

defined in the Executive order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### X. 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: May 6, 2004.

**James Jones,**

*Director, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

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

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

■ 2. Section 180.1252 is added to subpart D to read as follows:

**§ 180.1252 Phosphomannose isomerase and the genetic material necessary for its production in all plants; exemption from the requirement of a tolerance.**

Phosphomannose isomerase (PMI) protein and the genetic material necessary for its production in plants are exempt from the requirement of a tolerance when used as plant-incorporated protectant inert ingredients in plant commodities. Genetic material necessary for its production means the genetic material which comprise genetic material encoding the PMI protein and its regulatory regions. Regulatory regions are the genetic material, such as promoters, terminators, and enhancers, that control the expression of the genetic material encoding the PMI protein.

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### 48 CFR Part 1812

**RIN 2700–AD00**

#### Clauses Authorized for Use in Commercial Acquisitions

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the NASA FAR Supplement (NFS) by removing the NASA specific clause regarding Central Contractor Registration (CCR) from the list of clauses authorized for use in acquisitions of commercial items. The NASA CCR clause was removed from the NFS in a final rule published in the

**Federal Register** on February 3, 2004, however the rule failed to remove the clause from part 1812. This change corrects this omission.

**DATES:** *Effective Date:* May 14, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: [Celeste.M.Dalton@nasa.gov](mailto:Celeste.M.Dalton@nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Item I of FAC 2001–16 revised the FAR to require registration of contractors in the Central Contractor Registration (CCR) database prior to award of any contract, basic agreement, basic ordering agreement, or blanket purchase agreement. As a result, NASA’s specific coverage of CCR was no longer required and Subpart 1804.74—Central Contractor Registration and its associated clause at 1852.204–74 were deleted from the NFS under a final rule published in the **Federal Register** on February 3, 2004. Due to an oversight, the rule failed to remove 1852.204–74 from the list of clauses authorized for use in acquisitions of commercial items contained in the 1812.301, “Solicitation provisions and contract clauses for the acquisition of commercial items.” This final rule corrects this omission by removing the reference to 1852.204–74.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS part 1812 in accordance with 5 U.S.C. 610.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 1812**

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR Part 1812 is amended as follows:

**PART 1812—ACQUISITION OF COMMERCIAL ITEMS**

■ 1. The authority citation for 48 CFR part 1812 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1)

**1812.301 [AMENDED]**

■ 2. Amend section 1812.301 by removing paragraph (f)(i)(A) and redesignating paragraphs (f)(i)(B) through (f)(i)(O) as (f)(i)(A) through (f)(i)(N), respectively.

[FR Doc. 04–10921 Filed 5–13–04; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****48 CFR Part 1813**

**RIN 2700–AC83**

**Re-Issuance of NASA FAR Supplement Part 1813**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects the final rule document published April 22, 2004, which removed from the Code of Federal Regulations (CFR) those portions of the NASA FAR Supplement containing information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors and does not require publication for public comment. This document corrects the identification of one section in Part 1813 that is being removed from the CFR.

**DATES:** *Effective Date:* May 14, 2004.

**FOR FURTHER INFORMATION CONTACT:** Celeste Dalton, NASA, Office of

Procurement, Contract Management Division (Code HK); (202) 358–1645; e-mail: *Celeste.M.Dalton@nasa.gov*.

**SUPPLEMENTARY INFORMATION:** NASA published a final rule in the **Federal Register** of April 22, 2004 (69 FR 21763), removing from the Code of Federal Regulations (CFR) those portions of the NASA FFAR Supplement containing information that consists of internal Agency administrative procedures and guidance. In part 1813 of that final rule, section 1813.301–73 was incorrectly listed as section 1813.701–73. This document corrects that error.

**PART 1813—[CORRECTED]**

■ In rule FR Doc. 04–9011 published on April 22, 2004, (69 FR 21763), on page 21764, in the listing of sections under part 1813, remove “1813.701–73” and add “1813.301–73” in its place.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

[FR Doc. 04–10920 Filed 5–13–04; 8:45 am]

**BILLING CODE 7510–01–M**