

poly(oxyethylene) copolymers in RAC has not been proposed.

[FR Doc. 99-13035 Filed 5-25-99; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00600; FRL-6081-6]

Pesticides; Policy Issues Related to the Food Quality Protection Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: To assure that EPA's policies related to implementing the Food Quality Protection Act are transparent and open to public participation, EPA is soliciting comments on a draft policy paper entitled "Use of the Pesticide Data Program in Acute Dietary Assessment." This notice is the eighth in a series concerning science policy documents related to the Food Quality Protection Act and developed through the Tolerance Reassessment Advisory Committee.

DATES: Comments for this policy paper, identified by docket control number OPP-00600, must be received on or before July 26, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section of this document. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00600 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Kathleen Martin, Environmental Protection Agency (7509C), 401 M St., SW., Washington, DC 20460. Office location and telephone number: 1921 Jefferson Davis Highway (7509C), Arlington, VA, 22207; (703) 308-2857; fax: (703) 305-5147; e-mail address: martin.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Notice Apply to Me?

You may be potentially affected by this notice if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide producers	32532	Pesticide manufacturers Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. If available, the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. If you have any questions regarding the applicability of this announcement to you, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section of this document.

B. How Can I Get Additional Information or Copies of This Document or Other Documents?

1. *Electronically.* You may obtain electronic copies of this document and the science policy paper from the EPA Home Page under the Office of Pesticide Programs at <http://www.epa.gov/pesticides/>. On the Office of Pesticide Program Home Page select "TRAC" and then look up the entry for this document. You can also go directly to the listings at the EPA Home Page at the **Federal Register**—Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>) to obtain this notice and the science policy paper.

2. *Fax on Demand.* You may request to receive a faxed copy of this document, as well as supporting information, by using a faxphone to call (202) 401-0527 and selecting item 6035. You may also follow the automated menu.

3. *In person or by phone.* If you have any questions or need additional information about this action, you may contact the person identified in the "FOR FURTHER INFORMATION CONTACT" at the beginning of this document. In addition, the official record for the science policy paper listed in the "SUMMARY" at the beginning of this document, including the public version, has been established under docket control number OPP-00600 (including comments and data

submitted electronically as described below). This record not only includes the documents that are physically located in the docket, but also includes all the documents that are referenced in those documents. Public versions of these records, including printed, paper versions of any electronic comments, which do not include any information claimed as Confidential Business Information (CBI), are available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is (703) 305-5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00600 in the subject line on the first page of your response.

1. *By mail.* Submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: opp-docket@epa.gov. Do not submit any information electronically that you consider to be CBI. Submit electronic comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number. Electronic comments on this notice may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as 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 CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, the Public Information and Records Integrity Branch telephone number is (703) 305-5805.

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

EPA invites you to provide your views on the various draft science policy papers, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider. 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 solid technical information and/or data to support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate.
5. Indicate what you support, as well as what you disagree with.
6. Provide specific examples to illustrate your concerns.
7. Make sure to submit your comments by the deadline in this notice.
8. At the beginning of your comments (e.g., as part of the "Subject" heading), be sure to properly identify the document you are commenting on. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00600 in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

On August 3, 1996, the Food Quality Protection Act of 1996 (FQPA) was signed into law. Effective upon signature, the FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Among other changes, FQPA established a stringent health-based standard ("a reasonable certainty of no harm") for pesticide residues in foods to assure protection

from unacceptable pesticide exposure; provided heightened health protections for infants and children from pesticide risks; required expedited review of new, safer pesticides; created incentives for the development and maintenance of effective crop protection tools for farmers; required reassessment of existing tolerances over a 10-year period; and required periodic re-evaluation of pesticide registrations and tolerances to ensure that scientific data supporting pesticide registrations will remain up-to-date in the future.

Subsequently, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on some of the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs. The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that met FQPA's standard, but that could be revisited if additional information became available or as the science evolved. As EPA's approach to implementing the scientific provisions of FQPA has evolved, the Agency has sought independent review and public participation, often through presentation of many of the science policy issues to the FIFRA Scientific Advisory Panel (SAP), a group of independent, outside experts who provide peer review and scientific advice to OPP.

In addition, as directed by Vice President Albert Gore, EPA has been working with the U.S. Department of Agriculture (USDA) and another subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC), chaired by the EPA Deputy Administrator and the USDA Deputy Secretary, to address FQPA issues and implementation. TRAC comprises more than 50 representatives of affected user, producer, consumer, public health, environmental, states and other interested groups. The TRAC has met six times as a full committee from May 27 through April 29, 1999.

The Agency has been working with the TRAC to ensure that its science policies, risk assessments of individual pesticides, and process for decision making are transparent and open to public participation. An important product of these consultations with TRAC is the development of a framework for addressing key science policy issues. The Agency decided that the FQPA implementation process and related policies would benefit from

initiating notice and comment on the major science policy issues.

The TRAC identified nine science policy issue areas they believe were key to implementation of FQPA and tolerance reassessment. The framework calls for EPA to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In accordance with the framework described in a separate notice published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL-6041-5), EPA has been issuing a series of draft documents concerning nine science policy issues identified by the TRAC related to the implementation of FQPA. This notice announces the availability of one of those draft documents as identified in the "SUMMARY" at the beginning of this document.

III. Summary of "Use of the Pesticide Data Program (PDP) in Acute Dietary Assessment"

The Environmental Protection Agency's (EPA) Office of Pesticide Programs (OPP) has identified a statistical methodology for applying existing information from the USDA Pesticide Data Program (PDP) report to risk assessments of the acute exposure to pesticide residues in food. This methodology consists of extrapolating from data on pesticide residues in composite samples of fruits and vegetables to residue levels in single units of fruits and vegetables. Given the composite sample mean (\bar{y}), the composite sample variance (S^2), and the number of units in each composite sample, it is possible to estimate the mean and variance (μ and σ^2) of the pesticide residues present on single units of fruits and vegetables. These parameters can then be applied to generate information on the level of residue in fruits and vegetables. This information can then be incorporated into a probabilistic exposure estimation model, such as the Monte Carlo method, in order to estimate exposure to pesticide residues in foods and the risk attendant to that exposure. This methodology has a higher degree of accuracy when more than 30 composite samples have detectable residues.

Other organizations have developed similar methodologies for extrapolating from residue levels in composite samples to residue levels in single servings. These organizations include Sielken Inc. and Novigen Sciences, Inc. Because the methods developed by these two organizations originate from the same fundamental assumption that residues on individual serving sizes of fruits and vegetables follow a lognormal

distribution, their results are similar to those of OPP.

OPP has recently started to apply the methodology described herein to estimate acute dietary exposure to pesticide residues in food. OPP is asking the FIFRA Scientific Advisory Panel and the public to answer specific questions regarding the methodology.

IV. Questions/Issues for Comment

While comments are invited on any aspect of the draft policy paper, EPA is particularly interested in comments on the following questions and issues.

1. Measurements of many natural processes may be described by typical statistical distributions, e.g., normal, lognormal, etc. In previous data-fit studies, data on concentration of residues on fruits and vegetables have been fitted to a lognormal distribution. The lognormality of residues has been established as a fundamental assumption in the decomposition procedure. Please comment on the assumption of lognormality.

2. The application of OPP's decomposition methodology calls for at least 30 "detects." This is done to assure that there is enough representation in the sample and that the extrapolation will cover the width of the distribution of single servings. Although 30 detects is a practical rule for the application of the procedure, please comment on the consideration of other numbers as a practical rule of application.

3. The standard deviation within a composite cannot be greater than the standard deviation of the population of individual residues. Are there any circumstances when this statement is not true? If so, what are these circumstances?

4. OPP acknowledges that the collection of composite samples in the PDP protocol is not purely random; therefore, the decomposition procedure will produce an overestimation of the standard deviation of the lognormal distributions of residues on fruits and vegetables. Moreover, the overestimation of the standard deviation is accentuated to the degree that the collection of composite samples departs from pure randomness. The consequence of overestimating the standard deviation is that the high end of the estimates of residues in single serving size samples may exceed what occurs in reality. What criteria (if any) should be used to establish an upper-bound on the amount of residue projected in a single serving size sample to address the potential for overestimation of the standard deviation? How should the distribution of residues in single servings samples be

interpreted when the PDP protocol does not assure that individual single servings samples are not randomly collected?

5. OPP's methodology is sensitive to the number (N) of single units/servings of a commodity estimated to be in a composite sample. Please comment on how to estimate that number for different commodities. Consider how to handle fruits for which a single serving is typically only a part of a unit of a commodity (e.g., a melon) or many different units (e.g., grapes) even though the single serving is smaller than the typical composite sample.

6. When there is considerable uncertainty about the number (N) of single units/servings of a commodity in a composite sample, should OPP generate several distributions of residues in single servings that encompass the possible range of values for N? Should these distributions in turn be used in DEEM to represent uncertainty in dietary exposure estimates?

V. Policies Not Rules

The draft policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should be abandoned.

EPA has stated in this notice that it will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting any policy document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of each guidance document.

The "revised" guidance will not be unalterable. Once a "revised" guidance document is issued, EPA will continue to treat it as guidance, not a rule. Accordingly, on a case-by-case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance. In the course of inviting comment on each guidance document,

EPA would welcome comments that specifically address how a guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

VI. Contents of Docket

Documents that are referenced in this notice will be inserted in the docket under the docket control number "OPP-00600." In addition, the documents referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038), have also been inserted in the docket under docket control number OPP-00557.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, pesticides and pests.

Dated: May 12, 1999.

Susan H. Wayland,
*Acting Assistant Administrator for
Prevention, Pesticides and Toxic Substances.*

[FR Doc. 99-13034 Filed 5-25-99; 8:45 am]

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FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting; Announcing an Open Meeting of the Board

TIME AND DATE: 10:00 a.m., May 28, 1999.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

Matters To Be Considered During Portions Open to the Public

- Discussion: Financial Management and Mission Achievement
- Resolution Waiving Leverage Limits for Y2K
- Final Rule: Establishment of Procedures that govern applications for Approvals or Waivers, Request for No-Action Letters or Regulatory Interpretations, and Petitions for case-by-case Determination or Review of Disputed Supervisory Determinations.

CONTACT PERSON FOR MORE INFORMATION:
Elaine L. Baker, Secretary to the Board,
(202) 408-2837.

William W. Ginsberg,
Managing Director.

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