

Animal enzymes—(Rennet—animals derived; Catalase—bovine liver; Animal lipase; Pancreatin; Pepsin; and Trypsin).

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Calcium sulfate—mined.

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Glucono delta-lactone—production by the oxidation of D-glucose with bromine water is prohibited.

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(b) * * *

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Cellulose—for use in regenerative casings, as an anti-caking agent (non-chlorine bleached) and filtering aid.

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Potassium hydroxide—prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process.

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Dated: October 27, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–27416 Filed 10–31–03; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

9 CFR Part 121

[Docket No. 02–088–3]

RIN 0579–AB47

Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations governing the possession, use, and transfer of listed biological agents and toxins in order to allow for the issuance of provisional registration certificates for individuals and entities and provisional grants of access to listed biological agents and toxins for individuals. These provisional measures are designed to provide additional time for the Attorney General to complete security risk assessments for those individuals and entities for which the Attorney General has received, by November 12, 2003, all of the information required to conduct a

security risk assessment. This action is necessary to ensure that research and educational programs are not disrupted.

DATES: This interim rule is effective on November 3, 2003. We will consider all comments that we receive on or before January 2, 2004.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02–088–3, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–088–3. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 02–088–3” on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information concerning the regulations in 7 CFR part 331, contact Dr. Robert Flanders, Chief, Pest Permit Evaluations Branch, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236, (301) 734–8758.

For information concerning the regulations in 9 CFR part 121, contact Dr. Denise Spencer, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 2002, the President signed into law the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107–188). Title II of Pub. L. 107–188, “Enhancing Controls on Dangerous

Biological Agents and Toxins” (sections 201 through 231), provides for the regulation of certain biological agents and toxins by the Department of Health and Human Services (subtitle A, sections 201–204) and the Department of Agriculture (subtitle B, sections 211–213, cited as the “Agricultural Bioterrorism Protection Act of 2002”), and provides for interagency coordination between the two departments regarding overlap agents and toxins (subtitle C, section 221). For the Department of Health and Human Services, the Centers for Disease Control and Prevention (CDC) has been designated as the agency with primary responsibility for implementing the provisions of the Act; the Animal and Plant Health Inspection Service (APHIS) is the agency fulfilling that role for the Department of Agriculture. The Criminal Justice Information Services (CJIS) Division of the Federal Bureau of Investigation has been designated as the agency with primary responsibility for implementing the Attorney General’s responsibilities under the Act (*i.e.*, the security risk assessments).

In accordance with the requirements of the Act, on December 13, 2002, we published in the **Federal Register** (67 FR 76908–76938, Docket No. 02–088–1) an interim rule that established the standards and procedures governing the possession, use, and transfer of biological agents and toxins that have been determined to have the potential to pose a severe threat to both human and animal health (referred to as overlap agents and toxins), to animal health, to plant health, or to animal and plant products (7 CFR part 331 for the plant-related provisions and 9 CFR part 121 for the overlap and animal-related provisions; referred to below collectively as the regulations). Also on December 13, 2002, the CDC published in the **Federal Register** (67 FR 76886–76905) an interim rule that established the standards and procedures governing the possession, use, and transfer of other select agents (42 CFR part 73).

The regulations require that individuals or entities possessing, using, or transferring biological agents or toxins listed in 7 CFR 331.3 or 9 CFR 121.3(d) must register with APHIS, while individuals or entities possessing, using, or transferring overlap agents or toxins must register with either APHIS or CDC. As part of the registration process, the responsible official(s), the alternate responsible official(s), the entity, and, where applicable, the individual(s) who owns or controls the entity must undergo a security risk assessment by the CJIS Division. Moreover, those individuals identified