

Intake Structures for New Facilities; Direct Final Rule.” We published the direct final rule on December 26, 2002 (67 FR 78948), to make three minor technical corrections to the final regulations implementing section 316(b) of the Clean Water Act for new facilities. We stated in the direct final rule that if we received adverse comment by January 27, 2003, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comment on the direct final rule. We will address those comments in a subsequent final action based on the parallel proposal also published on December 26, 2002 (67 FR 78956). As stated in the parallel proposal, we will not institute a second comment period on this action.

**DATES:** As of March 24, 2003, EPA withdraws the direct final rule published at 67 FR 78948, on December 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Martha Segall, Engineering and Analysis Division (4303T), USEPA Office of Science and Technology, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC, 20460 (phone: 202-566-1041; email: [segall.martha@epa.gov](mailto:segall.martha@epa.gov)).

**SUPPLEMENTARY INFORMATION:** EPA published a direct final rule on December 26, 2002, to make minor changes to a final rule published December 18, 2001, implementing section 316(b) of the Clean Water Act (CWA). The December 2001 final rule established national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities using water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling. The national requirements established the best technology available for minimizing adverse environmental impact associated with the use of these structures. The direct final rule clarified three technical issues on velocity monitoring, authority to require additional design and construction technologies, and procedures governing requests for less stringent alternative requirements.

EPA published a companion proposed rule on the same day as the direct final rule. The proposed rule invited comment on the substance of the direct final rule. The proposed rule stated that if EPA received adverse comment by January 27, 2003, the direct final rule would not take effect and EPA would publish a notice in the **Federal Register** withdrawing the direct final rule before

the March 26, 2003, effective date. The EPA subsequently received adverse comment on the direct final rule. EPA plans to address those comments in a subsequent action. Today's action withdraws the direct final rule; the amendments to the final regulations addressing cooling water intake structures for new facilities will not take effect on March 26, 2003.

#### List of Subjects in 40 CFR Part 125

Environmental protection, Cooling water intake structures, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: March 19, 2003.

**Christine Todd Whitman,**

*Administrator.*

[FR Doc. 03-7047 Filed 3-21-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2002-0278; FRL-7299-4]

#### Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions); Withdrawal of Direct Final Rule

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

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** EPA received adverse comment on the direct final rule “Pesticides; Tolerance Exemptions for Active and Inert Ingredients for Use in Antimicrobial Formulations (Food-Contact Surface Sanitizing Solutions),” published in the **Federal Register** of December 3, 2002, because of the adverse comment EPA is withdrawing the direct final rule. The direct final rule was intended to add a new section to part 180 listing the pesticide chemicals that are exempt from the requirement of a tolerance when used in food-contact surface sanitizing solutions.

**DATES:** The withdrawal is effective March 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Kathryn Boyle, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6304; fax number: (703) 305-0599; e-mail address: [boyle.kathryn@epa.gov](mailto:boyle.kathryn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a food manufacturer, or antimicrobial pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Industry (NAICS 311), *e.g.*, Food manufacturing.
- Producers (NAICS 32561), *e.g.*, Antimicrobial pesticides.

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**.

## II. How Can I Get Copies of this Document and Other Related Information?

### A. Docket

EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0278. 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.

### B. 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 II.A. Once in the system, select "search," then key in the appropriate docket ID number.

### III. What Action is the Agency Taking?

EPA has received adverse comment on the direct final rule published in the **Federal Register** of December 3, 2002 (67 FR 71847) (FRL-6824-2). EPA stated in that direct final rule that if EPA received adverse comment by February 3, 2003, the direct final rule would be withdrawn and not take effect. The direct final rule being withdrawn contains a list of exempt chemicals duplicated from the Food and Drug Administration's (FDA) regulations in 21 CFR 178.1010.

The Agency will continue to pursue this rulemaking effort by publishing a notice of proposed rulemaking in a future edition of the **Federal Register**. The comments on the direct final rule will be addressed in that future notice of proposed rulemaking.

### IV. Congressional Review Act

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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practices and procedures, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 17, 2003.

**Debra Edwards,**

*Acting Director, Registration Division.*

[FR Doc. 03-6946 Filed 3-21-03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-744, MM Docket No. 01-44, RM-10022]

### Digital Television Broadcast Service; Derby, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Pappas Telecasting of America, allots DTV channel 46 to Derby, Kansas. *See* 66 FR 12753, February 28, 2001. DTV channel 46 can be allotted to Derby, Kansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 37-54-12 N. and 97-37-06 W. with a power of 1000, HAAT of 246 meters. With this action, this proceeding is terminated.

**DATES:** Effective May 5, 2003.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-44, adopted March 11, 2003, and released March 20, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402, Washington, DC, 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

### List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Kansas, is amended by adding Derby, DTV channel 46.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 03-6876 Filed 3-21-03; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-745, MB Docket No. 02-282, RM-10523]

### Digital Television Broadcast Service; Minot, ND

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Prairie Public Broadcasting, substitutes DTV channel \*40 for DTV channel \*57 at Minot, North Dakota. *See* 17 FCC Rcd 18093 (2002). DTV channel \*40 can be allotted to Minot, North Dakota, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 48-03-02 N. and 101-23-25 W. with a power of 1000, HAAT of 253 meters and with a DTV service population of 85 thousand. Since the community of Minot is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

**DATES:** Effective May 5, 2003.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02-282, adopted March 11, 2003, and released March 20, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

### List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.