

off months and the amount of wake damage to private and commercial property on Tongass Narrows would most likely increase. The Coast Guard agreed that the rule should apply year around and made no changes.

One comment favored the creation of a high-speed traffic corridor through the middle of the waterway. Other commenters felt that creating a high-speed corridor would unreasonably increase the risk to vessels operating on Tongass Narrows. This proposal was not adopted. No comments were received concerning the 2000 interim rule, which revised the 1999 interim rule to reflect the above comments.

#### Discussion of the Change to the Final Rule

Since no comments were received concerning the proposed revisions to the 1999 interim rule as contained in the 2000 revised interim rule, the final rule shall adopt the language contained in the 2000 revised interim rule. By exempting "vessels of 23 feet registered length or less," the traffic congestion in the affected areas of Tongass Narrows should be eased and the safety of the small vessel operators enhanced. With the exemption for these small vessels, they will be able to depart from, or transit through the congested areas more quickly. This in turn should ease congestion and reduce navigational conflicts that have arisen from slow moving small boats and cruise ships and other large waterway users and will allow them to spend less time on the water during periods of inclement weather. Large wakes should not become a problem as the exemption is still limited to smaller vessels and because Tongass Narrows regularly experiences substantial wave action that is equivalent to the wake from these smaller vessels. The impacts to the charter fleet are considered minimal because the revised interim rule exempts only 12 of 152 charter vessels that are over 20 feet in length. The final rule retains the 7-knot speed limit for all other vessels except floatplanes and public law enforcement and emergency response vessels.

#### Regulatory Evaluation

The analysis we conducted in connection with the interim rule remains unchanged, and the Analysis Documentation prepared for the interim rule remains in the docket. This Final Rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that

Order. The Office of Management and Budget (OMB) has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS). Please consult the Regulatory Evaluation provided in the interim rule for further information.

#### List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

■ For the reasons discussed in the preamble, the Coast Guard adopts as final without further change the Interim Rule published on June 2, 1999 (64 FR 29554), and corrected on June 15, 1999 (64 FR 32103), and further revised on April 7, 2000 (65 FR 18242).

Dated: April 5, 2005.

**David W. Ryan,**

*Captain, U.S. Coast Guard, Commander, Seventeenth Coast Guard District, Acting.*  
[FR Doc. 05-7894 Filed 4-19-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-05-006]

#### Security and Safety Zone: Protection of Large Passenger Vessels, Portland, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement.

**SUMMARY:** The Captain of the Port Portland, OR will begin, on May 5, 2005, enforcing a small area of the greater Large Passenger Vessel Security and Safety Zones that were established in September 2003. The zones provide for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters. These security and safety zones will be enforced for passenger cruise ships only and only from the mouth of the Columbia River at buoy 14 upriver to, and including, Astoria, OR, until further notice.

**DATES:** This notice of enforcement for 33 CFR 165.1318 will be effective commencing May 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** LT Tad Drozdowski, c/o Captain of the Port Portland, OR 6767 North Basin Avenue Portland, OR 97217 at (503) 240-9301 to obtain information concerning enforcement of this rule.

**SUPPLEMENTARY INFORMATION:** On September 12, 2003, the Coast Guard published a final rule (68 FR 53677)

establishing regulations in 33 CFR 165.1318 for the security and safety of large passenger vessels in the navigable waters of Portland, OR and adjacent waters of Oregon and Washington. These security and safety zones provide for the regulation of vessel traffic in the vicinity of certain large passenger vessels (as defined in § 165.1318 (b)) and exclude persons and vessels from the immediate vicinity of these large passenger vessels.

On May 5, 2005, for passenger cruise ships only, the Captain of the Port, Portland, OR will begin enforcing only the area of the Large Passenger Vessel Safety and Security Zones, which were established in 33 CFR 165.1318, from the mouth of the Columbia River at buoy 14 upriver to, and including, Astoria, OR. Entry into these zones is prohibited unless otherwise exempted or excluded under the final rule or unless authorized by the Captain of the Port or his designee. The Captain of the Port may be assisted by other Federal, State, or local agencies in enforcing this security zone. These security and safety zones will be enforced until further notice.

Dated: April 7, 2005.

**Paul D. Jewell,**

*Captain, U.S. Coast Guard, Captain of the Port, Portland, OR.*

[FR Doc. 05-7895 Filed 4-19-05; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[GU122-NBK; FRL-7888-4]

#### Revisions to the Territory of Guam State Implementation Plan, Update to Materials Incorporated by Reference

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

**ACTION:** Final rule; notice of administrative change.

**SUMMARY:** EPA is updating the materials submitted by the Territory of Guam that are incorporated by reference (IBR) into the Territory of Guam State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the territorial agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), Office of Air and Radiation Docket and Information, and the Regional Office.

**DATES:** *Effective Date:* This rule is effective on May 20, 2005.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations and on line at EPA Region IX's Web site:

Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Guam Environmental Protection Agency, 15-6101 Mariner Avenue, Tiyan, Guam 96913.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, EPA Region IX, (415) 947-4126, [rose.julie@epa.gov](mailto:rose.julie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background
  - A. State Implementation Plan History and Process.
  - B. Content of Revised IBR Document.
  - C. Revised Format of the "Identification of the Plan" Section in Subpart AAA.
  - D. Enforceability and Legal Effect.
  - E. Notice of Administrative Change.
- II. Public Comments.
- III. Statutory and Executive Order Reviews.

**I. Background**

*A. State Implementation Plan History and Process.*

Each State is required to have a SIP that contains the control measures and strategies that will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in Part 52, Approval and Promulgation of Implementation Plans, Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by

reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insures that the State is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a State not enforce its SIP-approved regulations.

The SIP is a living document that the State can revise as necessary to address the unique air pollution problems in the State. From time to time, therefore, EPA must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultations between EPA and OFR. EPA began the process of developing (1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures, and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

*B. Content of Revised IBR Document*

The new SIP compilations contain the federally-approved portion of regulations submitted by each State agency. These regulations have all been approved by EPA through previous rule making actions in the **Federal Register**. The compilations are stored in hard covered folders and will be updated, usually on an annual basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains nonregulatory provisions that have been EPA-approved. Each part consists of a table of identifying information for each regulation and each nonregulatory provision. The table of identifying information corresponds to the table of contents published in 40 CFR part 52 for each State and Territory. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region IX EPA Office developed and will maintain the compilation for the Territory of Guam. A copy of the full text of each State's current compilation will also be maintained at the Office of the Federal

Register and EPA's Air Docket and Information Center.

*C. Revised Format of the "Identification of Plan" Section in Subpart AAA*

In order to better serve the public, EPA is revising the organization of the "Identification of plan section" including additional information that will make it clearer as to what provisions constitute the enforceable elements of the SIP.

The revised Identification of plan section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

*D. Enforceability and Legal Effect*

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraph (c), (d), or (e) of the applicable Identification of plan found in each subpart of 40 CFR part 52. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original Identification of plan section, previously appearing in the CFR as the first section of part 52 for subpart AAA, Guam.

*E. Notice of Administrative Change*

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to State programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

**II. Public Comments**

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) that, upon finding "good cause," authorizes agencies to dispense with public participation; and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions that are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause

where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

### III. Statutory and Executive Order Reviews

#### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. 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) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, 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 by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898

(59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA’s compliance with these statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State’s rules.

#### B. Submission to Congress and the Comptroller General

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today’s action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective April 20, 2005. 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 the rule in the **Federal Register**. These corrections to the identification of plan for the Territory of Guam are not a “major rule” as defined by 5 U.S.C. 804(2).

#### C. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the

Territory of Guam SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for these “Identification of plan” reorganization actions for the Territory of Guam.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 22, 2005.

**Jane Diamond,**

*Acting Regional Administrator.*

■ Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

■ 1. The authority citation for Part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

#### Subpart AAA—Guam

##### § 52.2670 [Redesignated as § 52.2673]

■ 2. Section 52.2670 is redesignated as § 52.2673 and the Section heading and paragraph (a) are revised to read as follows:

##### § 52.2673 Original identification of plan.

(a) This section identified the original “Implementation Plan for Compliance With the Ambient Air Quality Standards for the Territory of Guam” and all revisions submitted by the Territory of Guam that were federally approved prior to January 1, 2005.

\* \* \* \* \*

■ 3. A new § 52.2670 is added to read as follows:

##### § 52.2670 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Guam under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to January 1, 2005, was approved for incorporation by reference

by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after January 1, 2005, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region IX certifies that the rules/regulations provided by EPA in

the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of January 1, 2005.

(3) Copies of the materials incorporated by reference may be inspected at the Region IX EPA Office at 75 Hawthorne Street, San Francisco, CA 94105; the Air and Radiation Docket and Information Center, U.S.

Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) EPA approved regulations.

TABLE 52.2670.—EPA APPROVED TERRITORY OF GUAM REGULATIONS

State citation	Title/subject	Effective date	EPA approval date	Explanation
Air Pollution Control Standards and Regulations.	Table of Contents .....	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 01 .....	Definitions (1.1–1.17, 1.20–1.43) .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 02.1–02.2 .....	Ambient Air Quality Standards .....	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 02.3–02.4 .....	Ambient Air Quality Standards .....	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 03.01–03.09 .....	Permits Required, etc. ....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 03.10, 3.11 and 03.13	Responsibility of the Permit Holder, etc. (for complex sources only).	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 04.1–04.4 .....	Monitoring, Records and Reporting .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 05.1–05.2 .....	Sampling and Testing Methods .....	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 05.3 .....	Sampling and Testing Methods .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 06.1 .....	Control of Open Burning .....	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 06.2 .....	Exceptions .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 06.3 .....	Outdoor Cooking Waiver .....	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 07.1 .....	Control of Particulate Emissions from Process Industries.	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 07.2–07.3 .....	Process Weight .....	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 07.4–07.5 .....	Process Weight Table .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 08.1–08.2 .....	Control of Fugitive Dust .....	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 08.3–08.6 .....	Specific Requirements .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 08.8–08.9 .....	Compliance Schedule .....	08/08/1973	12/19/1978 43 FR 48638.	
Chapter 09.1–09.9 .....	Control of Particulate Emission from Incinerator; Design and Operation.	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 10.1–10.2 .....	Control of Visible Emission of Particulates for Stationary Sources.	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 11.1–11.3 .....	Control of Odors in Ambient Air .....	01/13/1972	05/31/1972 37 FR 10842.	
Chapter 12.1; 12.2 & 12.4 .....	Air Pollution Emergencies .....	08/24/1979	05/12/1981 46 FR 26303.	
Chapter 13.1 .....	Control of Sulfur Dioxide Emissions .....	08/24/1979	05/12/1981 46 FR 26303.	For All Sources except Tanguisson Power Plant Compliance Order for Inductance.
Chapter 13.1 .....	Addendum to 13.1 .....	01/28/1980	05/12/1981 46 26303 ....	
Chapter 13.2 .....	Control of Sulfur Dioxide Emissions .....	01/13/1972	05/31/1972 37 FR 10842.	For Tanguisson Power Plant only.
Chapter 13.3 & 13.4 .....	Control of Sulfur Dioxide Emissions .....	08/24/1979	03/06/1980 45 FR 14559.	
Chapter 14.1–14.7 .....	Motor Vehicle Pollution Control .....	08/24/1979	05/12/1981 46 FR 26303.	

TABLE 52.2670.—EPA APPROVED TERRITORY OF GUAM REGULATIONS—Continued

State citation	Title/subject	Effective date	EPA approval date	Explanation
Chapter 17.1–17.4 .....	Appeal Procedures, Circumvention, Severability, and Effective Date.	12/11/1981	09/30/1982 47 FR 43054.	

(d) EPA approved State source specific requirements.

Name of source	Permit no.	Effective date	EPA approval date	Explanation
none .....				

(e) [Reserved].  
 [FR Doc. 05–7806 Filed 4–19–05; 8:45 am]  
 BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP–2005–0092; FRL–7709–3]

**Propiconazole; Re-Establishment of Tolerance for Emergency Exemption**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation re-establishes a time-limited tolerance for combined residues of the fungicide propiconazole and its metabolites in or on blueberry at 1.0 parts per million (ppm) for an additional 2-1/2 year period. This tolerance will expire and is revoked on December 31, 2007. This action is in response to EPA’s granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on blueberries. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

**DATES:** This regulation is effective April 20, 2005. Objections and requests for hearings must be received on or before June 20, 2005.

**ADDRESSES** To submit a written objection or hearing request follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under docket identification (ID) number OPP–2005–0092. All documents in the docket are

listed in the EDOCKET index at <http://www.epa.gov/edocket>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., 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.

**FOR FURTHER INFORMATION CONTACT:** Andrea Conrath, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–9356; e-mail address: [conrath.andrea@epa.gov](mailto:conrath.andrea@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, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 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 Access Electronic Copies of this Document and Other Related Information?*

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), 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 E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

**II. Background and Statutory Findings**

EPA issued a final rule, published in the **Federal Register** of January 20, 1999 (64 FR 2995) (FRL–6049–8), which announced that on its own initiative under section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the FQPA (Public Law 104–170), it established a time-limited tolerance for the combined residues of propiconazole and its metabolites in or on blueberry at 1.0 ppm, with an expiration date of December 31, 1999. This time-limited tolerance was subsequently extended via a **Federal Register** notice published on March 28, 2002 (67 FR 14866) (FRL–6828–3), which had the effect of extending the time-limited tolerance for blueberry until December 31, 2003. EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such