

the issuance of Federal regulations that requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

We have considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph 32(g) of Commandant Instruction Manual M16475.1D, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it

does not require a Statement of Energy Effects under Executive Order 13211.

### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T09-222 is added to read as follows:

#### § 165.T09-222 Safety Zone; Lake Michigan, Chicago, Illinois.

(a) *Location.* The following is a safety zone: All waters of Lake Michigan bounded by the arc of a circle with a 700-foot radius with its center in approximate position 41°52'15" N; 087°36'44" W (NAD 83).

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into the zone is prohibited unless authorized by the Coast Guard Captain of the Port, Chicago, or the designated Patrol Commander.

(c) *Effective date.* This section is effective from 11 p.m. July 14, 2003 until 1 a.m. on July 15, 2003.

Dated: June 25, 2003.

**Raymond E. Seebald,**

*Captain, U.S. Coast Guard, Captain of the Port Chicago.*

[FR Doc. 03-17599 Filed 7-10-03; 8:45 am]

**BILLING CODE 4910-15-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 180

[OPP-2003-0103; FRL-7317-1]

#### Imidacloprid; Pesticide Tolerances Technical Correction

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

**ACTION:** Final rule; technical correction.

**SUMMARY:** EPA issued a final rule in the **Federal Register** of June 13, 2003, concerning the establishment of tolerances for combined residues of imidacloprid. This document is being issued to properly display the table in the regulatory text.

**DATES:** This document is effective on July 11, 2003.

**FOR FURTHER INFORMATION CONTACT:** Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-3194; e-mail address: [brothers.shaja@epa.gov](mailto:brothers.shaja@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

The Agency included in the final rule a list of those who may be potentially affected by this action. If you have 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-2003-0103. 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\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_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.

## II. What Does this Correction Do?

In a final rule published in the **Federal Register** of June 13, 2003 (68 FR 35303) (FRL-7310-8) an amendment to § 180.472 inadvertently omitted the third column of the table (Expiration/Revocation date) in paragraph (a). This correction is being published to show the table as it should have appeared with the newly added commodities.

## III. Why is this Correction Issued as a Final Rule?

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today’s technical correction final without prior proposal and opportunity for comment, because EPA is merely inserting language that was inadvertently omitted from the previously published final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

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

This final rule implements a technical correction to the CFR, and it does not otherwise impose or amend any requirements. As such, the Office of Management and Budget (OMB) has determined that a technical correction is not a “significant regulatory action” subject to review by OMB under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR

51735, October 4, 1993). Nor does this final rule contain any information collection requirements that require review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*). Since the Agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the APA or any other statute (see Unit III.), this action is not subject to provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). This final rule will not have substantial direct effects on the States or on one or more Indian tribes, on the relationship between the national government and the States or one or more Indian tribes, or on the distribution of power and responsibilities among the various levels of government or between the Federal government and Indian tribes. As such, this action does not have any “federalism implications” as described in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), or any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Since this direct final rule is not a “significant regulatory action” as defined by Executive Order 12866, it does not require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), and is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This action does not involve any technical standards that require the Agency’s consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). This action will not result in environmental justice related issues and does not, therefore, require special consideration under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629,

February 16, 1994) or Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988). In issuing this final rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

## V. 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 practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 8, 2003.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

■ Therefore, 40 CFR part 180 is corrected as follows:

## PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

■ 2. On page 35314, in FR Doc. 03-14880, in the third column, the table to § 180.472(a), as amended, is corrected by adding the third column (Revocation/Expiration date) and in the footnote, “registration” should read “registrations” to read as follows:

**§ 180.472 Imidacloprid; tolerances for residues.**

(a) \* \* \*

Commodity	Parts per million	Revocation/Expiration date	Commodity	Parts per million	Revocation/Expiration date
Acerola * * * *	1.0 *	None * *	Vegetable, legume, except soybean, group 6	4.0	None
Artichoke, globe	2.5	None	Vegetable, root and tuber, group 1, except sugar beet	0.40	None
Avocado	1.0	None			
Banana <sup>1</sup> * * * *	0.02 *	None * *		*	* *
Canistel * * * *	1.0 *	None * *	Watercress Wax jambu * * * *	3.5 1.0 *	None None * *
Corn, pop, grain	0.05	None	<sup>1</sup> There are no U.S. registrations as of June 13, 2003 for use on banana.		
Corn, pop, stover * * * *	0.20 *	None * *	* * * *		
Cranberry	0.05	None	[FR Doc. 03-17674 Filed 7-10-03; 8:45 am]		
Currant * * * *	3.5 *	None * *	<b>BILLING CODE 6560-50-S</b>		
Elderberry * * * *	3.5 *	None * *	<b>ENVIRONMENTAL PROTECTION AGENCY</b>		
Feijoa * * * *	1.0 *	None * *	<b>40 CFR Part 300</b>		
Fruit, stone, group 12	3.0	None	<b>[FRL-7526-2]</b>		
Gooseberry * * * *	3.5 *	None * *	<b>National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update</b>		
Guava * * * *	1.0 *	None * *	<b>AGENCY:</b> Environmental Protection Agency (EPA).		
Huckleberry	3.5	None	<b>ACTION:</b> Notice of deletion of the Pepe Field Superfund Site (Site) from the National Priorities List.		
Jaboticaba	1.0	None	<b>SUMMARY:</b> The EPA Region II Office announces the deletion of the Pepe Field Superfund Site, located in Boonton, New Jersey from the National Priorities List (NPL). The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.		
Juneberry * * * *	3.5 *	None * *	<b>EFFECTIVE DATE:</b> July 11, 2003.		
Lingonberry	3.5	None	<b>FOR FURTHER INFORMATION CONTACT:</b> Romona Pezzella, Remedial Project Manager; U.S. Environmental Protection Agency; Region II, 290 Broadway, 19th Floor; New York, New York 10007-1866; (212) 637-4385; <a href="mailto:pezzella.romona@epa.gov">pezzella.romona@epa.gov</a> .		
Longan	3.0	None	<b>SUPPLEMENTARY INFORMATION:</b> The site to be deleted from the NPL is: Pepe Field Superfund Site, Boonton, New Jersey.		
Lychee	3.0	None			
Mango * * * *	1.0 *	None * *			
Mustard, seed	0.05	None			
Okra	1.0	None			
Passionfruit	1.0	None			
Papaya * * * *	1.0 *	None * *			
Persimmon * * * *	3.0 *	None * *			
Pulasan	3.0	None			
Rambutan	3.0	None			
Salal	3.5	None			
Sapodilla	1.0	None			
Sapote, black	1.0	None			
Sapote, mamey * * * *	1.0 *	None * *			
Spanish lime	3.0	None			
Star apple	1.0	None			
Starfruit	1.0	None			
Strawberry * * * *	0.50 *	None * *			
Vegetable, leaves of root and tuber, group 2	4.0	None			

A Notice of Intent To Delete for this Site was published in the **Federal Register** on May 6, 2003 (68 FR 23939). The closing date for comments on the Notice of Intent To Delete was June 7, 2003. No comments were received, therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 30, 2003.

**William J. Muszynski,**

*Acting Regional Administrator, Region II.*

■ For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193. [Amended]

#### Appendix B—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for the Pepe Field, Boonton, NJ Superfund Site. [FR Doc. 03-17611 Filed 7-10-03; 8:45 am]

**BILLING CODE 6560-50-P**