

and apprehend violators. Even though the agency has claimed an exemption from this particular requirement, it still plans to generally identify the categories of records and the sources of these records in this system. However, for the reason stated in paragraph (d)(2)(ii) of this section, this exemption is still being cited in the event an individual wants to know a specific source of information.

(iv) These records contained in the Police and Security Records—VA (103VA076B) are exempt from Privacy Act subsection (e)(1) because it is not possible to detect the relevance or necessity of specific information in the early stages of a criminal or other investigation. Relevance and necessity are questions of judgment and timing. What appears relevant and necessary may ultimately be determined to be unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established. In any investigation, the Office of Security and Law Enforcement may obtain information concerning violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the Office of Security and Law Enforcement should retain this information as it may aid in establishing patterns of criminal activity and provide leads for those law enforcement agencies charged with enforcing other segments of civil or criminal law.

(v) The application of Privacy Act subsection (e)(2) would impair investigations of illegal acts, violations of the rules of conduct, merit system and any other misconduct for the following reasons:

(A) In order to successfully verify a complaint, most information about a complainant or an individual under investigation must be obtained from third parties such as witnesses and informers. It is not feasible to rely upon the subject of the investigation as a source for information regarding his/her activities because of the subject's rights against self-incrimination and because of the inherent unreliability of the suspect's statements. Similarly, it is not always feasible to rely upon the complainant as a source of information regarding his/her involvement in an investigation.

(B) The subject of an investigation will be alerted to the existence of an investigation if an attempt is made to obtain information from the subject. This would afford the individual the opportunity to conceal any criminal activities to avoid apprehension.

(vi) The reasons for exempting these records in the Police and Security Records—VA (103VA07B) from Privacy Act subsection (e)(3) are as follows:

(A) The disclosure to the subject of the purposes of the investigation would provide the subject with substantial information relating to the nature of the investigation and could impede or compromise the investigation.

(B) Informing the complainant or the subject of the information required by this provision could seriously interfere with undercover activities, jeopardize the identities of undercover agents and impair their safety, and impair the successful conclusion of the investigation.

(C) Individuals may be contacted during preliminary information gathering in investigations before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would hinder or adversely affect any present or subsequent investigations.

(vii) Since the Privacy Act defines "maintain" to include the collection of information, complying with subsection (e)(5) would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of an investigation, it is not always possible to make this determination prior to collecting the information. Facts are first gathered and then placed into a logical order which objectively proves or disproves criminal behavior on the part of the suspect. Material that may seem unrelated, irrelevant, incomplete, untimely, etc., may take on added meaning as an investigation progresses. The restrictions in this provision could interfere with the preparation of a complete investigative report.

(viii) The notice requirement of Privacy Act subsection (e)(8) could prematurely reveal an ongoing criminal investigation to the subject of the investigation.

\* \* \* \* \*

[FR Doc. 03-14861 Filed 6-12-03; 8:45 am]

BILLING CODE 8320-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[FRL-7511-4]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Louisiana, New Mexico, Oklahoma and Bernalillo County, NM; Negative Declarations

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving negative declarations submitted by the States of Louisiana, New Mexico, Oklahoma, and the City of Albuquerque (Bernalillo County), New Mexico, which certify that there are no existing small municipal waste combustion units in Louisiana, New Mexico, and Oklahoma subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA). EPA is also approving negative declarations submitted by the State of New Mexico and the City of Albuquerque (Bernalillo County) which certify that there are no existing hospital/medical/infectious waste incinerators subject to the requirements of sections 111(d) and 129 of the CAA. In addition, EPA is approving a negative declaration submitted by the City of Albuquerque (Bernalillo County) which certifies that there are no existing large municipal waste combustion units subject to the requirements of sections 111(d) and 129 of the CAA. Finally, EPA is approving a negative declaration submitted by the State of New Mexico which certifies that there are no existing commercial and industrial solid waste incineration units subject to the requirements of sections 111(d) and 129 of the CAA. This is a direct final action without prior notice and comment because this action is deemed noncontroversial.

**DATES:** This direct final rule is effective on August 12, 2003 without further notice, unless EPA receives adverse comment by July 14, 2003. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following location. Anyone wanting to examine these

documents should make an appointment with the EPA Region 6 Office at least two working days in advance.

Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2833.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth W. Boyce, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-7259.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever “we”, “us”, or “our” are used we mean the EPA.

**I. What Is the Background for This Action?**

Section 129 of the CAA requires us to develop new source performance standards (NSPS) and emission guidelines (EG) for each category of solid waste incineration units which includes these categories addressed in today’s notice: (1) Existing large municipal waste combustion units; (2) existing hospital/medical/infectious waste incinerator units, (3) existing small municipal waste combustion units, and (4) existing commercial and industrial solid waste incinerator units. Such standards shall include emissions limitations and other requirements applicable to new units and guidelines required by section 111(d) of the CAA.

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is “any air pollutant, emissions of which are subject to a standard of performance for new stationary sources but for which no air quality criteria has been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA.” 40 CFR 60.21(a).

Section 129(b) of the CAA also requires us to develop an EG for each category of existing solid waste incineration units. Under section 129 of the CAA, the EG is not federally enforceable. Section 129(b)(2) requires states to submit State Plans to EPA for approval. State Plans must be at least as

protective as the EG, and they become Federally enforceable upon EPA approval.

Emission guidelines and compliance times for large municipal waste combustion units constructed on or before September 20, 1994, were promulgated on December 19, 1995 (60 FR 65387) at 40 CFR part 60, subpart Cb. The Federal plan was promulgated on November 12, 1998 (63 FR 63191) at 40 CFR Part 62, subpart FFF.

Emission guidelines and compliance times for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996, were promulgated on September 17, 1997 (62 FR 48348) at 40 CFR part 60, subpart Ce. The Federal plan was promulgated on August 15, 2000 (65 FR 49868) at 40 CFR Part 62, subpart HHH.

Emission guidelines and compliance standards for small municipal waste combustion units constructed on or before August 30, 1999, were promulgated on December 6, 2000 (65 FR 76350) at 40 CFR part 60, subpart BBBB. The Federal plan was promulgated on January 31, 2003 (68 FR 5144) at 40 CFR part 62, subpart JJJ.

The emission guidelines and compliance times for existing commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999, were promulgated December 1, 2000 (65 FR 75338) at 40 CFR part 60, subpart DDDD. The Federal plan has not been promulgated as of the date of this notice. EPA proposed approval of the Federal plan on November 25, 2002 (67 FR 70640).

The status of our approvals of State plans for designated facilities (often referred to as “111(d) plans” or “111(d)/129 plans”) is given in separate subparts in 40 CFR part 62, “Approval and Promulgation of State Plans for Designated Facilities and Pollutants.” The Federal plan requirements for existing solid waste incineration units are also codified in separate subparts at the end of part 62.

Procedures and requirements for development and submission of state plans for controlling designated pollutants are given in 40 CFR part 60, “Standards of Performance for New Stationary Sources,” subpart B, “Adoption and Submittal of State Plans for Designated Facilities” and in 40 CFR part 62, subpart A, “General Provisions.” If a State does not have any

existing sources of a designated pollutant located within its boundaries, 40 CFR 62.06 provides that the State may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of 40 CFR Part 60, subpart B, for that designated facility. In the event that a designated facility is located in a State after a negative declaration has been approved by EPA, 40 CFR 62.13 requires that the Federal plan for the designated facility, as required by section 129 of the CAA and 40 CFR 62.02(g), will automatically apply to the facility.

This **Federal Register** action approves negative declarations for the following: existing large municipal waste combustion units, existing hospital/medical/infectious waste incinerators, existing small municipal waste combustion units, and existing commercial and industrial solid waste incineration units.

**II. State Submittals**

*A. Existing Large Municipal Waste Combustion Units Negative Declaration From the City of Albuquerque (Bernalillo County), New Mexico*

The City of Albuquerque (Bernalillo County) submitted a letter dated September 10, 2002 certifying there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board subject to 40 CFR part 60, subpart Cb. This negative declaration meets the requirements of 40 CFR 62.06.

*B. Hospital/Medical/Infectious Wastes Incinerators Negative Declarations From the State of New Mexico and the City of Albuquerque (Bernalillo County), New Mexico*

The New Mexico Environment Department and the City of Albuquerque (Bernalillo County) have submitted letters certifying that there are no existing hospital/medical/infectious waste incinerators subject to 40 CFR part 62, subpart Ce, under their jurisdictions in the State of New Mexico, and Bernalillo County, New Mexico. These negative declarations meet the requirements of 40 CFR 62.06. The dates that these letters were submitted are identified in the table below.

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
New Mexico Environment Department .....	September 14, 1998.

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
City of Albuquerque Environmental Health Department .....	January 25, 2002.

*C. Small Municipal Waste Combustion Units Negative Declarations From the States of Louisiana, New Mexico, and Oklahoma, and the City of Albuquerque (Bernalillo County), New Mexico*

The Louisiana Department of Environmental Quality, the New Mexico

Environment Department, the Oklahoma Department of Environmental Quality, and the City of Albuquerque (Bernalillo County) have submitted letters certifying that there are no existing small municipal waste combustion units under their jurisdictions in their

respective States or in Bernalillo County, New Mexico subject to 40 CFR part 60, subpart BBBB. These negative declarations meet the requirements of 40 CFR 62.06. The dates that these letters were submitted are identified in the table below.

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
Louisiana Department of Environmental Quality .....	December 20, 2002.
New Mexico Environment Department .....	November 13, 2001.
Oklahoma Department of Environmental Quality .....	October 2, 2001.
City of Albuquerque, Environmental Health Department .....	September 10, 2002.

*D. Commercial and Industrial Solid Waste Incinerators Negative Declaration From the State of New Mexico*

The New Mexico Environment Department submitted a letter dated November 13, 2001, certifying that there are no existing commercial and industrial solid waste incinerators subject to 40 CFR part 62, subpart DDDD, under its jurisdiction in the State of New Mexico (excluding tribal lands and Bernalillo County). This negative declaration meet the requirements of 40 CFR 62.06.

**III. Final Action**

We are approving a negative declaration submitted by the City of Albuquerque (Bernalillo County), New Mexico certifying that there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board subject to 40 CFR part 60, subpart Cb.

We are approving negative declarations submitted by the New Mexico Environment Department and the City of Albuquerque Environmental Health Department certifying that there are no existing hospital/medical/infectious waste incinerators subject to 40 CFR part 60, subpart Ce.

We are also approving negative declarations submitted by the Louisiana Department of Environmental Quality, the New Mexico Environment Department, the Oklahoma Department of Environmental Quality, and the City of Albuquerque Environmental Health Department certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB, within the

jurisdictions of the respective State and local agencies.

Finally, we are also approving a negative declaration submitted by the New Mexico Environment Department that there are no existing applicable commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD, under its jurisdiction in the State of New Mexico (excluding tribal lands and Bernalillo County).

If a designated facility is later found within any of the noted jurisdictions after publication of this **Federal Register** action, then the overlooked facility will become subject to the requirements of the Federal plan for that designated facility, including the compliance schedule. The Federal plan will no longer apply if we subsequently receive and approve the 111(d)/129 plan from the jurisdiction with the overlooked facility.

Since the States of Louisiana, New Mexico, and Oklahoma have not submitted a demonstration of authority over "Indian Country," (as defined in 18 U.S.C. 1151) we are limiting our approval to those areas that do not constitute Indian Country. Under this definition, EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Any existing designated facility that may exist on "Indian Country" is subject to the Federal plan for the designated facility. *See* 40 CFR 62.13.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the "Proposed Rules" section of this **Federal Register** publication, EPA is publishing a

separate document that will serve as the proposal to approve these rules should relevant adverse comments be filed. This action will be effective August 12, 2003 unless EPA receives adverse written comments by July 14, 2003.

If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 12, 2003 and no further action will be taken on the proposed rule.

**IV. Statutory and Executive Order Reviews**

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to EO 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state and local declarations that rules implementing certain federal standards are unnecessary. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves state and local declarations that rules implementing certain federal standards are

unnecessary, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will 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 among the various levels of government, as specified in EO 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not 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 EO 13132 (64 FR 43255, August 10, 1999). This action merely approves state and local declarations that rules implementing certain federal standards are unnecessary, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to EO 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing State plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a State plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a State plan submission, to use VCS in place of a State plan submission that otherwise satisfies the provisions of the Clean Air Act. 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. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See 42 U.S.C. 7607(b)(2)).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 22, 2003.

**Lawrence E. Starfield**,  
*Deputy Regional Administrator, Region 6.*

■ Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

■ 1. The authority citation for part 62 continues to read as follows:

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

#### Subpart T—Louisiana

■ 2. Subpart T is amended by adding a new undesignated center heading and a new § 62.4660 to read as follows:

##### Emissions From Existing Small Municipal Waste Combustion Units

###### § 62.4660 Identification of sources—negative declaration.

Letter from the Louisiana Department of Environmental Quality dated December 20, 2002, certifying that there are no existing small municipal waste combustion units in the State of Louisiana subject to 40 CFR part 60, subpart BBBB.

#### Subpart GG—New Mexico

■ 3. Subpart GG is amended by adding a new undesignated center heading and a new § 62.7860, followed by a new undesignated center heading and a new

§ 62.7870, followed by a new undesignated center heading and a new § 62.7880, followed by a new undesignated center heading and a new § 62.7890 to read as follows:

##### Emissions From Existing Large Municipal Waste Combustion Units

###### § 62.7860 Identification of sources—negative declaration.

Letter from the City of Albuquerque Air Pollution Control Division dated September 10, 2002, certifying that there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo county Air Quality Control Board subject to 40 CFR part 60, subpart Cb.

##### Emissions From Existing Hospital/Medical/Infectious Wastes Incinerators

###### § 62.7870 Identification of sources—negative declaration.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated September 14, 1998, and January 25, 2002, respectively, certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators subject to 40 CFR part 60, subpart Ce, under their jurisdictions in the State of New Mexico.

##### Emissions From Existing Small Municipal Waste Combustion Units

###### § 62.7880 Identification of sources—negative declaration.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated November 13, 2001, and September 10, 2002, respectively, certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB under their jurisdictions in the State of New Mexico.

##### Emissions From Existing Commercial and Industrial Solid Waste Incineration (CISWI) Units

###### § 62.7890 Identification of sources—negative declaration.

Letters from the New Mexico Environment Department dated November 13, 2001 certifying that there are no existing commercial and industrial solid waste incinerators subject to 40 CFR part 60, subpart DDDD under its jurisdiction in the State of New Mexico (excluding tribal lands and Bernalillo County).

**Subpart LL—Oklahoma**

■ 4. Subpart LL is amended by adding a new undesignated center heading and a new § 62.9180 to read as follows:

**Emissions From Existing Small Municipal Waste Combustion Units****§ 62.9180 Identification of sources—negative declaration.**

Letter from the Oklahoma Department of Environmental Quality dated October 2, 2001, certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB, under its jurisdiction in the State of Oklahoma.

[FR Doc. 03–15007 Filed 6–12–03; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP–2003–0103; FRL–7310–8]

**Imidacloprid; Pesticide Tolerances**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for combined residues of imidacloprid and its metabolites containing the 6-chloropyridinyl moiety, all expressed as the parent in or on acerola; artichoke, globe; avocado; banana (import); canistel; corn, pop, grain; corn, pop, stover; cranberry; currant; elderberry; feijoa; fruit, stone, group 12; gooseberry; huckleberry; guava; jaboticaba; juneberry; lingonberry; longan; lychee; mango; mustard, seed; okra; papaya; passionfruit; persimmon; pulasan; rambutan; salal; sapodilla; sapote, black; sapote, mamey; Spanish lime; star apple; starfruit; strawberry; vegetable, leaves of root and tuber, group 2; vegetable, legume, group 6, except soybean; vegetable, root and tuber, group 1, except sugar beet; watercress; wax jambu. EPA is also deleting certain imidacloprid tolerances that are no longer needed as result of this action. The 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 June 13, 2003. Objections and requests for hearings, identified by docket ID number OPP–2003–0103, must be received on or before August 12, 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:

- 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–2003–0103. 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](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 February 5, 2003 (68 FR 5880) (FRL–7287–5) and March 5, 2003 (68 FR 10464) (FRL–7291–1) EPA issued notices 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 (PP1E6268, 1E6254, 1E6237, 1E6225, 0E6203, 2E6403, 2E6406, 2E6409, 2E6417, 2E6421, 2E6435, 2E6414, 2E6458, and 2E6506) by IR–4, 681 U.S. Highway 1 South, North Brunswick, NJ 08902–3390 and PP 0E6074 Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709. Those notices included summaries of the petitions prepared by Bayer CropScience, the registrant. One comment was received in response to the notice of filing of February 5, 2003, from an individual who requested that information about pesticide tolerances be available in grocery stores next to the food labels.

The petitions requested that 40 CFR 180.472 be amended by establishing tolerances for residues of the insecticide imidacloprid, 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, and its metabolites containing the 6-chloropyridinyl