

[FR Doc. 03-7640 Filed 5-6-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-2003-0140; FRL-7302-7]

Pesticide Tolerance Processing Fees; Annual Adjustment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule increases fees charged for processing tolerance petitions for pesticides under the Federal Food, Drug, and Cosmetic Act (FFDCA). As specified in 40 CFR 180.33(o), the existing fee schedule is changed annually by the same percentage as the percent change in the Federal General Schedule (GS) pay scale. Accordingly, the revisions in this rule reflect a 4.27% increase in locality pay for civilian Federal GS employees working in the Washington, DC and Baltimore, MD metropolitan area in 2003.

DATES: This rule is effective June 6, 2003.

FOR FURTHER INFORMATION CONTACT: For general information concerning this rule contact: Ed Setren, Resources Management Staff (7501C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: (703) 305-5927; fax: (703) 305-5060; e-mail address: setren.edward@epa.gov.

For technical information concerning tolerance petitions and individual fees contact: Sonya Brooks, Resources Management Staff (7501C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: (703) 308-6423; fax: (703) 305-5060; e-mail address: brooks.sonya@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Rule Apply to Me?

This rule may directly affect any person who might petition the Agency for new tolerances, hold a pesticide registration with existing tolerances, or anyone who is interested in obtaining or retaining a tolerance in the absence of a registration. This group can include pesticide manufacturers or formulators, companies that manufacture chemicals used in formulating pesticides, importers of food, grower groups, or any

person who seeks a tolerance. The vast majority of potentially affected categories and entities may include, but are not limited to:

- Chemical industry (NAICS codes 115112 and 325320) e.g., pesticide chemical manufacturers, formulators, chemical manufacturers of inert ingredients

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed above could also be regulated. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information or Copies of this Document or Other Documents?

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0140. 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>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr\[180\]_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr[180]_00.html), a beta site currently under development.

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. Once in the system, select “search,”

then key in the appropriate docket ID number.

III. What Action is the Agency Taking in this Rule?

With this rule, the Agency is increasing the fees charged for processing tolerance petitions for pesticides under the Federal Food, Drug, and Cosmetic Act (FFDCA). The pay raise in 2003 for Federal General Schedule (GS) employees working in the Washington, DC/Baltimore, MD metropolitan pay area is 4.27%. This increase in the fees charged for processing tolerance petitions reflects these recent pay raises.

IV. Why is the Agency Taking this Action?

EPA is charged with the administration of section 408 of FFDCA. Section 408 authorizes the Agency to establish tolerance levels and exemptions from the requirements for tolerances for raw agricultural commodities. Section 408(o) requires the Agency to collect fees that will, in the aggregate, be sufficient to cover the costs of processing petitions for pesticide products. EPA is publishing this action pursuant to 40 CFR 180.33(o).

The current fee schedule for tolerance petitions published in the **Federal Register** of March 13, 2002 (67 FR 11248) (FRL-6774-3), codified at 40 CFR 180.33, and became effective on April 12, 2002. At that time the fees were increased by 4.94%, 3.81%, and 4.77% to reflect the 2000, 2001, and 2002 pay adjustments in accordance with a provision in the regulation that provides for automatic annual adjustments to the fees based on annual percentage changes in Federal salaries (40 CFR 180.33(o)).

The Federal Employees Pay Comparability Act of 1990 (FEPCA) initiated locality-based comparability pay, known as “locality pay.” The intent of the legislation is to make Federal pay more responsive to local labor market conditions by adjusting General Schedule salaries on the basis of a comparison with non-Federal rates on a geographic, locality basis. The processing and review of tolerance petitions is conducted by EPA employees working in the Washington, DC/Baltimore, MD pay area.

The pay raise in 2003 for Federal General Schedule employees working in the Washington, DC/Baltimore, MD metropolitan pay area is 4.27%; therefore, the tolerance petition fees are being increased by 4.27%. The entire revised fee schedule is presented in § 180.33 of the regulatory text for the