

impairment of reproductive function was noted at any dose. The parental and developmental NOAEL are both 12 mg/kg/day. Mild effects in both the parents and pups were noted at 118 mg/kg/day and consisted of an increased incidence of hepatic centrilobular hypertrophy in parents and, in the pups, slightly decreased body weight and body weight gain (7%) in F<sub>2</sub> generation only, and only in males. At 1,183 mg/kg/day paternal effects included decreased body weights and food consumption, increased liver weights and increased incidence of hepatic centrilobular hypertrophy and degeneration. Pup effects at this dose were an increase in pup mortality in the F<sub>2</sub> only and decreased body weight in F<sub>1</sub> and F<sub>2</sub>.

ii. *Reference dose.* In all reproductive studies, the NOAEL's for developmental effects were either equal to or higher than those for the parents. Therefore, BAS 510 F shows no selective toxicity for the young. In addition, there were no direct neurotoxicity effects noted in either the acute or subchronic neurotoxicity studies.

Based on these results, no additional safety factors to protect children are warranted. Since the reproductive studies NOAEL's are higher than the RfD calculated from the chronic rat study, BASF believes the Reference Dose of 0.05 mg/kg/day is also appropriate to measure safety for infants and children. Therefore, the chronic Population Adjusted Dose (cPAD) is also 0.05 mg/kg bw/day.

#### F. International Tolerances

A maximum residue level (MRL) has not been established for BAS 510 F in any crop by the Codex Alimentarius Commission.

[FR Doc. 03-27955 Filed 11-5-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7583-8]

### Regulatory Innovation Pilot Projects (Project XL)

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

**ACTION:** Notice of availability of the final project agreement modifications to Buncombe County Leachate Recirculation/Gas Recovery (Bioreactor) Project XL pilot.

**SUMMARY:** EPA is requesting comments on modifications to the Project XL Final Project Agreement (FPA) for Buncombe County. The FPA is a voluntary agreement that was developed

collaboratively by Buncombe County, the North Carolina Department of Environment and Natural Resources (NCDENR), and EPA. The original FPA was agreed upon and signed by each participant on September 18, 2001. Since that time, Buncombe County has utilized the expertise of a couple of widely-recognized experts in the bioreactor field—Dr. Morton Barlaz (North Carolina State University), and Dr. Debra Reinhart (University of Central Florida). These technical experts have made a few professional recommendations to Buncombe County regarding the Buncombe County bioreactor landfill project. These recommendations have been documented in a Preliminary Design Report (PDR) submitted to EPA and the State in September 2002. The Preliminary Design Report contains a table that lays out seven specific proposed FPA modifications. For each of the proposed modifications, the table identifies: the FPA agreed-upon original criteria, proposed modification to FPA language, and reason for the modification. The recommendations are based upon the best professional judgement of the technical experts being utilized by Buncombe County. The FPA modifications will help to further clarify the existing FPA. The FPA modifications also identify what parameters the recognized experts perceive to be necessary (e.g., where the original FPA language may have been silent), or unnecessary and not very useful. The proposed FPA modifications contain suggestions for specific parameters that are directly applicable to the decomposition of wastes, thereby steering the State of North Carolina, EPA, and Buncombe County towards more useful and consistent measuring of critical data. EPA has determined that these FPA modifications would not warrant a change to the rule; however, EPA is providing notice to the public and stakeholders regarding these modifications to the FPA for Buncombe County.

The Project XL program, announced in the **Federal Register** on May 23, 1995 (60 FR 27282), gives regulated entities the flexibility to develop alternative strategies that will replace or modify specific regulatory or procedural requirements on the condition that they produce greater environmental benefits. In 1995, EPA had set a goal of implementing fifty XL projects undertaken in full partnership with the States. The Agency had achieved the goal of implementing 50 innovative pilot projects, and as of January, 2003 EPA is no longer accepting proposals for

new Project XL pilot projects. The implementation of several of these innovative pilots is on-going. Buncombe County is one of the many innovative pilots that is currently in the implementation phase.

In the Final Project Agreement, Buncombe County proposes to use certain bioreactor techniques (e.g., leachate recirculation) at its municipal solid waste landfill (MSWLF), to accelerate the biodegradation of landfill waste and decrease the time it takes for the waste to stabilize in the landfill. The principal objectives of this bioreactor XL project are to evaluate performance of an alternative landfill liner and to assess waste decomposition when recirculated leachate is added to the landfill. To achieve the objectives of the project, Buncombe County proposes to recirculate leachate in MSWLF cells to be constructed with a liner that differs in certain respects from the liner design specified in the Subtitle D regulations. In order to carry out this project, Buncombe County sought relief from current Resource Conservation and Recovery Act (RCRA) Subtitle D regulations (40 CFR part 258), which set forth design and operating criteria. Buncombe County desires to construct the remainder of its landfill cells with an approved alternative liner while implementing this leachate recirculation/gas recovery project. Buncombe County also sought regulatory flexibility from the prohibition in 40 CFR 258.28, Liquid Restrictions, which precludes the addition of useful bulk or non-containerized liquid amendments. During periods of low leachate generation, Buncombe County wanted to be able to supplement the leachate flow with water from the adjoining French Broad River to maintain moisture levels in the landfill. Some of the superior environmental benefits that Buncombe County expects to achieve with this project include: Improved leachate quality; reduction in the potential for uncontrolled releases of leachate to contaminate the groundwater, or gas to contaminate the air during the post-closure phase (should a containment system failure occur); increased gas yield and capture; rapid waste biodegradation and stabilization; increased lifespan of the landfill resulting in less need for construction of additional landfills; reduced post-closure costs; and faster reclamation of land for future use. The Buncombe County proposal is one of several bioreactor XL project proposals that are currently being implemented through the Project XL program. This

project to allow recirculation of leachate using an alternative landfill liner design will apply only to the Buncombe County Landfill in Asheville, North Carolina and the specific landfill cells at that landfill. Modifications to the terms and conditions pertaining to this XL pilot project are contained in the Final Project Agreement (FPA), on which EPA is requesting comment today. The FPA sets forth the intentions of EPA, Buncombe County, and the State of North Carolina with regard to the implementation of the project and the expected benefits. After review of the comments received during the public comment period and revision of the FPA, as appropriate, the FPA modification will be signed by representatives from the EPA, the State of North Carolina, and Buncombe County.

The legal implementing mechanism for this project is a site-specific rule. The proposed rule was made available for public comment on April 16, 2001 (66 FR 19403). The final rule was promulgated on August 22, 2001 (66 FR 44061). Through the final rule, the design of the bioreactor landfill is enforceable in the same way that current RCRA standards for landfills are enforceable to ensure that management of nonhazardous solid waste is performed in a manner that is protective of human health and the environment. The Final Project Agreement and the site-specific rule do not in any way affect the provisions or applicability of any other existing or future regulations.

**DATES:** The period for submission of comments ends on December 8, 2003.

**ADDRESSEES:** All comments on the modification to the Final Project Agreement should be sent to: Sherri Walker, U.S. EPA, Ariel Rios Building, Mail Code 1807, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Comments may also be received via electronic mail sent to: [walker.sherri@epa.gov](mailto:walker.sherri@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the Project Fact Sheet or the Final Project Agreement, contact: Sherri Walker, U.S. Environmental Protection Agency, Mail Code 1807, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The FPA and related documents are also available via the Internet at the following location: <http://www.epa.gov/projectxl/buncombe/index.htm>. In addition, the original FPA and modified FPA are available at the Buncombe County General Services Department, 30 Valley Street, Asheville, NC. Questions to EPA regarding the documents can be directed to Sherri Walker at (202) 566-2186. To

be included on the Buncombe County Project XL mailing list about future public meetings, XL progress reports and other mailings from Buncombe County on the XL project, contact Bob Hunter, Director, Buncombe County General Services Department, (828) 250-5466. For information on all other aspects of the XL Program, contact Donna Perla at the following address: Office of Policy and Environmental Innovation, U.S. EPA, Mail Code 1807, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Additional information on Project XL, including documents referenced in this notice, other EPA policy documents related to Project XL, regional XL contacts, application information, and descriptions of existing XL projects and proposals, is available via the Internet at <http://www.epa.gov/projectxl>.

Dated: October 31, 2003.

**Donna Perla,**

*Acting Director, Office of Environmental Policy Innovation.*

[FR Doc. 03-27952 Filed 11-5-03; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:49 a.m. on Tuesday, November 4, 2003, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director James E. Gilleran (Director, Office of Thrift Supervision), seconded by Vice Chairman John M. Reich, concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: November 4, 2003.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. 03-28147 Filed 11-4-03; 3:57 pm]

**BILLING CODE 6714-01-M**

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 1, 2003.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *New Century Bancorp, Inc.*, Dunn, North Carolina; to acquire 100 percent of the voting shares of New Century Bank of Fayetteville, Fayetteville, North Carolina.