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II. Background

A. What Action is the Agency Taking?

EPA issued a notice published in the **Federal Register** of June 11, 2002 (67 FR 39980) (FRL-7181-6), for fenbutatin-oxide. That notice announced the availability of the TRED and opened the 30-day comment period. No comments were received. This notice constitutes and announces the closing of the comment period for the fenbutatin-oxide TRED. This decision has been developed as part of the public participation process that EPA and the U.S. Department of Agriculture (USDA) are using to involve the public in the reassessment of pesticide tolerances under FFDCA. EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard of the new law.

In reviewing these tolerances, the Agency must consider, among other things, aggregate risks from non-occupational sources of pesticide exposure, whether there is increased susceptibility to infants and children, and the cumulative effects of pesticides with a common mechanism of toxicity. The tolerances are considered reassessed once the safety finding has been made that aggregate risks are not of concern. A reregistration eligibility decision (RED) was completed for fenbutatin-oxide in June 1996, prior to FQPA enactment, and therefore needed an updated assessment to consider the provisions of the Act.

B. What is the Agency’s Authority for Taking this Action?

The authority for this TRED is found in section 408(q) of the FFDCA, 21 U.S.C. 346a(q). Section 408(q) requires EPA to review tolerances and exemptions for pesticide chemical residues in effect of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of 408(b)(2) or (c)(2). This review is to be completed by August 3, 2006.

List of Subjects

Environmental protection, Pesticide Tolerances.

Dated: March 5, 2003.

Betty Shackelford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03-6298 Filed 3-18-03; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7470-1]

Proposed CERCLA Agreement and Covenant Not To Sue; in the Matter of: Tinkham’s Garage Superfund Site, Londonderry, New Hampshire

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. 9622(i), notice is hereby given of a proposed agreement and covenant not to sue concerning the Tinkham’s Garage Superfund site in Londonderry, New Hampshire with the following settling party: Gilcreast Realty Holdings II, LLC. The settlement requires the settling parties to pay \$25,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency’s response to any comments received will be available for public

inspection with the Regional Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts (U.S. EPA Docket No. CERCLA 01-2003-0012).

DATES: Comments must be submitted on or before April 18, 2003.

ADDRESSES: The proposed settlement is available for public inspection with the Regional Docket Clerk, One Congress Street, Boston, Massachusetts. A copy of the proposed settlement may be obtained from RuthAnn Sherman, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1886. Comments should reference the Tinkham’s Garage Superfund Site, Londonderry, New Hampshire, and EPA Docket No. 01-2003-0012 and should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RCG, Boston, Massachusetts 02214.

FOR FURTHER INFORMATION CONTACT:

RuthAnn Sherman, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode SES, Boston, Massachusetts 02214, (617) 918-1886.

Dated: March 5, 2003.

Robert W. Varney,

Regional Administrator, Region I, New England.

[FR Doc. 03-6585 Filed 3-18-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7469-8]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of EPA decisions identifying water quality limited segments and associated pollutants in Arkansas to be listed pursuant to Clean Water Act section 303(d), and requests public comment. Section 303(d) requires that States submit and EPA approve or disapprove lists of waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On March 10, 2003, EPA partially approved and partially disapproved

Arkansas' submittal. Specifically, EPA approved Arkansas' listing of 76 waters, associated pollutants, and associated priority rankings. EPA disapproved Arkansas' decisions not to list 52 water quality limited segments and associated pollutants. EPA identified these additional water bodies and pollutants along with priority rankings for inclusion on the 2002 section 303(d) list.

EPA is providing the public the opportunity to review its decisions to add waters and pollutants to Arkansas' 2002 section 303(d) list, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments in reaching its final decisions on the additional water bodies and pollutants identified for inclusion on Arkansas' final list.

DATES: Comments must be submitted in writing to EPA on or before April 18, 2003.

ADDRESSES: Comments on the decisions should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-7513, facsimile (214) 665-6490, or email: caldwell.ellen@epa.gov. Oral comments will not be considered. Copies of the documents which explain the rationale for EPA's decisions and a list of the 52 water quality limited segments for which EPA disapproved Arkansas' decision not to list can be obtained at EPA Region 6's Web site at www.epa.gov/earth1r6/6wq/artmdl.htm, or by writing or calling Ms. Caldwell at the above address. Underlying documents from the record for these decisions are available for public inspection at the above address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665-7513.

SUPPLEMENTARY INFORMATION: Section 303(d) of the Clean Water Act (CWA) requires that each State identify those waters for which existing technology-based pollution controls are not stringent enough to attain or maintain State water quality standards. For those waters, States are required to establish TMDLs according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of section 303(d) of the CWA (40 CFR 130.7). The regulations require States to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7). On March 31, 2000, EPA promulgated a revision to this regulation that waived the requirement for States to submit section 303(d) lists in 2000 except in cases where a court order, consent decree, or settlement agreement required EPA to take action on a list in 2000 (65 FR 17170).

Consistent with EPA's regulations, Arkansas submitted to EPA its listing decisions under section 303(d) on September 5, 2002. On March 10, 2003, EPA approved Arkansas' listing of 76 waters and associated priority rankings. EPA disapproved Arkansas' decisions not to list 52 water quality limited segments and associated pollutants. EPA identified these additional waters and pollutants along with priority rankings for inclusion on the 2002 section 303(d) list. EPA solicits public comment on its identification of 52 additional waters and associated pollutants for inclusion on Arkansas' 2002 section 303(d) list.

Dated: March 10, 2003.

Miguel I Flores,

Director, Water Quality Protection Division, Region 6.

[FR Doc. 03-6575 Filed 3-18-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7469-5]

Clean Water Act Section 303(d): Correction Notice of Unintentional Scriveners' Errors on Final Agency Action for Nine (9) Waterbody/Pollutant Combinations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice corrects unintentional scriveners' errors concerning the final agency action on nine (9) waterbody/pollutant combinations in the Louisiana Ouachita and Calcasieu river basins. On February 14, 2002, EPA proposed to delist five (5) waterbody/pollutant combinations because Total Maximum Daily Loads (TMDLs) were not needed. In response to comments and further review, EPA determined that TMDLs were indeed warranted for these waterbody/pollutant combinations and published a notice at 67 FR 40738 (June 13, 2002) that these TMDLs had been established. These waterbody/pollutant combinations also were incorrectly published on that same date at 67 FR 40737 as determinations that TMDLs were not needed. Documents from the administrative record files for the 5 TMDLs, including TMDL calculations and responses to comments may be viewed at <http://www.epa.gov/region6/water/tmdl.htm>.

TMDLS ESTABLISHED

Subsegment	Waterbody name	Pollutant
081602	Little River—from Bear Creek to Catahoula Lake (Scenic)	Siltation.
080401	Bayou Bartholomew—Arkansas State Line to Dead Bayou (Lake Bartholomew Scenic).	Suspended solids.
080401	Bayou Bartholomew—Arkansas State Line to Dead Bayou (Lake Bartholomew Scenic).	Turbidity.
081601	Little River—confluence of Castor Creek and Dugdemona River to junction with Bear Creek (Scenic).	Turbidity.
081602	Little River—from Bear Creek to Catahoula Lake (Scenic)	Turbidity.

At 67 FR 15196 (March 29, 2002) EPA published a draft TMDL for a number of waterbody/pollutant combinations in the Calcasieu Estuary. Based on comments received, EPA determined

that it was not appropriate to establish TMDLs for four (4) of these waterbody/pollutant combinations. These four (4) waterbody/pollutant combinations were erroneously indicated in the Final

Agency Action as having TMDLs established at 67 FR 40735 (June 13, 2002). In fact, TMDLs were not established for these waterbody/pollutant combinations.