

## II. Background

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

EPA is making available risk assessments that have been developed as part of the Agency's public participation process for making reregistration eligibility and tolerance reassessment decisions for the organophosphate and other pesticides consistent with FFDCA, as amended by FQPA. The Agency's human health risk assessment and other related documents for oryzalin are available in the individual pesticide docket. As additional comments, reviews, and risk assessment modifications become available, these will also be docketed for oryzalin.

The Agency cautions that the oryzalin risk assessment is preliminary and that further refinements may be appropriate. These documents reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

EPA is providing an opportunity, through this notice, for interested parties to provide written comments and input to the Agency on the risk assessment for the pesticide specified in this notice. Such comments and input could address, for example, the availability of additional data to further refine the risk assessment, such as percent crop treated information or submission of residue data from food processing studies, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific chemical. Comments should be limited to issues raised within the risk assessment and associated documents. EPA will provide other opportunities for public comment on other science issues associated with the pesticide tolerance reassessment program. Failure to comment on any such issues as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment processes. All comments should be submitted by *[insert date 60 days after date of publication in the Federal Register]* using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**. Comments will become part of the Agency record for oryzalin.

### List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: January 16, 2004.

**Peter Caulkins,**

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

**[OPPT-2004-0004]; FRL-7342-8]**

### Certain New Chemicals; Receipt and Status Information

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

**ACTION:** Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from December 1, 2003 to December 24, 2003, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

**DATES:** Comments identified by the docket ID number OPPT-2003-0004 and the specific PMN number or TME number, must be received on or before February 23, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

### FOR FURTHER INFORMATION CONTACT:

Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

### SUPPLEMENTARY INFORMATION:

## I. General Information

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

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any 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 OPPT-2003-0004. 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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

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/>.

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 I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets.

Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. 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 I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

#### *C. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPPT-2003-0004. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [oppt.ncic@epa.gov](mailto:oppt.ncic@epa.gov), Attention: Docket ID Number OPPT-2003-0004 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official

public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT-2003-0004 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

*E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in

the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

**II. Why is EPA Taking this Action?**

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from December 1, 2003 to December 24, 2003, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the

Agency has received under TSCA section 5 during this time period.

**III. Receipt and Status Report for PMNs**

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II, to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

**I. 50 PREMANUFACTURE NOTICES RECEIVED FROM: 12/01/03 TO 12/24/03**

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-04-0153 P-04-0154	12/01/03 12/01/03	02/28/04 02/28/04	CBI NA Industries, Inc.	(G) Phosphor (S) A binder resin for plastics coating	(G) Rare earth phosphate (G) 2-propenoic acid, 2-methyl-, polymer with 2-hydroxypropyl 2-propenoate, 2-propenenitrile, alkyl 2-methyl-2-propenoate and 1-propene, homopolymer, chlorinated
P-04-0156 P-04-0157	12/03/03 12/03/03	03/01/04 03/01/04	CBI CBI	(G) Contained use (S) A monomer for the production of specialty polymers; export	(G) Cobalt catalyst (G) Diaryl carbonate
P-04-0159 P-04-0160	12/04/03 12/04/03	03/02/04 03/02/04	CBI Biolab, Inc.	(G) By product (S) Scale/corrosion control agent for cooling water systems	(S) Phosphonoacetic acid (G) Derivative of acrylic acid copolymer
P-04-0161 P-04-0162	12/05/03 12/05/03	03/03/04 03/03/04	Great Lakes Chemical Corporation CBI	(G) Lubricant additive (G) Processing acid	(S) Phosphonic acid, di-C <sub>12-14</sub> -alkyl esters (G) Salt of a copolymer of acrylic acid and acrylic acid derivatives
P-04-0163 P-04-0164	12/05/03 12/05/03	03/03/04 03/03/04	CBI CBI	(G) open, non-dispersive use (G) Manufacturing of protective devices	(G) Amine prepolymer (G) Urethane polymer
P-04-0165	12/04/03	03/02/04	CBI	(G) Additive flame retardant resin component for molding electrical and automotive electronics parts	(S) Phenol, 4,4'-(1-methylethylidene)bis[2,6-dibromo-, polymer with (chloromethyl)oxirane, 2,4,6-tribromophenyl ethers
P-04-0166	12/08/03	03/06/04	CBI	(S) Crosslinker for polyurethane dispersions; crosslinker for acrylic latexes	(G) Carbodiimide crosslinker, polycarbodiimide crosslinker
P-04-0167	12/09/03	03/07/04	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amides, from aliphatic and cycloaliphatic acids, polyamines, hydrochlorides
P-04-0168	12/09/03	03/07/04	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amides, from oil-based fatty acids, polyamines, hydrochlorides
P-04-0169	12/09/03	03/07/04	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amides, from glycerides, polyamines, hydrochlorides
P-04-0170	12/09/03	03/07/04	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amides, from fatty acids, polyamines, hydrochlorides

## I. 50 PREMANUFACTURE NOTICES RECEIVED FROM: 12/01/03 TO 12/24/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-04-0171	12/09/03	03/07/04	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Asphalt emulsifier salt	(G) Amides, from plant driven fatty acids, polyamines, hydrochlorides
P-04-0172	12/09/03	03/07/04	CIBA Specialty Chemicals Corporation	(S) Oxidative catalyst for use in multi-purpose stain removers	(G) Organo-manganese complex
P-04-0173	12/10/03	03/08/04	CBI	(G) Additive in radiation cured coatings, adhesives and inks.	(G) Metallic acrylate
P-04-0174	12/10/03	03/08/04	3M	(G) Protective coating	(G) Fluoroacrylate modified urethane
P-04-0175	12/11/03	03/09/04	CBI	(G) Surfactant/wetting agent	(G) Alkyl alkoxylate
P-04-0176	12/11/03	03/09/04	3M	(S) Chemical intermediate	(G) Fluorinated oligomer alcohol
P-04-0177	12/11/03	03/09/04	Dynea USA	(S) Adhesive for wood products	(G) Melamine resin
P-04-0178	12/12/03	03/10/04	CBI	(G) Radiation cured coatings and inks	(G) Polyester acrylate
P-04-0179	12/15/03	03/13/04	CBI	(S) Urethane foam catalyst	(G) Tertiary amine carboxylic acid compound
P-04-0180	12/15/03	03/13/04	CBI	(G) An open non-dispersive use	(G) Rosin modified phenolic resin
P-04-0181	12/16/03	03/14/04	CBI	(G) Additive for electrical insulating coatings	(G) Phenolic resin
P-04-0182	12/16/03	03/14/04	CBI	(G) Water reducer in concrete	(G) Polyglycoether-polycarboxylate
P-04-0183	12/17/03	03/15/04	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Heterocyclic substituted nitrobenzenecarboxamide
P-04-0184	12/17/03	03/15/04	Croda Inc.	(S) Irritancy mitigator for household and industrial specialty products; solubilizer for semi-polar and non-polar compounds into polar media; skin emollient for household and industrial specialty products; pigment wetting agent and dispersant for coatings	(S) Oxirane, methyl-, polymer with oxirane, hexanedioate (2:1), ditetradecyl ether
P-04-0185	12/18/03	03/16/04	CBI	(G) Polymeric admixture for cements (open, non-dispersive use)	(G) Sulfonated ketone resin
P-04-0186	12/17/03	03/15/04	CBI	(G) Thermal transfer ink ribbon	(S) 2-propenoic acid, 2-methyl-, 1,1-dimethylethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate and methyl 2-methyl-2-propenoate, 2,2'-azobis[2-methylpropanenitrile]-initiated
P-04-0187	12/18/03	03/16/04	CBI	(G) Packaging and bottle application	(G) Modified polyester
P-04-0188	12/19/03	03/17/04	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Heterocyclic substituted sulfonyloxybenzenecarboxamide
P-04-0189	12/19/03	03/17/04	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Alkyl substituted acid chloride
P-04-0190	12/22/03	03/20/04	CBI	(S) Inks; coatings	(G) Polyester acrylate
P-04-0191	12/22/03	03/20/04	CBI	(S) Automotive industry	(G) Cycloaliphaticdiisocyanate, homopolymer, compound with alkanedioic acid ester
P-04-0192	12/22/03	03/20/04	CBI	(G) Ingredients for use in consumer products: highly dispersive	(G) Alkylthioalkane
P-04-0193	12/22/03	03/20/04	CBI	(G) Chemical intermediate	(S) Hydroxylamine, 0-[(2e)-3-chloro-2-propenyl]-
P-04-0194	12/22/03	03/20/04	CBI	(G) Highly dispersive use	(G) Dioxacycloheptanone
P-04-0195	12/23/03	03/21/04	Lonza Inc.	(G) As a polymer aid processing	(G) Alkylidimethylbenzylammonium alkylsulfate
P-04-0196	12/23/03	03/21/04	CBI	(G) Wear resistant additive	(G) Silane reaction products with alumina
P-04-0197	12/23/03	03/21/04	CBI	(G) Industrial structural materials	(G) Telechelic polyacrylates
P-04-0198	12/23/03	03/21/04	CBI	(G) Industrial structural materials	(G) Telechelic polyacrylates
P-04-0199	12/23/03	03/21/04	Cht r. Beitlich Corporation	(S) Hydrophilic silicone softner for textile finishing; hair conditioning agent	(S) Siloxanes and silcones, 3-[3-(C <sub>12-16</sub> -alkyldimethylammonio)-2-hydroxypropoxy]-propyl me, di-me, [[[3-[3-(C <sub>12-16</sub> -alkyldimethylammonio)-2-hydroxy]propyl]-dimethylsilyl]oxy]-terminated, acetates (salts)

## I. 50 PREMANUFACTURE NOTICES RECEIVED FROM: 12/01/03 TO 12/24/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-04-0200	12/23/03	03/21/04	Cht r. Beitlich Corporation	(S) Hydrophilic silicone softner for textile finishing; hair conditioning agent	(S) Siloxanes and silicones, 3-[3-[[3-(coco acylamin-o)propyl]dimethylammonio]-2-hydroxypropoxy]propyl me, 3-(2,3-dihydroxypropy)propyl me. di-me, mixed[[[3-3-[[3-(coco acylamin-o)propyl]dimethylammonio]-2-hydroxypropyl]dimethylsilyl]oxy]- and [[3-(2,3-dihydroxypropy)propyl]dimethylsilyl]oxy]- terminated, acetates (salts)
P-04-0201	12/23/03	03/21/04	CBI	(G) Destructive use for resins.	(G) Substituted norbornene
P-04-0202	12/24/03	03/22/04	CBI	(G) Resin for protective industrial coating	(G) Water based acrylic dispersion
P-04-0203	12/24/03	03/22/04	Reichhold, Inc.	(G) Polyester base resin	(G) Alkanediols, polymer with carboxylic acid anhydrides, reacted with branched alcohol and carboxylic acid.
P-04-0235	12/22/03	03/20/04	ConocoPhillips Company	(S) Olefin manufacturing feedstock; specialty solvents; alcohol denaturant; fuel blendstock	(S) Naphtha, C <sub>4-11</sub> -alkane, branched and linear

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as

CBI) on the Notices of Commencement to manufacture received:

## II. 37 NOTICES OF COMMENCEMENT FROM: 12/01/03 TO 12/24/03

Case No.	Received Date	Commencement Notice End Date	Chemical
P-01-0688	12/17/03	12/11/03	(G) Alkyl aryl sulfonate, calcium salt
P-01-0900	12/18/03	12/05/03	(G) Carboxylic acid salt
P-01-0904	12/09/03	11/15/03	(S) Silane, ethenyltriethoxy-, reaction products with silica
P-02-0404	12/09/03	11/19/03	(G) Aliphatic polyester polyurethane with tertiary amine
P-02-0816	12/03/03	11/20/03	(G) Polyaromatic urethane
P-03-0046	12/11/03	11/25/03	(S) 1-propanaminium, 3-amino-n-(carboxymethyl)-n,n-dimethyl-, n-soya acyl derivs., inner salts
P-03-0419	12/10/03	12/02/03	(G) Substituted cuprate [triazin-hydroxy-.alpha.o](((hydroxy-.alpha.o)sulfohenyl]azo-.alpha.n1]-methoxyphenyl]azo-.alpha.n1] naphthalenedisulfonato-, sodium salt
P-03-0420	12/08/03	11/21/03	(G) N,n-alkenebis-n-fatty acid amide
P-03-0489	12/08/03	11/13/03	(G) Poly (dimethyl) siloxane
P-03-0490	12/08/03	11/13/03	(G) Poly (dimethyl) siloxane
P-03-0491	12/08/03	11/13/03	(G) Poly(dimethyl) siloxane
P-03-0533	12/18/03	11/25/03	(S) 2-propenoic acid, 2-methyl-, (trimethoxysilyl)methyl ester
P-03-0560	12/15/03	12/03/03	(G) Macrocyclic alkoxy ether
P-03-0567	12/05/03	11/05/03	(G) Phosphonium salt of substituted alkylsulfonate
P-03-0578	12/15/03	11/21/03	(G) Acrylic solution polymer
P-03-0589	12/16/03	11/19/03	(G) Polyurethane prepolymer
P-03-0605	12/22/03	11/26/03	(G) Styrene acrylic copolymer
P-03-0615	12/10/03	12/02/03	(G) Hydrolyzed silane
P-03-0620	12/05/03	11/17/03	(G) Aminocarboxylic acid, alkaline salt
P-03-0621	12/05/03	11/17/03	(G) Aminocarboxylic acid, alkaline salt
P-03-0622	12/18/03	11/28/03	(G) Substituted alkanediol diacrylate
P-03-0637	12/08/03	10/31/03	(G) Polysiloxane
P-03-0665	12/02/03	10/27/03	(G) Alkyd resin
P-03-0668	12/08/03	11/19/03	(G) Acrylic solution polymer
P-03-0672	12/17/03	11/11/03	(S) Boron, trifluoro(tetrahydrofuran)-, (t-4)-, polymer with 3-methyl-3-[(2,2,2-trifluoroethoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1), bis(hydrogen sulfate), diammonium salt
P-03-0673	12/17/03	11/11/03	(S) Boron, trifluoro(tetrahydrofuran)-, (t-4)-, polymer with 3-methyl-3-[(2,2,3,3,3-pentafluoropropoxy)methyl]oxetane, ether with 2,2-dimethyl-1,3-propanediol (2:1), bis(hydrogen sulfate), diammonium salt

## II. 37 NOTICES OF COMMENCEMENT FROM:12/01/03 TO 12/24/03—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P-03-0697	12/11/03	11/05/03	(G) Rosin, polymer with a monocarboxylic acid, alkylphenol, formaldehyde, maleic anhydride and pentaerythritol.
P-03-0705	12/02/03	11/02/03	(G) Polycarboxylate polymer with alkenyloxyalkylol modified poly(oxyalkylenediyl), calcium potassium salt
P-03-0723	12/18/03	12/09/03	(G) Substituted alkylamino phenyl azo substitute isoindole
P-03-0746	12/23/03	11/26/03	(G) Polymeric aromatic amine colorant
P-03-0754	12/02/03	11/10/03	(G) Telechelic polyacrylates
P-03-0760	12/19/03	12/11/03	(S) 1-octanesulfonic acid
P-03-0765	12/18/03	12/06/03	(G) Phenol, 4,4'-(1-methylethylidene)bis, polymer with (chloromethyl)oxirane, reaction products with a cycloaliphatic amine
P-03-0766	12/15/03	11/14/03	(G) Alkoxysilyldiesteramine
P-03-0768	12/18/03	12/08/03	(G) Reactive azo dye
P-96-0434	12/02/03	11/19/03	(G) Isocyanate-terminated polyester polyurethane prepolymer
P-97-1087	12/10/03	11/17/03	(G) Alkyl me siloxanes

**List of Subjects**

Environmental protection, Chemicals, Premanufacturer notices.

Dated: January 16, 2004

**Carolyn Thornton,**

*Acting, Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 04-1448 Filed 1-22-04; 8:45 am]

**BILLING CODE 6560-50-S**

## FEDERAL COMMUNICATIONS COMMISSION

**[CC Docket Numbers 96-45 and 97-21; FCC 03-313]**

### Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al.

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission affirmed the Schools and Libraries Division's decisions and denied the Requests for Review filed by Ysleta Independent School District, El Paso, Texas, *et al.* However, the Commission waived the filing window for Funding Year 2002 to permit the above-captioned schools to resubmit requests for eligible products and services for Funding Year 2002.

**DATES:** The Commission's decisions on the Requests for Review addressed in this order were effective December 8, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Andy Firth, Attorney, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-7400, TTY (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order in

CC Docket Nos. 96-45 and 97-21 released on December 8, 2003. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

### I. Introduction

1. In this Order, before the Commission is a Request for Review by the Ysleta Independent School District (Ysleta), El Paso, Texas, and similar Requests for Review filed by seven other schools. International Business Machines, Inc. (IBM) also files a Request for Review in most of the appeals. The schools and IBM seek review of decisions of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), denying \$250,977,707.08 in schools and libraries universal service support mechanism discounts to the schools for Funding Year 2002. Because each appeal raises very similar issues, we consolidate our review here. We affirm SLD's decisions and deny the Requests for Review. Under the terms, however, we waive the filing window for Funding Year 2002 to permit the above-captioned schools to resubmit requests for eligible products and services for Funding Year 2002 under the terms.

2. The Commission is deeply concerned about a number of practices that undermine the framework of the competitive bidding process established by the Commission's *Universal Service Order*, 62 FR 32862 (June 17, 1997). If allowed to persist, the practices that we address in this Order could suppress fair and open competitive bidding, and ultimately thwart the goal of effective, efficient, and equitable distribution of universal service support to eligible schools and libraries. The Commission has directed program applicants to take

full advantage of the competitive market to obtain cost-effective services and to minimize waste, fraud, and abuse. Reliance on competitive markets also assures that program funds can be distributed as widely and as equitably as possible among the applicants. To enhance competitive-market processes, the Commission has developed a process in which applicants first develop detailed technology plans that describe their technology needs and goals in a manner consistent with their educational or informational objectives. Having determined the services for which they would seek E-rate discounts, applicants would then submit for posting on the Administrator's website an FCC Form 470, listing the desired services, consistent with the technology plan, with sufficient specificity to enable potential bidders to submit bids for E-rate eligible services. Applicants could indicate on the FCC Form 470 if they also had a Request for Proposal (RFP) providing additional detail on the services sought. Once an applicant received bids with specific prices quoted for eligible services, it would select the most cost-effective services, with price as the primary factor. Where consistent with these practices, applicants would rely on state and local procurement processes. This is the foundation upon which the Commission's rules and orders are based.

3. The procurement processes presented in the instant Requests for Review thwart the Commission's competitive bidding policies. The factual scenarios of the different applicants vary to some degree, but all present troubling conduct or outcomes that are inconsistent with the competitive bidding procedures required by our rules and orders. Most of the above-captioned applicants selected a Systems Integrator to provide