

Specifically, FDA invites comment, and the submission of data or other information, on the following:

- a. The costs to a foreign facility of hiring a U.S. agent;
- b. The number of foreign facilities that have hired a U.S. agent or negotiated additional duties from someone with whom they have an existing relationship, in response to the IFR, instead of relying on an existing relationship with a person who qualifies as a U.S. agent;
- c. The number of foreign facilities that have ceased exporting to the United States because they have decided not to hire/retain a U.S. agent for registration purposes;
- d. The distribution of costs between submitting registrations and other services offered by the U.S. agent; and
- e. The assumptions underlying FDA's estimates of the costs of hiring and retaining a U.S. agent.

2. The effects on domestic small businesses, if any, if some foreign facilities cease exporting to the United States due to the U.S. agent requirement for registration. Specifically, FDA invites comment, and the submission of data or other information, on the following:

- a. The number of domestic small businesses that have been adversely affected by trading partners that have ceased exporting to the United States due to the U.S. agent requirement for foreign facility registration; and
- b. The costs incurred by these domestic small businesses due to the loss of these trading partners.

To be timely, interested persons must submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the above issues as indicated in the **DATES** section of this document. Two copies of any comments are to be submitted by commenting entities; individuals may submit one copy. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

As noted, the IFR was effective on December 12, 2003. The agency will address comments on the identified set of issues that are received during this reopened comment period and were received during the previous comment period that closed on December 24, 2003, and will confirm or amend the IFR in a final rule. The agency, however, will not address any comments that

have been previously considered during this rulemaking.

Dated: March 24, 2004.

**Lester M. Crawford,**  
*Acting Commissioner for Food and Drugs.*

Dated: April 6, 2004.

**Robert C. Bonner,**  
*Commissioner, Customs and Border Protection.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2004-0083; FRL-7351-9]

#### Thifensulfuron-methyl; Withdrawal of Tolerance Actions

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Because EPA received relevant adverse comment, the Agency is withdrawing the direct final rule for the reinstatement of corn tolerances for the herbicide thifensulfuron-methyl. EPA published the direct final rule on February 13, 2004 which would have reinstated corn tolerances for the herbicide thifensulfuron-methyl that were previously established but inadvertently removed shortly thereafter. EPA stated in that direct final rule that if relevant adverse comment were received by April 13, 2004, the Agency would publish a timely withdrawal in the **Federal Register**. EPA subsequently received relevant adverse comment on that direct final rule. EPA will therefore publish a notice of proposed rulemaking in a future edition of the **Federal Register**. The Agency will address the comments on the direct final rule as part of that proposed rulemaking.

**DATES:** As of April 14, 2004, EPA withdraws the direct final rule published at 69 FR 7161, on February 13, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8037; e-mail address: [nevola.joseph@epa.gov](mailto:nevola.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA received a relevant adverse comment during the comment period for the February 13, 2004 (69 FR 7161) (FRL-7338-6) direct final rule in which the

Agency stated that it would reinstate corn tolerances for residues of the herbicide thifensulfuron-methyl that were previously established by rulemaking in the **Federal Register** and that were inadvertently removed from 40 CFR 180.439. Because of a relevant adverse comment, EPA is withdrawing the direct final rule so that it will not take effect. EPA will publish a notice of proposed rulemaking in a future issue of the **Federal Register** and address the comments on the direct final rule as part of that notice of proposed rulemaking.

Currently, there are active products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which list corn as a use site for thifensulfuron-methyl application. These registrations have existed since 1994 with associated tolerances established in May 1994. In the direct final rule of February 13, 2004 (69 FR 7161), EPA stated that the deletion of the corn tolerances from the 40 CFR was both inadvertent and improper.

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 26, 2004.

**James Jones,**  
*Director, Office of Pesticide Programs.*

■ Accordingly, the direct final rule for thifensulfuron-methyl published in the **Federal Register** of February, 13, 2004 at 69 FR 7161 is withdrawn.

[FR Doc. 04-8103 Filed 4-13-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2004-0075; FRL-7353-1]

#### Boscalid; Pesticide Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for residues of boscalid, 3-pyridinecarboxamide, 2-chloro-N-(4'-chloro[1,1'-biphenyl]-2-yl) in or on certain commodities and establishes a tolerance for the residues of boscalid in or on pome fruit crop group, group 11 at 3.0 ppm, apple pomace, wet at 10.0 ppm, hops cones, dried at 35.0 ppm, soybean, vegetable at 2.0 ppm, soybean seed at 0.1 ppm, soybean hulls at 0.2 ppm and aspirated grain fractions at 3.0