

beneficiary) does not have the option of waiving the full use of public facilities which are determined by the Director, TRICARE Management Activity or designee to be available and adequate to meet a disability related need for which an ECHO benefit was requested. Benefits eligible for payment under a state plan for medical assistance under Title XIX of the Social Security Act (Medicaid) are never considered to be available in the adjudication of ECHO benefits.

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Dated: July 29, 2003.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-19822 Filed 8-5-03; 8:45 am]

BILLING CODE 5001-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[OPP-2003-0132; FRL-7322-3]

RIN: 2070-AD57

Human Testing; Advance Notice of Proposed Rulemaking; Reopening of a Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking; reopening of comment period.

SUMMARY: On May 7, 2003, EPA announced the availability for comment of an advance notice of proposed rulemaking (ANPR) discussing EPA's plan to conduct rulemaking about criteria and standards EPA would apply in deciding the extent to which it will consider or rely on various types of research with human subjects to support its actions. The Agency received a request to extend the comment period. EPA is hereby reopening the comment period, which ended on August 5, 2003. The new comment period will end August 20, 2003.

DATES: Comments, identified by the docket ID number OPP-2003-0132, must be received on or before August 20, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION** of the May 7, 2003 **Federal Register** document.

FOR FURTHER INFORMATION CONTACT: William L. Jordan, Mail code 7501C,

Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-1049; fax number: (703) 308-4776; e-mail address: jordan.william@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of particular interest to those who conduct testing of substances regulated by EPA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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-2003-0132. 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/>.

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.

C. How and to Whom Do I Submit Comments?

To submit comments, or access the official public docket, please follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION** of the May 7, 2003 **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What Action is EPA taking?

This document reopens the public comment period established in the **Federal Register** of May 7, 2003 (68 FR 24410) (FRL-7302-8). In that document, EPA sought comment on its plan to conduct rulemaking about criteria and standards the Agency would apply in deciding the extent to which it will consider or rely on various types of research with human subjects to support its actions. The Agency received a request to extend the comment period. EPA is hereby reopening the comment period, which ended on August 5, 2003. The new comment period will end August 20, 2003. The public is strongly encouraged to submit comments as early as possible so that EPA may make them available for consideration by a committee of the National Academy of Sciences, which is preparing a report for EPA on these issues.

III. What is the Agency's Authority for Taking this Action?

Section 25(a) of FIFRA gives the Administrator authority to "prescribe regulations to carry out the purposes of [FIFRA]." Such a rule would implement EPA's authority to require data in support of registration of pesticides (see, for example, FIFRA sections 3(c)(1)(F) and 3(c)(2)(B)) and to interpret the provision making it unlawful for any person "to use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable therefrom, and (ii) freely volunteer to participate in the test." (FIFRA section 12(a)(2)(P)). In addition, section 408(e)(1)(C) of the FFDCA authorizes the Administrator to issue a regulation establishing "general procedures and requirements to implement this section."

IV. Do Any Statutory and Executive Order Reviews Apply to this Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted to EPA on an ANPR that previously published in the **Federal Register** of May 7, 2003 (68 FR 24410). For information about the applicability of the regulatory assessment requirements to the ANPR, please refer to the discussion in Unit III.A. of that document (68 FR 24410).

List of Subjects

Environmental protection, Human studies.

Dated: August 1, 2003.

James Jones,

Director, Office of Pesticide Programs.

[FR Doc. 03-20154 Filed 8-5-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL-7540-3]

RIN 2060-AJ99

Draft Regulatory Text for Proposed Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has developed draft regulatory text to accompany the proposed rule to implement the 8-hour ozone national ambient air quality standard (NAAQS) which was published on June 2, 2003 (68 FR 32802). If, after notice and comment, we adopt approaches other than those reflected by the draft regulatory text, the regulatory text we promulgate at the time of our final action will incorporate the approaches we adopt.

DATES: Comments must be received on or before September 5, 2003.

ADDRESSES: Comments on the draft regulatory text should be submitted to Docket #OAR 2003-0079. When mailing documents, comments or requests to the EPA Docket Center through the U.S. Postal Service, please use the following address: U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, NW., Room B108, Mail Code 6102T, Washington, DC 20460. The normal business hours are 8:30 a.m. to 4:30 p.m., Monday

through Friday, excluding Federal holidays. Comments can be submitted to the address above, by fax (202) 566-1741, or by e-mail to *A-and-R-Docket@epa.gov*. The voice telephone number is (202) 566-1742. In addition, we have placed a variety of materials regarding the 8-hour ozone implementation proposed rule on the Web site: *http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr*. While the Web site is not an exact duplicate of the Air Docket, we have placed materials that we have generated and materials that have been submitted in electronic format on the Web site.

The draft regulatory text is available for public inspection at EPA's Web site at: *www.epa.gov/ttn/naaqs/ozone/o3imp8hr* and at the Office of Air and Radiation (OAR) Docket Center, Docket Number OAR 2003-0079, respectively. Copies of the draft regulatory text can also be obtained from the Ozone Policy and Strategies Group, Office of Air Quality Planning and Standards (C539-02), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Mr. John Silvasi, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-02, Research Triangle Park, NC 27711, phone number (919) 541-5666 or by e-mail at: *silvasi.john@epa.gov* or Ms. Denise Gerth, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-02, Research Triangle Park, NC 27711, phone number (919) 541-5550 or by e-mail at: *gerth.denise@epa.gov*.

SUPPLEMENTARY INFORMATION: The draft regulatory text for the 8-hour ozone implementation proposed rule is intended to accompany the June 2, 2003, proposed rule to implement the 8-hour ozone NAAQS. The draft regulatory text contains most of the major elements of the implementation approach, e.g., the transition from the 1-hour to the 8-hour ozone NAAQS and how to implement the Clean Air Act's provisions related to anti-backsliding. In the draft regulatory text, we are not yet addressing the options concerning new source review, i.e., the transitional program and the Clean Air Development Communities program.

The June 2, 2003 proposed rule contains the background discussion for the draft regulatory text. The June 2, 2003 proposal sets forth for comment several options for certain features or plan elements; the draft regulatory text provides the regulatory text for only one of the options being proposed for each feature or element to demonstrate how

the regulatory text would appear for that set of options. Selection of a particular option was generally based on the preferences stated in the June 2, 2003 proposal; however, this selection should not be interpreted as a decision by EPA to proceed with that option in the final rule, since comments are still being received on the June 2, 2003, proposal.

The draft regulatory text would also amend 40 CFR part 81 by adding and reserving a new subpart E, which would be used to identify the area designations and classifications for the 1-hour standard in place at the time the 1-hour standard no longer applies to each area; this is being done to implement the proposed rule on anti-backsliding.

A. How Can I Get Copies of This Document?

1. *Docket.* The EPA has established an official docket for this action under Docket ID Number 2003-0079. 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 or other information whose disclosures is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the OAR Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OAR Docket is (202) 566-1742.

List of Subjects in 40 CFR Part 51

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Transportation, Volatile organic compounds.

Authority: 42 U.S.C. 7408, 42 U.S.C. 7410, 42 U.S.C. 7501-7511f; 42 U.S.C. 7601(a)(1).

Dated: July 28, 2003.

Tom Curran,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 03-20030 Filed 8-5-03; 8:45 am]

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