless, selling scup harvested by inshore fisheries prior to May 1 during a Winter I closure would likely provide economic and social benefits to inshore fisheries. It is possible that the preferred alternative could result in the Summer period quota being harvested earlier. This would depend on the amount of the summer quota, numbers of fishermen that may participate in an early summer fishery, and/or the amount of scup that could potentially be landed after April 15 and prior to May 1 in the event of a Winter I closure. However, due to lack of information on these factors, this cannot be analyzed in detail.

List of Subjects in 50 CFR Part 648

Fishing, Fisheries, Reporting and recordkeeping requirements.

Dated: September 17, 2003.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.120, paragraphs (b)(2), (b)(4), and (c) are revised; paragraph (d)(3) is redesignated as paragraph (d)(4) and the introductory text is revised; and new paragraphs (d)(3) and (d)(5) are added to read as follows:

§ 648.120 Catch quotas and other restrictions.

* * * * *

(b) * * *

(2) Landing limits for the Winter I and Winter II periods, including landing limits that result from potential rollover of quota from Winter I to Winter II. The possession limit is the maximum quantity of scup that is allowed to be landed within a 24-hour period (calendar day).

* * * * *

(4) All scup landed for sale in any state during a quota period shall be applied against the coastwide commercial quota for that period, regardless of where the scup were harvested, except as provided in paragraph (d)(5) of this section.

* * * * *

(c) *Annual fishing measures.* The Demersal Species Committee shall review the recommendations of the Scup Monitoring Committee. Based on these recommendations and any public comment, the Demersal Species Committee shall recommend to the MAFMC measures necessary to assure that the specified exploitation rate will not be exceeded. The MAFMC's recommendation must include supporting documentation, as appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Administrator shall review these recommendations and any recommendations of the Commission. After such review, NMFS will publish a proposed rule to implement a commercial quota in the **Federal Register**, specifying the amount of quota allocated to each of the three periods, landings limits for the Winter I and Winter II periods, including landing

limits that result from potential rollover of quota from Winter I to Winter II, the percentage of landings attained during the Winter I fishery at which the landing limits will be reduced, a recreational harvest limit, and additional management measures for the commercial fishery. If the Regional Administrator determines that additional recreational measures are necessary to assure that the specified exploitation rate will not be exceeded, he or she will publish a proposed rule in the **Federal Register** to implement additional management measures for the recreational fishery. After considering public comment, the Regional Administrator will publish a final rule in the **Federal Register** to implement annual measures.

(d) * * *

(3) The Regional Administrator will monitor the harvest of commercial quota for each quota period based on dealer reports, state data, and other available information and shall determine the total amount of scup landed during the Winter I period. If, in any year that the Regional Administrator determines that the landings of scup during Winter I are

less than the Winter I quota for that year, he/she shall increase, through publication of a notification in the **Federal Register**, provided such rule complies with the requirements of the Administrative Procedure Act, the Winter II quota for that year by an amount not to exceed the amount of the Winter I underharvest. The Regional Administrator shall also adjust, through publication of a notification in the **Federal Register**, the Winter II landing limits consistent with the amount of the quota increase, based on the landing limits established through the annual specifications-setting process.

(4) All scup landed for sale in any state during a quota period shall be applied against the coastwide commercial quota for that period, regardless of where the scup were harvested, except as provided in paragraph (d)(5) of this section. Any current year landings in excess of the commercial quota in any quota period will be deducted from that quota period's annual quota in the following year as prescribed below:

* * * * *

(5) If authorized by the Regional Administrator, and in a year in which the Winter I fishery has been closed prior to April 15, scup landed for sale from April 15 through April 30 by vessels issued a state permit only and fishing exclusively within the waters of a state may be counted against the Summer period quota. Requests to the Regional Administrator to count scup landings in a state from April 15 through April 30 against the Summer period quota must be made by letter signed by the principal state official with marine fishery management responsibility and expertise, or his/her designee, and must be received by the Regional Administrator no later than April 15. Within 10 working days following receipt of the letter, the Regional Administrator shall notify the appropriate state official of the disposition of the request.

* * * * *

[FR Doc. 03-24249 Filed 9-23-03; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 68, No. 185

Wednesday, September 24, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 03-24178 Filed 9-23-03; 8:45 am]

BILLING CODE 3410-03-P

establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 03-24179 Filed 9-23-03; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant Mainstream Engineering Corporation of Rockledge, Florida an exclusive license to U.S. Patent No. 6,126,722, "Electrostatic Reduction System for Reducing Airborne Dust and Microorganisms," issued on October 3, 2000. Notice of Availability of this invention for licensing was published in the **Federal Register** on July 27, 1999.

DATES: Comments must be received on or before October 24, 2003.

ADDRESS: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1174, Beltsville, Maryland 20705-5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301-504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Mainstream Engineering Corporation of Rockledge, Florida has submitted a complete and sufficient application for a license. The prospective license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the Federally owned invention disclosed in U.S. Patent Application No. 10/135,224 "Naphtalene and Naphthenate Derivates as Bait Toxicants for Subterranean Termites", filed April 30, 2002, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Waterbury Companies, Inc. of Waterbury, Connecticut, an exclusive license to this invention.

DATES: Comments must be received on or before December 23, 2003.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4-1174, Beltsville, Maryland 20705-5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: (301) 504-5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Waterbury Companies, Inc. of Waterbury, Connecticut has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 030908225-3225-01]

Request for Technical Input on Standards Issues and Foreign Markets

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of inquiry.

SUMMARY: The Department of Commerce requests industry comments on pressing standards issues and priority foreign markets. As part of the Department's Secretarial Initiative to Enhance Commerce Department Standards Activities, the Department is currently conducting a series of industry roundtables, seeking comment on barriers in export markets caused by foreign governments' policies on standards and technical regulatory requirements. The Department is supplementing these roundtables with a general solicitation of comments from industry representatives via this notice.

The Department has also scheduled an open roundtable standards discussion, to be held on October 23 at the Department of Commerce and invites interested parties to indicate their interest in participating in this roundtable.

DATES: Written comments on standards issues and foreign markets must be submitted to NIST no later than November 1, 2003.

The Department also invites industry to attend an open roundtable standards discussion, to be held on October 23 at the Department of Commerce. Participants in the discussion will be asked for their individual input and advice, and will not be asked to furnish group consensus advice.

A request to attend the open roundtable standards discussion should

be submitted to ITA no later than September 30, 2003.

ADDRESSES: The public is strongly encouraged to submit comments electronically rather than by facsimile or by mail.

All comments on standards issues and foreign markets should be addressed to: Dr. Belinda Collins, Deputy Director, Technology Services, National Institute of Standards and Technology, 100 Bureau Drive, MS 2000, Gaithersburg, MD 20899, fax (301) 975-2183. E-mail: belinda.collins@nist.gov.

Those wishing to attend the open roundtable discussion should contact: Ms. Lisa Handy, Office of the Assistant Secretary for Trade Development, International Trade Administration, 1401 Constitution Avenue, NW., Washington, DC 20230. E-mail: lisa_handy@ita.doc.gov. The October 23 roundtable discussion will be held at the U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

The full text of the Initiative is available at: http://www.commerce.gov/opa/press/2003_Releases/March/19_Standards.htm.

FOR FURTHER INFORMATION CONTACT: For further information on submitting input on standards issues and barriers in export markets, contact Dr. Belinda Collins, Deputy Director, Technology Services, National Institute of Standards and Technology (NIST), Tel: 301-975-4500 or Ms. Christine DeVaux, Technology Services, NIST, Tel: 301-975-4679.

For further information on the open roundtable, contact Ms. Lisa Handy, International Trade Administration, Tel: 202-482-2788.

SUPPLEMENTARY INFORMATION:

Background

On March 19, 2003, Commerce Secretary Donald L. Evans announced an eight-point Standards Initiative to help break down trade barriers. The initiative is in response to industry concerns that foreign standards and technical regulation issues are becoming among the greatest challenges to expanding exports.

Foreign standards and methods used to assess conformity to standards can facilitate efficient international trade and its benefits, or they also can be used intentionally or unintentionally to impede access to foreign markets. Many in industry view foreign standards and technical regulation as a principal non-tariff barrier in markets around the world. Divergent standards, redundant testing and compliance procedures, and unilateral and non-transparent standard

setting exercises are now recognized as major impediments to free trade—estimated to affect 80 percent of world commodity trade.

Over the course of the last several months, a number of industry associations and companies have highlighted foreign standards development and technical regulations as an issue of increasing importance for U.S. exports. There is a sense from industry that the U.S. Government, specifically the Commerce Department, could do more to reduce the barriers to export markets caused by foreign governments' adverse policies on standards and technical regulatory requirements.

In response to industry concerns, the Commerce Department has developed an eight-point initiative to augment current activities as an effective framework to address the relationship between foreign standards and the international competitiveness of U.S. companies. The outputs of the Initiative will be used to determine recommendations to the Secretary by January 2004 for future action.

Initiative

The full text of the Initiative may be found at http://www.commerce.gov/opa/press/2003_Releases/March/19_Standards.htm.

Under the Initiative, the Department will carry out the following activities:

- (1) Conduct a standards activity assessment of all existing Commerce Department programs and efforts to reduce standards-related barriers in foreign markets; recommendations will be made to the Secretary for future action.
- (2) Reinforce expertise in key markets through a new, redesigned, intensive training program for standards liaisons posted abroad.
- (3) Devise an effective standards training and outreach program for all Commerce Department Foreign Commercial Service Officers.
- (4) Develop and create a "best practices" database in addressing standards issues in foreign markets.
- (5) Expand the early warning system to disseminate market intelligence and information on standards developments in key priority foreign markets in Europe, Asia, and Latin America.
- (6) Support the development of a dialogue on standards within the proposed President's Export Council subcommittee on technology and competitiveness.

(7) Reach out to U.S. industry by hosting a series of industry-specific roundtables to gather input from industry on the most pressing standards

issues and priority foreign markets. Summaries of the industry roundtables will be made publicly available by December 31, 2003.

(8) Appoint a liaison at the International Trade Administration to ensure that industry's priorities on standards are promoted through the Department's international policies and programs.

Industry Roundtables

As part of the Initiative, the Department of Commerce is conducting a series of standards roundtables in order to gain U.S. industry's insight into how foreign standards and related technical regulations affect their competitiveness overseas. The Department is also interested in industry's views on national standards issues. Industry input will be used for the following:

(1) Outlining a roadmap for future action by DOC, based on some of the major concerns and issues raised by industry and based on areas where the Department's efforts are either supporting or not supporting industry's most important needs;

(2) Determining standards-related programs and strategies for Department activities; and,

(3) Informing Commerce offices on the current status of industry issues and on industry perspectives, and ensuring that their concerns are heard by a broad cross-section of the Department, including at senior levels.

Any advice will be provided by the participants acting as individuals and not as a group.

Submissions

Input directed to the Department of Commerce should focus on the following questions (additional comments are also welcome):

1. What are the highest priority standards issues facing your industry?
2. Are there adequate national and/or international standards to satisfy your industry's trade/export-related needs?
3. Does your industry experience standards-related problems in specific countries or regions, or do these problems affect multiple regions?
4. Do your industry's problems result primarily from the technical requirements contained in standards or technical regulations that adopt such standards? Please describe specific examples where the technical requirements resulted in market entry problems in your industry.
5. Do your industry's problems result from how compliance with technical requirements is assessed? Do you have examples of cases where either the

technical requirements or the assessment process resulted in market entry problems for your industry?

6. Has your industry been able to take an effective approach to address international standards issues? What steps have produced the most benefit? Could other industrial sectors benefit from using these approaches?

7. Has your industry been able to take an effective approach to address national standards issues? What steps have produced the most benefit? Could other industrial sectors benefit from using these approaches?

8. Do you have examples of a problem experienced by your industry where the federal government has been effective in resolving the issues? What steps taken by federal government officials were effective in resolving the issue, and why were they effective? Would such steps or approaches be applicable in other cases or were their successes unique to a specific problem? What steps were ineffective or less effective, and why do you think that this was so? Was it the unique nature of the problem, or would such steps have been equally ineffective in most cases?

9. What actions would you recommend the Department undertake following this and similar roundtables? Would your industry be willing to help to improve the situation encountered with respect to problems associated with standards and conformity assessment?

All comments must be submitted no later than November 1, 2003.

Dated: September 16, 2003.

Arden L. Bement, Jr.,

Director.

[FR Doc. 03-24176 Filed 9-23-03; 8:45 am]

BILLING CODE 3510-13-P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, October 3, 2003.

PLACE: 1155 21st St., NW., Washington, DC Room 1012.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-24315 Filed 9-22-03; 3:58 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, October 10, 2003.

PLACE: 1155 21st St., NW., Washington, DC, Room 1012.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-24316 Filed 9-22-03; 3:58 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, October 17, 2003.

PLACE: 1155 21st St., NW., Washington, DC, Room 1012.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-24317 Filed 9-22-03; 3:58 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, October 24, 2003.

PLACE: 1155 21st St., NW., Washington, DC, Room 1012.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-24318 Filed 9-22-03; 3:58 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, October 31, 2003.

PLACE: 1155 21st St., NW., Washington, DC, Room 1012.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 03-24319 Filed 9-22-03; 3:58 pm]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Meeting: With the Community College of the Air Force Board of Visitors To Review and Discuss Academic Policies and Issues Relative to the Operation of the College

AGENCY: Community College of the Air Force.

ACTION: Notice of meeting.

SUMMARY: The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting to review and discuss academic policies and issues relative to the operation of the college. Agenda items include a review of the operations of the CCAF and an update on the activities of the CCAF Policy Council.

Members of the public who wish to make oral or written statements at the meeting should contact First Lieutenant Richard W. Randolph, Designated Federal Officer for the Board, at the address below no later than 4 p.m. on 31 October 2003. Please mail or electronically mail all requests. Telephone requests will not be honored. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 35 copies of the presentation materials must be given to Lieutenant Randolph no later than three days prior to the time of the board meeting for distribution. Visual aids must be submitted to Lieutenant Richard Randolph on a 3½" computer disc in Microsoft PowerPoint format no later than 4 p.m. on 10 November 2003 to allow sufficient time for virus scanning and formatting of the slides.

DATES: The meeting will be held on Thursday, 20 November 2003 at 9 a.m., in the Conference Room, Commanders Conference Center, Bldg T905D, Randolph Air Force Base, Texas 78150.

FOR FURTHER INFORMATION CONTACT: First Lieutenant Richard W. Randolph, (334) 953-7322, Community College of the Air Force, 130 West Maxwell Boulevard, Maxwell Air Force Base, Alabama,

36112-6613, or through electronic mail at Richard.Randolph@maxwell.af.mil.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 03-24169 Filed 9-23-03; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Headquarters United States Air Force Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting; correction.

SUMMARY: The Air Force published a notice of meeting of the Scientific Advisory Board in the **Federal Register** of August 15, 2003. The meeting date has changed.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Hazell, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm. 5D982, Washington, DC 20330-1180, (703) 693-8284.

Correction

In the **Federal Register** of August 15, 2003, 68 FR 48889, third column, the dates should be changed from September 2, 2003 to read October 22, 2003.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 03-24168 Filed 9-23-03; 8:45 am]

BILLING CODE 5001-05-P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:30 a.m., Monday, September 29, 2003.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, Office of Board Members; 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 22, 2003.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 03-24313 Filed 9-22-03; 3:28 pm]

BILLING CODE 6210-01-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will meet on Sunday, October 19, 2003, through Wednesday, October 22, 2003, in Arlington, Virginia. The sessions will take place from 1 p.m. until 3 p.m. and 7 p.m. to 9 p.m. on Sunday, 8:30 a.m. until 5 p.m. on Monday and Tuesday and from 8:30 a.m. until 3 p.m. on Wednesday. The meeting will be held at the Doubletree Hotel Crystal City, National Airport, 300 Army Navy Drive, Arlington, Virginia. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public.

A limited number of rooms are being held for Council attendees at the rate of \$150 (plus tax) single, \$170 (plus tax) double. Reservations can be made by dialing toll free, 1-800-222-TREE or the hotel directly at (703) 416-4100. The rate is good for the meeting dates as well as the three (3) days prior to the meeting and the three (3) days after the meeting. To receive the Government rate, you must make your reservation no later than September 28, 2003 and mention that you are attending the Depository Library Council meeting. After that date, rooms will be subject to availability at the best obtainable rate.

William H. Turri,

Deputy Public Printer.

[FR Doc. 03-24071 Filed 9-23-03; 8:45 am]

BILLING CODE 1520-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Dermatologic and Ophthalmic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Dermatologic and Ophthalmic Drugs Advisory Committee.

General Function of the Committee:

To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 25, 2003, from 8 a.m. to 5:30 p.m.

Location: Holiday Inn, The Ballrooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Kimberly Littleton Topper, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301-827-7001, e-mail: topperk@cder.fda.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12534. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss study designs of trials in the treatment of myopia.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 19, 2003. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before September 19, 2003, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kimberly Littleton Topper at least 7 days in advance of the meeting.

FDA regrets that it was unable to publish this notice 15 days prior to the September 25, 2003, Dermatologic and Ophthalmic Drugs Advisory Committee meeting. Because the agency believes there is some urgency to bring this issue to public discussion and qualified members of the Dermatologic and Ophthalmic Drugs Advisory Committee were available at this time, the Commissioner of Food and Drugs concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 2003.

Peter J. Pitts,

Associate Commissioner for External Relations.

[FR Doc. 03-24220 Filed 9-22-03; 11:52 am]

BILLING CODE 4160-01-S

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 23, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed

comments should be submitted by October 9, 2003.

Beth L. Savage,

Acting Keeper of the National Register of Historic Places.

CALIFORNIA

Colusa County

Cecil Ranch, 1840 CA 45, Grimes, 03000988

Los Angeles County

Anderton Court Shops, 332 N. Rodeo Dr., Beverly Hills, 03000987

Santa Clara County

Twohy Building, 210 S. First St., San Jose, 03000989

FLORIDA

Bay County

Sapp House, 224 Third Court, Panama City, 03000991

Collier County

Roberts Ranch, 1215 Roberts Ave., Immokalee, 03000990

MASSACHUSETTS

Essex County

Bellvue Cemetery, 170 May St., Lawrence, 03000993

Worcester County

Fitchburg Historical Society, 50 Grove St., Fitchburg, 03000992

MISSOURI

St. Louis County

Mount Hope Cemetery, 1215 Lemay Ferry Rd., Lemay, 03000994

NEW MEXICO

Lincoln County

Carrizozo Woman's Club, (New Mexico Federation of Women's Club Buildings in New Mexico MPS), 908 Eleventh St., Carrizozo, 03000995

Taos County

Ojo Caliente Hot Springs Round Barn, 500 uds N of the western terminus of NM 414, Ojo Caliente, 03000996

NEW YORK

Hamilton County

Wakely Mountain Fire Observation Station, (Fire Observation Stations of New York State Forest Preserve MPS), Wakely Mountain, Lake Pleasant, 03000998

New York County

Murray Hill Historic District, (Murray Hill, New York County, New York MPS), Roughly bounded by East 35th St., East 39th St., Park Ave. and Lexington Ave., New York, 03000997

Westchester County

African Cemetery, North St., Rye, 03000999

RHODE ISLAND

Bristol County

Warren Waterfront Historic District, Roughly bounded by East Bay Bicycle Path, Wheaton St. and Warren River, Warren, 03001000

SOUTH CAROLINA

Charleston County

Folly North Site—38CH1213, Address Restricted, Folly Beach, 03001001

Spartanburg County

Central Methodist Church, 233 N. Church St., Spartanburg, 03001002

TENNESSEE

Lincoln County

St. Paul African Methodist Episcopal Church, (Rural African-American Churches in Tennessee MPS), 521 W. College St., Fayetteville, 03001003

[FR Doc. 03-24172 Filed 9-23-03; 8:45 am]

BILLING CODE 4312-51-P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 30, 2003. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by October 9, 2003.

Carol D. Shull,

Keeper of the National Register of Historic Places.

COLORADO

Chaffee County

Crescent Moly Mine No. 100 and Mining Camp, Address Restricted, Vicksburg, 03001005

Valley View School, (Rural School Buildings in Colorado MPS) 8465 Co. Rd. 140, Salida, 03001006

Lake County

Hayden Ranch Headquarters, W. of U.S. 24, Leadville, 03001007

Larimer County

Pleasant Valley School, (Rural School Buildings in Colorado MPS) 4032 N. Co. Rd. 25E, Bellvue, 03001008

Montezuma County

Bauer Bank Block, 107 W. Grand Ave., Mancos, 03001009

Prowers County

Holly City Hall, 119 E. Cheyenne St., Holly, 03001010

Rio Grande County

First Methodist Episcopal Church, 215 Washington St., Monte Vista, 03001011

Weld County

Greeley Junior High School, 811 15th St., Greeley, 03001012

DISTRICT OF COLUMBIA**District of Columbia**

Western Union Telegraph Company Tenley Site, 4623 41st St., NW., Washington, 03001027

FLORIDA**Hillsborough County**

Gardner, Isaac Sr., House, 209 W. Palm Ave., Tampa, 03001013

Pasco County

Dade City Woman's Club, (Clubhouses of Florida's Woman's Clubs MPS) 37922 Palm Ave., Dade City, 03001014

GEORGIA**DeKalb County**

Callanwolde (Boundary Increase), 980 Briarcliff Rd., NE., Atlanta, 03001015

Fulton County

Inman Park—Moreland Historic District (Boundary Increase), Roughly bounded by Cleburne, Moreland and DeKalb Aves., Battery Place and a city park, Atlanta, 03001016

Macon County

Montezuma Historic District, Roughly centered along N. and S. Dooly St., Montezuma, 03001017

MASSACHUSETTS**Franklin County**

West Whately Historic District, Address Restricted, Whately, 03001018

NEW YORK**Chemung County**

Jones, John W., House, 1250 Davis St., Elmira, 03001019

WISCONSIN**Dane County**

Outlet Mound, Jct. of Ridgewood and Midwood Aves., Monona, 03001022
Tompkins—Brindler Mound Group, (Late Woodland Stage in Archeological Region 8 MPS) Monona Dr., Monona, 03001023

WYOMING**Laramie County**

Certified Welding Corporation, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 1122 W. 23rd St., Cheyenne, 03001025

Continental Oil Company, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 801 W. 19th St., Cheyenne, 03001030

Laramie County Milk Producers Cooperative Association, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 1122 W. 23rd St., Cheyenne, 03001026

McCord—Brady Company, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 1506 Thomes Ave., Cheyenne, 03001028

Cheyenne Flour Milling Company, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 810—814 W. 23rd St., Cheyenne, 03001024

Wyoming Fuel Company, (Industrial Facilities Served by Railroad in Cheyenne, Wyoming MPS) 720 W. 18th St., Cheyenne, 03001029

[FR Doc. 03-24173 Filed 9-23-03; 8:45 am]

BILLING CODE 4317-51-P

DEPARTMENT OF LABOR**Mine Safety and Health Administration****Petitions for Modification**

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Foggy Mountain Coal Company, Inc.

[Docket No. M-2003-056-C]

Foggy Mountain Coal Company, Inc., 13903 Elkhorn Creek Road, Shelby Gap, Kentucky 41653 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 1 Mine (MSHA I.D. No. 15-17813) located in Pike County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. MRI Mining, Inc.

[Docket No. M-2003-057-C]

MRI Mining, Inc., P.O. Box 308, Hi Hat, Kentucky 41636 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 1 Mine (MSHA I.D. No. 15-17228) located in Floyd County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. MRI Mining, Inc.

[Docket No. M-2003-058-C]

MRI Mining, Inc., P.O. Box 308, Hi Hat, Kentucky 41636 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 2 Mine (MSHA I.D. No. 15-17583) located in Floyd County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. RAMA Development Company, Inc.

[Docket No. M-2003-059-C]

RAMA Development Company, Inc., Route 3, Box 706, Delbarton, West Virginia 25670 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 2 Mine (MSHA I.D. No. 15-18560) located in Floyd County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered

machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Star Coal Trucking, Inc.

[Docket No. M-2003-060-C]

Star Coal Trucking, Inc., P.O. Box 3881, Pikeville, Kentucky 41502 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 2 Mine (MSHA I.D. No. 15-02240) located in Floyd County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

6. Coal Services, LLC

[Docket No. M-2003-061-C]

Coal Services, LLC, P.O. Box 295, Inez, Kentucky 41224 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 1 Mine (MSHA I.D. No. 15-16643) located in Pike County, Kentucky. The petitioner proposes to use a permanently installed, spring-loaded device on mobile battery-powered machine plug connectors in lieu of a padlock to prevent unintentional loosening of battery plugs from battery receptacles to eliminate the hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

7. Phelps Dodge Morenci Incorporated

[Docket No. M-2003-002-M]

Phelps Dodge Morenci Incorporated, 4521 N. US Hwy 191, Morenci, Arizona 85540 has filed a petition to modify the application of 30 CFR 56.6309 (Fuel oil requirements for ANFO) to its Morenci Mine (MSHA I.D. No. 02-00024) located in Greenlee County, Arizona. The petitioner proposes to use recycled waste oil to prepare ammonium nitrate-fuel oil at the Morenci Mine. The petitioner has included specific procedures in this petition that would be used for recycling waste oil. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

8. Cargill Deicing Technology

[Docket No. M-2003-003-M]

Cargill Deicing Technology, P.O. Box 106, Avery Island, Louisiana 70513 has filed a petition to modify the application of 30 CFR 57.14100(b) (Safety defects; examination, correction and records) to its Avery Island Mine (MSHA I.D. No. 16-00509) located in Iberia County, Louisiana. The petitioner requests a modification of the existing standard to allow Operator Presence switches to be removed from its John Deere 970 and 1070 tractors used to transport men, tools, and equipment to and from job sites. The petitioner states that the switches are designed to automatically kill the engine when pressure is released from the seat, but using these switches will present a hazard to the equipment operator.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to comments@msha.gov, or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before October 24, 2003. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia, this 11th day of September, 2003.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 03-24165 Filed 9-23-03; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (03-115)]

Aerospace Medicine Occupational Health Advisory Committee

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the Aerospace Medicine Occupational Health Advisory Committee.

DATES: Wednesday, October 15, 2003, 9 a.m. to 4 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 9H40 (Program Review Center), Washington, DC. Attendees must check in at the Visitor's Center located in the West Lobby (4th and E Streets) and will be escorted to the conference room.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela Barnes, Code AM, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-2390.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Opening Remarks by Chief Health and Medical Officer
- Aerospace Medicine Occupational Health Advisory Committee Report from March 14, 2003, Meeting
- Aerospace Medicine Highlights and Issues
- Occupational Health Highlights and Issues
- Open discussion and action assignments
- Next Meeting
- Closing Comments

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide the following information: Full name; gender; date/place of birth; citizenship; visa/greencard information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, phone); title/position of attendee. To expedite admittance, attendees can provide identifying information in advance by contacting Pamela Barnes via e-mail at

pbarnes@hq.nasa.gov or by telephone at 202/358-2390. Attendees will be escorted at all times. Persons with disabilities who require assistance should indicate this in their message. Due to limited availability of seating, members of the public will be admitted on a first-come, first-serve basis. News media wishing to attend the meeting should follow standard accreditation procedures. Members of the press who have questions about these procedures should contact the NASA Headquarters newsroom (202/358-1600).

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

June W. Edwards,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 03-24171 Filed 9-23-03; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before November 10, 2003. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal

memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740-6001. Requests also may be transmitted by FAX to 301-837-3698 or by e-mail to *records.mgt@nara.gov*. Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: 301-837-3120. E-mail: *records.mgt@nara.gov*.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Agriculture, Farm Service Agency (N1-145-02-1, 4 items, 4 temporary items). General counsel files created by the Appeals and Litigation Group. Included are case files, agency copies of summaries and data used for reporting or tracking purposes, and electronic copies of records created using electronic mail and word processing.

2. Department Commerce, Bureau of the Census (N1-29-03-4, 8 items, 5 temporary items). Records of the Geography Division including duplicate electronic and paper copies of reference and thematic maps. Also included are cartographic records that contain no significant information that is not essentially reproduced in the final copy and electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of reference maps, thematic maps, and printed large sheet maps.

3. Department of Commerce, National Oceanic and Atmospheric Administration (N1-370-02-3, 32 items, 26 temporary items). Records of the National Marine Sanctuaries Program, including supporting materials associated with sanctuary designations, sanctuary management plan review and revision, environmental impact statements and environmental assessments, and damage assessment and restoration. Also included are such records as sanctuary permit applications and a related database, civil penalty case files, oil spill trusteeship and restoration files, sanctuary geographic information systems, a reference material database, and electronic copies

of records created using electronic mail and word processing. Proposed for permanent retention (exclusive of supporting materials) are recordkeeping copies of sanctuary designation files, sanctuary management plan review and revision files, environmental impact statements and environmental assessments, and damage assessment and restoration files, sanctuary site evaluation records, and radioactive waste dump site files.

4. Department of Defense, National Imagery and Mapping Agency (N1-537-03-17, 2 items, 2 temporary items). Systems and equipment control files relating to printing and copying equipment. Also included are electronic copies of records created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

5. Department of State, Under Secretary for Public Diplomacy and Public Affairs (N1-59-03-6, 11 items, 5 temporary items). Schedules of daily activities covering routine non-substantive matters, routine correspondence files, and reference files. Also included are electronic copies of records created using electronic mail and word processing. Recordkeeping copies of subject, chronological, speech, and meeting files are proposed for permanent retention.

6. Department of State, Bureau of Political-Military Affairs (N1-59-03-7, 1 item, 1 temporary item). Routine correspondence and inquiries received by the Office of Defense Trade Controls. Records do not relate to specific arms export cases.

7. Department of State, Secretariat Staff (N1-59-03-8, 2 items, 1 temporary item). Logs and registers of retired records, telegrams, and memorandums for the 1950s and 1960s. Lists of memorandums of conversation with high level Soviet officials and lists of high level correspondence are proposed for permanent retention.

8. Department of State, Office of the Legal Adviser (N1-59-03-9, 1 item, 1 temporary item). Standard Forms 95, Claim for Damage, Injury, or Death, accumulated in connection with claims stemming from the bombing of the U.S. embassy in Nairobi, Kenya.

9. Department of the Treasury, Departmental Offices (N1-56-03-10, 41 items, 29 temporary items). Records common to Departmental Offices. Included are such records as program, subject, and correspondence files maintained at or below the Deputy Assistant Secretary level, chronological reading files, copies of weekly reports

submitted to high level officials, working papers and background materials relating to orders and directives, routine or informal publications, calendars and daily schedules, telephone logs, records that publicize activities not related to the agency's mission, and routine administrative records accumulated by committees and task forces. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such records as program, subject, and correspondence files maintained by an Under Secretary, Assistant Secretary, or the General Counsel, weekly reports to the Secretary submitted by an Under Secretary, Assistant Secretary, or the General Counsel, orders and directives, publications, studies, and reports, press releases, speeches made by high level officials, still pictures, sound and video recordings, posters, and minutes, agendas, and other official records of agency-sponsored committees and task forces.

10. Department of the Treasury, Office of Foreign Assets Control (N1-56-03-11, 4 items, 4 temporary items). Financial transaction files that document routine compliance actions and activities that do not require the creation of a project or case file. This schedule also reduces the retention period for one-time license authorities to release funds and inquiries requesting information on agency regulations, which were previously approved for disposal.

11. Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances (N1-412-01-12, 2 items, 2 temporary items). Certification statements and related correspondence pertaining to the importation of materials regulated under the Toxic Substances Control Act. Also included are electronic copies of records created using electronic mail and word processing.

12. General Services Administration, Public Buildings Service (N1-121-03-1, 3 items, 3 temporary items). Records relating to construction grants, including grant award documents, requests for the release of funds, balance sheets, and close out records. Also included are electronic copies of records created using electronic mail and word processing.

Dated: September 16, 2003.

Michael J. Kurtz,

*Assistant Archivist for Record Services—
Washington, DC.*

[FR Doc. 03-24164 Filed 9-23-03; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Date of Meeting

The National Credit Union Administration Board voted to reschedule the date of the previously announced open Board meeting (**Federal Register**, Vol. 68, No. 178, page 54021, September 15, 2003) scheduled for Thursday, September 18, 2003, at 10 a.m., because of the Federal Government closure due to Hurricane Isabel. The meeting will be held Wednesday, September 24, at 10 a.m. Earlier announcement of this change was not practicable.

Matters to be considered are as follows:

1. Requests from Two (2) Federal Credit Unions to Convert to Community Charters.

2. Proposed Rule: Part 708a of NCUA's Rules and Regulations, Conversion of Insured Credit Unions to Mutual Savings Banks.

3. Proposed Rule: Sections 701.20 and 741.2 of NCUA's Rules and Regulations, Suretyship and Guaranty; Maximum Borrowing Authority.

4. Final Rule: Parts 723, 702, 704, 712, and 742 of NCUA's Rules and Regulations, Member Business Loans.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone: (703) 518-63004.

Becky Baker,

Secretary of the Board.

[FR Doc. 03-24287 Filed 9-22-03; 2:00 pm]

BILLING CODE 7535-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Time of Meeting

The time of the previously announced closed Board meeting (**Federal Register**, Vol. 68, No. 178, page 54021, September 15, 2003) scheduled for Thursday, September 18, 2003, at 11:30 a.m., was changed to 9 a.m. due to the probability of inclement weather later in the day. Earlier announcement of this change was not practicable.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone: (703) 518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 03-24288 Filed 9-22-03; 2:00 pm]

BILLING CODE 7535-01-M

**OFFICE OF PERSONNEL
MANAGEMENT****Submission for OMB Review;
Comment Request for Reclearance of
a Revised Information Collection:
Scholarship for Service Program
Internet Webpage****AGENCY:** Office of Personnel
Management.**ACTION:** Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) submitted a request to the Office of Management and Budget (OMB) for reclearance of a revised information collection for the Scholarship For Service (SFS) Program Internet Webpage. Approval of the Webpage is necessary to facilitate the timely registration, selection and placement of program-enrolled students in Federal agencies.

The SFS Program was established by the National Science Foundation in accordance with the Federal Cyber Service Training and Education Initiative as described in the President's National Plan for Information Systems Protection, an outcome of Presidential Decision Directive 63. This program seeks to increase the number of qualified students entering the fields of information assurance and computer security in an effort to respond to the threat to the Federal Government's information technology infrastructure. The program provides capacity building grants to selected 4-year colleges and universities to develop or improve their capacity to train information assurance professionals. It also provides selected 4-year colleges and universities scholarship grants to attract students to the information assurance field. Participating students who receive scholarships from this program are required to serve a 10-week internship during their studies and complete a post-graduation employment commitment equivalent to the length of the scholarship or one year, whichever is longer.

We estimate 200 respondents annually. The application process takes approximately 60 minutes for a total annual burden of 200 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey at (202) 606-8358, FAX (202) 418-3251 or e-mail to mbtoomey@opm.gov. Please include your mailing address with your request.

DATES: Comments on this proposal should be received within thirty (30)

calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to:U.S. Office of Personnel Management,
ATTN: Miguel Hernandez, 8610
Broadway, Suite 305, San Antonio,
TX 78217.

and

Allyson Eydt, OPM Desk Officer, Office
of Information and Regulatory Affairs,
Office of Management and Budget,
New Executive Office Building, Room
10235, Washington, DC 20503.

Office of Personnel Management.

Kay Coles James,*Director.*

[FR Doc. 03-24080 Filed 9-23-03; 8:45 am]

BILLING CODE 6325-38-P**OFFICE OF PERSONNEL
MANAGEMENT****Proposed Collection; Comment
Request for Review of a Revised
Information Collection: SF 3112****AGENCY:** Office of Personnel
Management.**ACTION:** Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. Standard Form 3112, CSRS/FERS Documentation in Support of Disability Retirement Application, collects information from applicants for disability retirement so that OPM can determine whether to approve a disability retirement. The applicant only completes Standard Forms 3112A and 3112C. Standard Forms 3112B, 3112D, and 3112E, are completed by the immediate supervisor and the applicant's employing agency.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 12,100 applicants for disability retirement complete Standard

Forms 3112A and 3112C annually. This is a combined figure including 9,000 CSRS and 3,100 FERS applications. The SF 3112C requires approximately 60 minutes to complete. A burden of 12,100 hours is estimated for SF 3112C. SF 3112A is used each year by approximately 1,350 persons who are not Federal employees. This is a combined figure including 1,000 CSRS and 350 FERS applications. SF 3112A requires approximately 30 minutes to complete and a burden of 675 hours is estimated for SF 3112A. The total annual burden for SF 3112 is 12,775 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, Fax (202) 418-3251 or via e-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.**ADDRESSES:** Send or deliver comments to—Ronald W. Melton, Chief, Operation Support Group, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415-3540.**FOR INFORMATION REGARDING****ADMINISTRATIVE COORDINATION CONTACT:**
Cyrus S. Benson, Team Leader,
Publications Team, Support Group,
(202) 606-0623.

Office of Personnel Management.

Kay Coles James,*Director.*

[FR Doc. 03-24081 Filed 9-23-03; 8:45 am]

BILLING CODE 6325-50-P**OFFICE OF PERSONNEL
MANAGEMENT****Federal Employees' Retirement
System; Normal Cost Percentages****AGENCY:** Office of Personnel
Management.**ACTION:** Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of revised normal cost percentages for employees covered by the Federal Employees' Retirement System (FERS) Act of 1986.

DATES: The revised normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2004.

Agency appeals of the normal cost percentages must be filed no later than March 24, 2004.

ADDRESSES: Send or deliver agency appeals of the normal cost percentages

to the Board of Actuaries, care of Nancy H. Kichak, Deputy Associate Director, Center for Workforce Planning and Policy Analysis, Office of Personnel Management, Room 4307, 1900 E Street NW., Washington, DC 20415.

Send requests for actuarial assumptions and data to the Actuaries Group, Office of Personnel Management, Room 4307, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT:

Patrick Jennings, (202) 606-0299.

SUPPLEMENTARY INFORMATION:

The FERS Act of 1986, Pub. L. 99-335, created a new retirement system intended to cover most Federal employees hired after 1983. Most Federal employees hired before 1984 are under the older Civil Service Retirement System (CSRS). Section 8423 of title 5, United States Code, as added by the FERS Act of 1986, provides for the payment of the Government's share of the cost of the retirement system under FERS. Employees' contributions are established by law and constitute only a small fraction of the cost of funding the retirement system; employing agencies are required to pay the remaining costs. The amount of funding required, known as "normal cost," is the entry age normal cost of the provisions of FERS that relate to the Civil Service Retirement and Disability Fund (Fund). The normal cost must be computed by OPM in accordance with generally accepted actuarial practices and standards (using dynamic assumptions). Subpart D of part 841 of title 5, Code of Federal Regulations, regulates how normal costs are determined.

Recently, the Board of Actuaries of the Civil Service Retirement System approved a revised set of economic assumptions for use in the dynamic actuarial valuations of FERS. These assumptions were adopted after the Board reviewed statistical data prepared by the OPM actuaries and considered trends that may affect future experience under the System.

Based on its analysis, the Board concluded that it would be appropriate to assume a rate of investment return of 6.25 percent, a reduction of .50 percent from the current rate of 6.75 percent. The Board reduced the anticipated inflation rate from 3.75 percent to 3.25 percent, and reduced the projected rate of General Schedule salary increases from 4.25 percent to 4.00 percent. These salary increases are in addition to assumed in-grade increases that reflect past experience.

The new assumptions anticipate that over the long term the annual rate of investment return will exceed inflation

by 3 percent and General Schedule salary increases will exceed inflation by .75 percent a year, as compared to 3 percent and .50 percent, respectively, under the previous assumptions. In addition, due to a considerable decline in the rate of early retirements, the Board reduced its demographic assumption of the anticipated rate of early retirements.

The normal cost calculations depend on both the economic and demographic assumptions. The demographic assumptions are determined separately for each of a number of special groups, in cases where separate experience data is available. Based on the new economic assumptions and the change in the demographic assumption concerning the rate of early retirements, OPM has determined the normal cost percentage for each category of employees under § 841.403 of Title 5, Code of Federal Regulations. The Governmentwide normal cost percentages, including the employee contributions, are as follows:

	Percent
Members	17.7
Congressional employees	17.9
Law enforcement officers, members of the Supreme Court Police, firefighters, nuclear materials couriers and employees under section 302 of the Central Intelligence Agency Act of 1964 for Certain Employees	25.1
Air traffic controllers	24.4
Military reserve technicians	14.7
Employees under section 303 of the Central Intelligence Agency Act of 1964 for Certain Employees (when serving abroad)	17.2
All other employees	12.0

Under §841.408 of title 5, Code of Federal Regulations, these normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2004.

The time limit and address for filing agency appeals under §§ 841.409 through 841.412 of title 5, Code of Federal Regulations, are stated in the **DATES** and **ADDRESSES** sections of this notice.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 03-24048 Filed 9-23-03; 8:45 am]

BILLING CODE 6325-50-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-290 (Sub-No. 222X)]

**Norfolk Southern Railway Company—
Abandonment Exemption—in Mercer
County, WV, and Tazewell County, VA**

Norfolk Southern Railway Company (NSR) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.9-mile line of railroad between milepost PO-0.0 at Bluestone, Mercer County, WV, and milepost PO-1.90 at Pocahontas, Tazewell County, VA.¹ The line traverses United States Postal Service Zip Codes 24740 and 24635.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 24, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,²

¹ Authority to discontinue operations over this line was granted in *Norfolk and Western Railway Company—Discontinuance Exemption—In Mercer County, WV, and Tazewell County, VA*, Docket No. AB-290 (Sub-No. 107X) (ICC served May 10, 1990).

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 6, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 14, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. *See* 49 CFR 1002.2(f)(25).

NSR has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by September 29, 2003. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423-0001) or by calling SEA, at (202) 565-1539. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by October 24, 2004 and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at <http://www.stb.dot.gov>.

Decided: September 12, 2003.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-23855 Filed 9-23-03; 8:45 am]

BILLING CODE 4915-00-P

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Federal Register

Vol. 68, No. 185

Wednesday, September 24, 2003

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Federal Register/Code of Federal Regulations	
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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

52077-52312.....	2
52313-52484.....	3
52485-52678.....	4
52679-52830.....	5
52831-53010.....	8
53011-53280.....	9
53281-53482.....	10
53483-53664.....	11
53665-53870.....	12
53871-54122.....	15
54123-54326.....	16
54327-54650.....	17
54651-54796.....	18
54797-54978.....	19
54979-55190.....	22
55191-55260.....	23
55261-55298.....	24

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	13218 (See EO 13316).....	55255
Proclamations:	13223 (See Notice of September 10, 2003).....	53665
7463 (See Notice of September 10, 2003).....		53665
7697.....		52313
7698.....		52825
7699.....		52827
7700.....		52829
7701.....		53011
7702.....		53013
7703.....		54321
7704.....		54323
7705.....		54977
7706.....		55253
7707.....		55259
Executive Orders:		
11145 (See EO 13316).....		55255
11183 (See EO 13316).....		55255
11287 (See EO 13316).....		55255
12131 (Amended by EO 13316).....		55255
12196 (See EO 13316).....		55255
12216 (See EO 13316).....		55255
12367 (See EO 13316).....		55255
12382 (See EO 13316).....		55255
12905 (See EO 13316).....		55255
12958 (See Order of September 17, 2003).....		55257
12975 (Revoked by EO 13316).....		55255
13018 (See EO 13316).....		55255
13046 (See EO 13316).....		55255
13111 (Revoked in part by EO 13316).....		55255
13137 (See EO 13316).....		55255
13147 (Revoked by EO 13316).....		55255
13167 (See EO 13316).....		55255
13177 (Revoked in part by EO 13316).....		55255
13188 (See EO 13316).....		55255
13210 (Revoked by EO 13316).....		55255
13214 (Revoked by EO 13316).....		55255
	13224 (See Notice of September 18, 2003).....	55189
	13225 (Superseded by EO 13316).....	55255
	13227 (Revoked by EO 13316).....	55255
	13231 (See EO 13316).....	55255
	13235 (See Notice of September 10, 2003).....	53665
	13237 (See EO 13316).....	55255
	13253 (See Notice of September 10, 2003).....	53665
	13255 (See EO 13316).....	55255
	13256 (See EO 13316).....	55255
	13263 (Revoked by EO 13316).....	55255
	13265 (See EO 13316).....	55255
	13270 (See EO 13316).....	55255
	13278 (Revoked by EO 13316).....	55255
	13286 (See Notice of September 10, 2003).....	53665
	13303 (See EO 13315).....	52315
	13315.....	52315
	13316 (See EO 13316).....	55255
	Administrative Orders:	
	Memorandums:	
	Memorandum of March 28, 2001 (See Memorandum of August 29, 2003).....	52323
	Memorandum of August 29, 2003.....	52323
	Memorandum of July 22, 2003.....	53869
	Memorandum of September 12, 2003.....	53969
	Notices:	
	Notice of September 10, 2003.....	53665
	Notice of September 18, 2003.....	55189
	Presidential Determinations:	
	No. 2003-33 of August	

27, 2003.....	52679	9004.....	52531	240.....	54590	1915.....	53311
No. 2003-34 of September 9, 2003.....	54967	9034.....	52531	249.....	54590	1917.....	54298
No. 2003-35 of September 9, 2003.....	53871	12 CFR		18 CFR		1918.....	54298
No. 2003-36 of September 12, 2003.....	54325	11.....	54981	4.....	52089	1926.....	53311, 53927
No. 2003-37 of September 14, 2003.....	54971	202.....	53491	16.....	52089	30 CFR	
No. 2003-37 of September 15, 2003.....	54973	206.....	53283	141.....	52089	48.....	53037
Orders:		220.....	52486	157.....	52089	75.....	53037
Order of September 17, 2003.....	55257	229.....	52077, 53672	19 CFR		946.....	53292
5 CFR		545.....	53024	12.....	55000	Proposed Rules:	
575.....	53667	550.....	53024	20 CFR		57.....	52151
1201.....	54651	562.....	52831	416.....	53219, 53506	938.....	55106, 55134
6501.....	52681	Proposed Rules:		21 CFR		31 CFR	
6601.....	52682	614.....	53915	520.....	54658, 54803, 54804, 55199	500.....	53640
7201.....	52485	620.....	53915	522.....	54804, 54806, 55199, 55200	501.....	53640
Proposed Rules:		630.....	53915	524.....	55201	505.....	53640
300.....	53054	900.....	54396	556.....	54658	515.....	53640
310.....	55012	932.....	54396	558.....	54658, 54806	535.....	53640
930.....	52528	955.....	54396	573.....	52339	536.....	53640
7 CFR		998.....	54396	1308.....	53289, 53677	537.....	53640
245.....	53483	14 CFR		1310.....	53290	538.....	53640
301.....	53873	21.....	54520	Proposed Rules:		539.....	53640
905.....	52325, 53015, 53021	25.....	52684, 53026, 53028, 53672, 54800	1301.....	53529	540.....	53640
922.....	52329	39.....	52078, 52081, 52083, 52085, 52087, 52337, 52487, 52688, 52832, 52833, 52975, 53030, 53032, 53284, 53496, 53498, 53499, 53501, 53503, 54327, 54653, 54985, 54987, 54990, 54992, 54994, 54996, 55191, 55193, 55196	1308.....	52872	545.....	53640
923.....	52329	61.....	54520	22 CFR		550.....	53640
924.....	52329	71.....	52088, 52487, 53032, 53033, 53034, 53035, 53674, 53675, 53676, 54328, 54329	230.....	53878	560.....	53640
944.....	53021	91.....	54520	Proposed Rules:		575.....	53640
948.....	52332, 53281	95.....	54802	96.....	54064	585.....	53640
993.....	54979	97.....	53035, 53287, 54998	98.....	54119	586.....	53640
996.....	53490	119.....	54520	23 CFR		587.....	53640
1150.....	52334	121.....	53877	Proposed Rules:		588.....	53640
Proposed Rules:		125.....	53877, 54520	650.....	53063	590.....	53640
51.....	52857	135.....	53877, 54520	24 CFR		591.....	53640
246.....	53903	142.....	54520	972.....	54600	594.....	53640
319.....	53910	250.....	52835	982.....	54335	595.....	53640
931.....	53306	1260.....	54654	Proposed Rules:		596.....	53640
991.....	52860	Proposed Rules:		972.....	54624	597.....	53640
1000.....	52860	39.....	52145, 52148, 52539, 52720, 52862, 52864, 52865, 52868, 52870, 53055, 53058, 53061, 53309, 54400, 54680, 54682, 54684, 54686, 54688, 54690, 54691, 54694, 54862, 54864, 54866, 54869, 54872, 54874	650.....	53063	598.....	53640
1001.....	52860	52720, 52862, 52864, 52865, 52868, 52870, 53055, 53058, 53061, 53309, 54400, 54680, 54682, 54684, 54686, 54688, 54690, 54691, 54694, 54862, 54864, 54866, 54869, 54872, 54874		25 CFR		Proposed Rules:	
1005.....	52860	71.....	52148, 52150, 53925, 55012, 55013, 55015	Proposed Rules:		1.....	55016
1006.....	52860	15 CFR		972.....	54600	500.....	53662
1007.....	52860	772.....	54655	982.....	54335	501.....	53662
1030.....	52860	774.....	54655	Proposed Rules:		505.....	53662
1032.....	52860	Proposed Rules:		972.....	54624	515.....	53662
1033.....	52860	764.....	54402	1000.....	53926	535.....	53662
1124.....	52860	766.....	54402	26 CFR		536.....	53662
1126.....	52860	801 (2 documents).....	55202, 55204	1.....	52487, 52496, 52975, 52986, 53219, 54336	537.....	53662
1131.....	52860	16 CFR		31.....	54336	538.....	53662
1135.....	52860	1512.....	52690	301.....	52463, 52496, 54336, 54660	539.....	53662
9 CFR		17 CFR		Proposed Rules:		540.....	53662
82.....	54797	4.....	52836, 53430	Ch. 1.....	52151	545.....	53662
94.....	53873	232.....	53289	27 CFR		550.....	53662
10 CFR		Proposed Rules:		555.....	53509	555.....	53662
50.....	54123	764.....	54402	Proposed Rules:		557.....	53662
52.....	54123	766.....	54402	9.....	52875, 54696	558.....	53662
72.....	54143	801 (2 documents).....	55202, 55204	252.....	55281	590.....	53662
11 CFR		19 CFR		29 CFR		591.....	53662
Proposed Rules:		31.....	54268	31.....	52466, 53687	594.....	53662
106.....	52529	4022.....	53880	515.....	53509	595.....	53662
110.....	52531	4044.....	53880	Proposed Rules:		596.....	53662
113.....	52531	Proposed Rules:		9.....	52875, 54696	597.....	53662
		239.....	54644	252.....	55281	598.....	53662

11753050, 53513, 54807, 55005	27152113	45 CFR	49 CFR
16552096, 52098, 52340, 52508, 53677	28153520	7452843	10552844
Proposed Rules:	35552978	9252843	10752844
10053533	Proposed Rules:	30253052	17152844
11752722, 53079, 55020	Ch. I53687	30353052	17252363
16553928, 53930, 53932, 53935, 54177, 54700	3054405	110552701	17852363
36 CFR	3154405		18052363
21953294	3354405	47 CFR	19253895
24255006	3554405	052517	19553526
128053680, 53882	4054405	153523	54154857
37 CFR	5152373, 53081	254173	57154861
Proposed Rules:	5252152, 52154, 52155, 52555, 52724, 52879, 53937, 54179, 54181, 54182, 54186, 54190, 54194, 54195, 54406, 54705	2054173	59654861
153816	6154794	5152276, 53524	Proposed Rules:
553816	6254407	5452363	7153082
38 CFR	7052724, 54195, 54406, 54407	6453891	17153314
2053681, 53682	8154705, 55022	7353052, 53304, 54394, 54854, 54855, 54856	17353314
Proposed Rules:	9454961	7652127	18053314
154704	14155023	9054678	38553535
254704	14255023	Proposed Rules:	39053535
39 CFR	14355023	Ch. I53696	57154879, 55217
11152100, 54664	19452724	152156, 52879	115252168
Proposed Rules:	22853687	252156, 52879	
300152546	26155206	1552156	50 CFR
40 CFR	27152156	2553702	1755140
5252104, 52106, 52110, 52510, 52512, 52691, 52837, 52838, 53515, 53883, 53887, 53891, 54160, 54163, 54167, 54362, 54366, 54672	43753432	2752156	10055006
6154790	41 CFR	5152307, 53311	21652132
6254369	51-353684	7354408, 54878, 54879	22354934
7052517, 52691, 54170, 54366, 54374	51-453684	8752156	63552140
8153515, 54672, 55008	102-2853219	9552879	64852141, 53528, 55010
8252841, 54677	42 CFR	9752156	66052519, 52523, 52703, 53053, 53685
9454956	41353222	48 CFR	67952141, 52142, 52718, 52856, 53686, 54395
13654934	48253222	53852127	Proposed Rules:
18052343, 52353, 52354, 52695, 53297, 54377, 54386, 54961, 55261, 55269	48953222	55252127	1352727, 53320
26153517	Proposed Rules:	92352129	1653705, 54409
	41253266	97052129	1752169, 53083, 53320, 53327, 53947
	100153939	180453525	2152727
	44 CFR	Proposed Rules:	22353947, 55023
	6252700	154294	22453947
	6554843, 54845	2554296	62253706
	6754851, 54852	3654294	63554410, 54885
	Proposed Rules:	5354294	64855283
	6754877	22553945	66052732, 53101, 55240, 53334
		24653946	67952173, 52378
		25253945	
		80653705	
		990453312	

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 24, 2003**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

Fishery conservation and management:

- Alaska; fisheries of Exclusive Economic Zone—
- American Fisheries Act; provisions; published 8-25-03

ENVIRONMENTAL PROTECTION AGENCY

- Pesticides; tolerances in food, animal feeds, and raw agricultural commodities: Cyromazine; published 9-24-03
- Sulfentrazone; published 9-24-03

FEDERAL COMMUNICATIONS COMMISSION

- Common carrier services: Americans with Disabilities Act; implementation—
- Individuals with hearing and speech disabilities; telecommunications relay services and speech-to-speech services; published 8-25-03

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

- Airworthiness directives: Boeing; published 8-20-03
- Learjet; published 8-20-03
- McDonnell Douglas; published 8-20-03
- Rolls-Royce plc; published 9-9-03

TRANSPORTATION DEPARTMENT**Surface Transportation Board**

- Fees: Licensing and related services—
- 2003 update; published 8-25-03

VETERANS AFFAIRS DEPARTMENT

- Adjudication; pensions, compensation, dependency, etc.:

Herbicide exposure, disability or death caused by; effective dates of benefits; disposition of unpaid benefits after death of beneficiary; published 8-25-03

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

- Raisins produced from grapes grown in California
 - Reserve raisins intended for use as cattle feed; additional storage payment reduction; comments due by 9-29-03; published 7-31-03 [FR 03-19492]

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

- Interstate transportation of animals and animal products (quarantine): Exotic Newcastle disease; quarantine area designations—
- Arizona, California, Nevada, and Texas; portions removed; comments due by 10-3-03; published 8-4-03 [FR 03-19695]

AGRICULTURE DEPARTMENT**Federal Crop Insurance Corporation**

- Crop insurance regulations: Blueberries; comments due by 9-29-03; published 7-30-03 [FR 03-19344]

**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

- Fishery conservation and management: Alaska; fisheries of Exclusive Economic Zone—
- Groundfish Observer Program; comments due by 10-3-03; published 9-3-03 [FR 03-22456]
- Pacific cod; comments due by 10-2-03; published 8-18-03 [FR 03-21048]
- Atlantic highly migratory species—
- Atlantic shark; comments due by 9-30-03;

published 8-12-03 [FR 03-20516]

Atlantic shark; comments due by 10-3-03; published 9-19-03 [FR 03-24113]

Atlantic tunas, swordfish, and sharks; comments due by 9-30-03; published 8-1-03 [FR 03-19522]

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 10-2-03; published 9-5-03 [FR 03-22669]

West Coast salmon; comments due by 9-29-03; published 9-12-03 [FR 03-23204]

Western Pacific bottomfish; comments due by 9-29-03; published 8-28-03 [FR 03-22040]

DEFENSE DEPARTMENT

Civilian health and medical program of uniformed services (CHAMPUS):

- TRICARE program—
- Nonavailability statement, referral authorization requirements, and specialized treatment services program elimination; comments due by 9-29-03; published 7-31-03 [FR 03-19452]

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

- Electric utilities (Federal Power Act):
- Small generator interconnection agreements and procedures; standardization; comments due by 10-3-03; published 8-19-03 [FR 03-20155]

ENVIRONMENTAL PROTECTION AGENCY

Air programs:

- Ambient air quality standards, national—
- Volatile organic compounds, exclusion of 4 compounds; revision; comments due by 10-3-03; published 9-3-03 [FR 03-22449]

Air quality implementation plans; approval and promulgation; various States:

- Michigan; comments due by 10-2-03; published 9-2-03 [FR 03-22155]

Minnesota; comments due by 10-2-03; published 9-2-03 [FR 03-22157]

Hazardous waste program authorizations:

South Carolina; comments due by 10-2-03; published 9-2-03 [FR 03-22311]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Bacillus subtilis var. amyloliquefaciens (strain FZB24); comments due by 9-29-03; published 7-30-03 [FR 03-19134]

Boscalid; comments due by 9-29-03; published 7-30-03 [FR 03-19357]

Water pollution; effluent guidelines for point source categories:

Meat and poultry products processing facilities; comments due by 9-29-03; published 8-13-03 [FR 03-20524]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

- Interconnection—
- Incumbent local exchange carriers; unbundling obligations; correction; comments due by 10-2-03; published 9-10-03 [FR 03-22970]

Interconnection—

- Incumbent local exchange carriers; unbundling obligations; comments due by 10-2-03; published 9-2-03 [FR 03-22194]

FEDERAL RESERVE SYSTEM

Bank holding companies and change in bank control (Regulation Y):

- Anti-tying restrictions; exception; comments due by 9-30-03; published 8-29-03 [FR 03-22090]

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Food for human consumption:

- Milk, cream, and yogurt products; lowfat and nonfat yogurt standards revocation petition; yogurt and cultured milk standards amendment; comments due by 10-1-03; published 7-3-03 [FR 03-16789]

HOMELAND SECURITY DEPARTMENT**Coast Guard**

Anchorage regulations:

Florida; comments due by 9-30-03; published 8-1-03 [FR 03-19647]

Marine casualties and investigations:

Chemical testing following serious marine incidents; comments due by 9-30-03; published 8-25-03 [FR 03-21643]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

FHA programs; introduction:

Tax credit proceeds distribution; comments due by 9-29-03; published 7-30-03 [FR 03-19286]

Public and Indian housing:

Over-income families; public housing agencies discretion in treatment; comments due by 9-30-03; published 8-1-03 [FR 03-19623]

INTERIOR DEPARTMENT

Indian Affairs Bureau

Law and order on Indian reservations:

Paiute-Shoshone Indian Tribe of Fallon Reservation and Colony, NV; Court of Indian Offenses removed; comments due by 9-29-03; published 7-30-03 [FR 03-19314]

LABOR DEPARTMENT

Occupational Safety and Health Administration

Safety and health standards, etc.:

Respiratory protection—Assigned protection factors; comments due by 10-2-03; published 9-10-03 [FR 03-23078]

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:

Economic Growth and Regulatory Paperwork Reduction Act of 1996; implementation—Regulatory review for reduction of burden on federally-insured credit unions; comments due by 10-1-03; published 7-3-03 [FR 03-16795]

PERSONNEL MANAGEMENT OFFICE

Competitive service and status; regulatory review; comments due by 9-29-03; published 7-31-03 [FR 03-19470]

Physicians' comparability allowances; comments due by 9-29-03; published 7-29-03 [FR 03-19088]

POSTAL RATE COMMISSION

Practice and procedure:

Baseline and functionality equivalent negotiated service agreements; docket establishment; comments due by 9-29-03; published 9-4-03 [FR 03-22478]

POSTAL SERVICE

Domestic Mail Manual:

Move update and address matching requirements; changes; comments due by 9-29-03; published 8-28-03 [FR 03-22048]

SMALL BUSINESS ADMINISTRATION

Business loans:

Maximum loan guaranty and gross loan amounts, guaranteed financing percentages, etc.; comments due by 9-29-03; published 8-28-03 [FR 03-22012]

SOCIAL SECURITY ADMINISTRATION

Social security benefits and supplemental security income:

Vocational rehabilitation services, employment services, or other support services programs; benefit payments to participating individuals; comments due by 9-30-03; published 8-1-03 [FR 03-19541]

TRANSPORTATION DEPARTMENT

Aviation economic regulations:

Air carrier continuing fitness determinations involving citizenship issue; supporting data; comments due by 9-29-03; published 7-30-03 [FR 03-19455]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Supersonic aircraft noise; technical information request; workshop; comments due by 9-30-03; published 5-23-03 [FR 03-13038]

Airworthiness directives:

Boeing; comments due by 9-29-03; published 8-15-03 [FR 03-20836]

Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 10-3-03; published 9-8-03 [FR 03-22706]

McDonnell Douglas; comments due by 9-29-

03; published 8-14-03 [FR 03-20715]

Rolls-Royce plc; comments due by 9-29-03; published 7-30-03 [FR 03-19310]

Class D airspace; comments due by 9-29-03; published 7-28-03 [FR 03-19166]

Class E airspace; comments due by 9-29-03; published 8-18-03 [FR 03-21081]

Restricted areas; comments due by 9-29-03; published 8-14-03 [FR 03-20772]

Restricted areas; correction; comments due by 9-29-03; published 8-22-03 [FR C3-20772]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Occupant crash protection—Head impact; comments due by 9-29-03; published 8-28-03 [FR 03-22010]

TRANSPORTATION DEPARTMENT

Surface Transportation Board

Railroad services abandonment:

Public participation in abandonment proceedings; comment request; comments due by 10-2-03; published 9-2-03 [FR 03-22292]

TREASURY DEPARTMENT

Foreign Assets Control Office

Sierra Leone and Liberia sanctions regulations; rough diamonds; comments due by 10-3-03; published 8-4-03 [FR 03-19821]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Compensatory stock options transfers; cross-reference; comments due by 9-30-03; published 7-2-03 [FR 03-16787]

Golden parachute payments; comments due by 10-3-03; published 8-4-03 [FR 03-19274]

Procedure and administration:

Capital account revaluations; comments due by 9-30-03; published 7-2-03 [FR 03-16788]

VETERANS AFFAIRS DEPARTMENT

Medical benefits:

Non-VA physician services associated with outpatient

or inpatient care at non-VA facilities; payment; comments due by 9-29-03; published 7-29-03 [FR 03-19174]

Sensori-neural aids; extension to Purple Heart recipients; comments due by 9-29-03; published 7-31-03 [FR 03-19441]

LIST OF PUBLIC LAWS

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H.R. 1668/P.L. 108-80

To designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the "Ed Edmondson United States Courthouse". (Sept. 17, 2003; 117 Stat. 990)

Last List September 8, 2003

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