

# Proposed Rules

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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 AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 51

[Doc. No. FV-00-303]

#### Peaches, Plums, and Nectarines; Grade Standards

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Reopening and extension of the comment period.

**SUMMARY:** Notice is hereby given that the comment period on proposed changes to the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States Standards for Grades of Nectarines is reopened and extended.

**DATES:** Comments must be received by March 7, 2003.

**ADDRESSES:** Interested persons are invited to submit written comments to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 2065 South Building, STOP 0240, Washington, DC 20250; Fax (202) 720-8871, E-mail

*FPB.DocketClerk@usda.gov*. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** David L. Priester, at the above address or call (202) 720-2185; E-mail *David.Priester@usda.gov*.

**SUPPLEMENTARY INFORMATION:** A proposed rule was published in the **Federal Register**, September 25, 2002, (Vol 67, No. 186, Pages 60171-60184) requesting comments on the proposed revisions of the United States Standards for Grades of Peaches, the United States Standards for Grades of Fresh Plums and Prunes, and the United States

Standards for Grades of Nectarines. The proposal would delete the "Unclassified" section, establish a 25-count minimum sample, revise standard pack and size requirements to reflect current marketing and packaging practices for all three standards, and develop en route or at destination tolerances for grades of peaches to make the standards more uniform and consistent with other tree fruit standards. The proposal would also make changes to the color requirements for grades of nectarines to reflect newer varieties being marketed, as well as current cultural and marketing practices. Also, a definition would be provided for damage and serious damage by discoloration, and additional definitions for damage and serious damage by growth cracks would be provided for grades of fresh plums and prunes. In addition, the proposed rule contains conforming and editorial changes. The comment period ended November 25, 2002.

A comment was received from two industry associations representing peach growers requesting additional time to review the proposed revisions. The associations stated they were not aware changes were being made to the standards. Therefore, they requested the comment period be extended to allow the associations an opportunity to meet with their members to discuss the proposal.

After reviewing the request, AMS is reopening and extending the comment period in order to allow sufficient time for interested persons, including the associations, to file comments.

**Authority:** 7 U.S.C. 1621-1627.

Dated: January 27, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03-2250 Filed 1-30-03; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Treasury

#### 12 CFR Part 19

[Docket No. 02-15]

RIN 1557-AB43

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

#### 12 CFR Part 263

[Docket No. R-1139]

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### 12 CFR Part 308

RIN 3064-AC57

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

#### 12 CFR Part 513

[No. 2002-58]

RIN 1550-AB53

### Removal, Suspension, and Debarment of Accountants From Performing Audit Services

**AGENCIES:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Joint notice of proposed rulemaking; technical correction.

**SUMMARY:** The OCC, Board, FDIC, and the OTS jointly published in the **Federal Register** of January 8, 2003 (68 FR 1116), a joint notice of proposed rulemaking that proposed to revise their respective rules of practice pursuant to section 36 of the Federal Deposit Insurance Act (FDIA). This document makes technical corrections to the joint notice of proposed rulemaking.

#### FOR FURTHER INFORMATION CONTACT:

*FDIC:* Richard Bogue, Counsel, Enforcement Unit, (202) 898-3276.

*OTS:* Teresa A. Scott, Counsel (Banking and Finance), (202) 906-6478.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 03-98, published on January 8, 2003 (68

FR 1116), make the following corrections:

#### **PART 308—[Corrected]**

1. On page 1126, in the second column, the heading of the table of contents and new Subpart U heading are revised to read as follows: "Subpart U—Removal, Suspension, and Debarment of Accountants From Performing Audit Services"

#### **§ 308.604 [Corrected]**

2. On page 1128, in the first column, in § 308.604(b)(1), remove "§§ 308.603(b) through (d); or" and add, "§§ 308.603(a)(2) through (a)(4); or" in its place.

#### **§ 513.8 [Corrected]**

3. On page 1128, in the second line of the third column, in § 513.8(a), remove "loan holding." and add, "loan holding companies." in its place.

4. On page 1130, in the first column, in the last word of § 513.8(j)(1)(iii), remove the word "and" and add "or" in its place.

Dated: January 17, 2003.

By order of the Board of Directors of the Federal Deposit Insurance Corporation.

**Robert Feldman,**

*Executive Secretary.*

Dated: January 22, 2003.

**Marilyn K. Burton,**

*Federal Register Liaison Officer, Office of Thrift Supervision.*

[FR Doc. 03-1960 Filed 1-30-03; 8:45 am]

**BILLING CODE 6714-01-P; 6720-01-P**

## **DEPARTMENT OF JUSTICE**

### **Drug Enforcement Administration**

#### **21 CFR Part 1310**

**[DEA-228A]**

**RIN 1117-AA66**

#### **Chemical Mixtures Containing Listed Forms of Phosphorus**

**AGENCY:** Drug Enforcement Administration (DEA), Justice.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Drug Enforcement Administration (DEA) is soliciting information on chemical mixtures that contain the list I chemical phosphorus, which includes red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) (hereafter referred to as regulated phosphorus). Specifically, DEA is interested in learning what products contain regulated phosphorus, and what concentrations of regulated phosphorus and other chemicals are

used in their formulations. DEA is also interested in how chemical mixtures containing regulated phosphorus are packaged, distributed and used, and their availability at the retail level. DEA is seeking this information to help determine whether there are chemical mixtures (as defined in 21 U.S.C. 802(40)) containing regulated phosphorus that should be exempt from the regulations governing listed chemicals, pursuant to 21 U.S.C. 802(39)(A)(v). Exempt chemical mixtures are those formulations that contain any listed chemical, but are not subject to the regulatory controls of the Controlled Substances Act (CSA) that pertain to listed chemicals because they pose a limited risk of diversion to illicit channels.

On September 16, 1998, DEA published a Notice of Proposed Rulemaking in the **Federal Register** (63 FR 49506) that proposed regulations to define exempt chemical mixtures. Because regulated phosphorus was not then a listed chemical, regulations defining potential exempt chemical mixtures were not proposed. The information being requested in this Advance Notice of Proposed Rulemaking (ANPRM) will be used to help propose regulations to define what chemical mixtures containing regulated phosphorus may be exempt.

**DATES:** Written comments must be received on or before April 1, 2003.

**ADDRESSES:** Comments should be received to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC, 20537, Attention: DEA **Federal Register** Representative/CCR.

#### **FOR FURTHER INFORMATION CONTACT:**

Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; Telephone (202) 307-7183.

#### **SUPPLEMENTARY INFORMATION:**

#### **What Is Phosphorus, How Is It Used, and Which Forms Are Regulated?**

Phosphorus is a nonmetallic element that can occur in three main allotropic (*i.e.* crystalline) forms (white, red, and black), none of which have retail uses. White phosphorus, red phosphorus, and hypophosphorous acid and its salts are list I chemicals. Black phosphorus is not a regulated form of phosphorus. Phosphorus is used as a co-reactant, along with iodine or hydriodic acid, in the clandestine manufacture of the Schedule II controlled substances methamphetamine and amphetamine.

White phosphorus is the most abundant form of phosphorus produced

industrially. Most other forms of phosphorus and phosphorus chemicals are produced from white phosphorus, including phosphorus acid, phosphorus trichloride, phosphorus pentasulfide, and phosphorus pentoxide. Over 98% of the annual U.S. phosphorus demand is used in the production of these four compounds, none of which is regulated.

The second crystalline form is red phosphorus. Red phosphorus is usually prepared as a powder and is more stable and less toxic than the white form. Industrial uses of red phosphorus include the manufacture of pyrotechnics, safety matches, phosphoric acid and other phosphorus compounds, fertilizers, incendiary shells, smoke bombs, tracer bullets, and pesticides. Red phosphorus is used to produce an ultra-high-purity phosphorus for application in the electronics industry. A black crystalline form of phosphorus is also occasionally made and is similar to graphite in its physical, thermal, and electrical properties. Black phosphorus is not regulated because it does not have the reactivity needed for use in clandestine operations.

Hypophosphorous acid (H<sub>3</sub>PO<sub>2</sub>) and its salts are list I chemicals. Hypophosphorous acid is most commonly sold in aqueous solutions, all of which are regulated as list I chemicals and not regarded as chemical mixtures. There are no retail uses for this chemical. Hypophosphorous acid is commonly used by large industry as a bleaching, color stabilization or decoloring agent for plastics, synthetic fibers (primarily polyester) and chemicals. Hypophosphorous acid is also used as a chemical intermediate in organic synthesis and as a polymerization and polycondensation catalyst. It also has applications as a reducing agent and as an antioxidant.

Salts of hypophosphorous acid are known as hypophosphite salts. Examples of these salts include: ammonium hypophosphite, iron hypophosphite, potassium hypophosphite, manganese hypophosphite, and sodium hypophosphite. The two most common salts of hypophosphorous acid are sodium hypophosphite and manganese hypophosphite. The sodium salt is used primarily in electroless nickel plating. It is also used as a reducing agent, analytical reagent, polymerization catalyst, polymer stabilizer, and fire retardant. While the manganese salt is used primarily in nylon fiber production, it also has application as a