promote a significant interest of the United States or for other good cause.

(9) If it otherwise is permissible, the records custodian may authenticate, upon the request of the party seeking disclosure, copies of the records. No employee of the Postal Service shall respond in strict compliance with the terms of a subpoena duces tecum unless specifically authorized by the General Counsel.

(e) *Postal Service employees as expert witnesses.* No Postal Service employee may testify as an expert or opinion witness, with regard to any matter arising out of the employee's official duties or the functions of the Postal Service, for any party other than the United States, except that in extraordinary circumstances, the General Counsel may approve such expert testimony in private litigation. A Postal Service employee may not testify as such an expert witness without the express authorization of the General Counsel. A litigant must obtain authorization of the General Counsel before designating a Postal Service employee as an expert witness.

(f) *Substitution of Postal Service employees.* Although a demand for testimony may be directed to a named Postal Service employee, the General Counsel, where appropriate, may designate another Postal Service employee to give testimony. Upon request and for good cause shown (for example, when a particular Postal Service employee has direct knowledge of a material fact not known to the substitute employee designated by the Postal Service), the General Counsel may permit testimony by a named Postal Service employee.

(g) *Fees and costs.* (1) The Postal Service may charge fees, not to exceed actual costs, to private litigants seeking testimony or records by request or demand. The fees, which are to be calculated to reimburse fully the Postal Service for processing the demand and providing the witness or records, may include, among others:

(i) Costs of time spent by employees, including attorneys, of the Postal Service to process and respond to the demand;

(ii) Costs of attendance of the employee and agency attorney at any deposition, hearing, or trial;

(iii) Travel costs of the employee and agency attorney;

(iv) Costs of materials and equipment used to search for, process, and make available information.

(2) All costs for employee time shall be calculated on the hourly pay of the employee (including all pay, allowance, and benefits) and shall include the hourly fee for each hour, or portion of each hour, when the employee is in travel, in attendance at a deposition, hearing, or trial, or is processing or responding to a request or demand.

(3) At the discretion of the Postal Service, where appropriate, costs may be estimated and collected before testimony is given.

(h) *Acceptance of service.* This section does not in any way abrogate or modify the requirements of the Federal Rules of Civil Procedure regarding service of process.

An appropriate amendment to 39 CFR 265.1 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–3702 Filed 2–14–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA37–1–6370b; FRL–5144–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; SO_2: Conewango Township, Warren County Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision provides for, and demonstrates, the attainment of the national ambient air quality standards (NAAQS) for sulfur oxides in the Conewango Township, Warren County nonattainment area. In the final rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 17, 1995.

ADDRESSES: Written comments on this action should be addressed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division (3AT00), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and, Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, Air & Radiation Programs Branch (3AT11), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 597–9781.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 18, 1994.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95–3681 Filed 2–14–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[PP 0E3882 and PP 4E4286/P598; FRL–4932–3]

RIN 2070–AC18

Pesticide Tolerances for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances for the combined residues of the herbicide metolachlor and its metabolites in or on the raw agricultural commodities celery and dry bulb onion.

The proposed regulation to establish maximum permissible levels for residues of the herbicide was requested in petitions submitted by the Interregional Research Project No. 4 (IR–4).

DATES: Comments, identified by the document control number, [PP 0E3882 and PP 4E4286/P598], must be received on or before March 17, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 0E3882 and PP 4E4286 to EPA on behalf of the named Agricultural Experiment Stations. These petitions request that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.368 by establishing tolerances for combined residues (free and bound) of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2methoxy-1-methylethyl)acetamide], and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol, and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on certain raw agricultural commodities as follows:

1. *PP 0E3882*. Petition submitted on behalf of the Experimental Stations of California, Florida, and Texas proposing a tolerance for celery at 0.1 part per million (ppm).

2. *PP 4E4286*. Petition submitted on behalf of the Experimental Stations of Arkansas, Michigan, New Jersey, New York, Oklahoma, and Texas proposing a tolerance for dry bulb onion at 1.0 ppm. The petitioner proposed that use of metolachlor on dry bulb onion be limited to onion production areas east of the Rocky Mountains based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A 1-year feeding study with dogs fed diets containing 0, 100, 300, or 1,000 ppm with a systemic no-observed-effect-level (NOEL) of 300 ppm (9.7 mg/kg/day) based on decreased body weight in females.

2. A 2-year feeding/carcinogenicity study with rats fed diets containing 0, 30, 300, 1,000 or 3,000 ppm (equivalent to 0, 1.5, 15, 50, or 150 mg/kg/day) with a compound-related increase in liver adenomas and combined adenomas/carcinomas in female rats at the high-dose level. This study was classified as supplemental data due to inadequate clinical chemistry determinations and dietary preparation records.

3. A 2-year feeding/carcinogenicity study with rats fed diets containing 0, 30, 300, or 3,000 ppm (equivalent to 0, 1.5, 15, or 150 mg/kg/day) with a systemic NOEL of 300 ppm based on decreased body weight at the 3,000-ppm dose level. A statistically significant increase in liver neoplasia was found in female rats at the 3,000-ppm dose level, as well as evidence for a neoplastic response in the nasal turbinates of both sexes.

4. A 2-year carcinogenicity study in mice fed diets containing 0, 300, 1,000 and 3,000 ppm (highest dose level equivalent to 428 mg/kg/day) with no treatment-related carcinogenic effects observed under the conditions of the study.

5. A second 2-year carcinogenicity study in mice fed diets containing 0, 300, 1,000, or 3,000 ppm with no treatment-related carcinogenic effects observed under the conditions of the study.

6. A two-generation reproduction study in rats fed diets containing 0, 30, 300, or 1,000 ppm with a reproductive NOEL of 300 ppm (equivalent to 23.5-26 mg/kg/day) based on reduced pup weights in the F1a and F2a litters at the 1,000-ppm dose level (equivalent to 75.8 to 85.7 mg/kg/day). The NOEL for parental toxicity is equal to or greater than the 1,000-ppm dose level.

7. A developmental toxicity study in rabbits given gavage doses at 0, 36, 120, or 360 mg/kg/day on gestation days 6 to 18. The NOEL for maternal toxicity was established at 120 mg/kg/day based on lacrimation, miosis, reduced food consumption, and body weight gain. There was no developmental toxicity observed under the conditions of the study.

8. A developmental toxicity study in rats given gavage doses of 0, 60, 180, or 360 mg/kg/day on gestation days 6 to 15. There were no signs of maternal or developmental toxicity observed under the conditions of the study.

9. A second developmental toxicity study in rats given gavage doses of 0, 30, 100, 300, or 1,000 mg/kg/day on gestation days 6 to 15. The NOEL's for maternal and developmental toxicity were established at 300 mg/kg/day. The NOEL for maternal toxicity was based on deaths, salivation, lacrimation, convulsions, reduced body weight, and food consumption at the 1,000-mg/kg/day dose level. The NOEL for developmental toxicity was based on reduced mean fetal body weight, reduced number of implantations/dam with resulting decreased litter size, and a slight increase in resorptions/dam with resulting increase in post-implantation loss.

10. Metolachlor was not found to be mutagenic in any tests. Mutagenicity data include gene mutation assays in Salmonella and mouse lymphoma cells; structural chromosome aberration tests including an in vivo micronucleus assay in Chinese hamsters and a dominant lethal assay in mice; and other genotoxic activity tests including DNA damage/repair assays in rat hepatocytes and in human fibroblasts, and an in vivo/in vitro unscheduled DNA synthesis assay.

11. Several metabolism studies have been performed with metolachlor, and the available data indicate the compound is readily absorbed after oral dosing and excreted in approximately equal amounts in urine and feces.

Metolachlor was evaluated by the Office of Pesticide Programs' Peer Review Committee in 1991 and classified as a Group C (possible carcinogen) with a recommendation for the quantification of estimated potential human risk using a linearized low-dose extrapolation (Q*). This recommendation was based on the finding of liver tumors in female rats at the 3,000-ppm dose level in both rat studies and the apparent induction of a small number of nasal turbinate tumors in both sexes of rats at the 3,000-ppm dose level. Nasal turbinate tumors have also been associated with dietary administration of acetochlor and alachlor, structurally related herbicides that are classified as Group B2 carcinogens (probable human carcinogens).

The Peer Review Committee's decision was presented to the FIFRA Scientific Advisory Panel on September 18, 1991. The Panel concluded that liver tumors were benign and hyperplasia was evident in rats of both sexes. The Panel also concluded that the occurrence of nasal turbinate tumors in rats was low and not statistically significant, but of concern since metolachlor is structurally related to acetochlor and alachlor. The Panel considered the carcinogenicity evidence to be minimal but sufficient for the classification of metolachlor as a Group C carcinogen.

The Office of Pesticide Programs' Health Effect Division Carcinogenicity Peer Review Committee met on July 27, 1994, to revaluate the weight-of-the-evidence on metolachlor, with particular reference to its carcinogenicity, based on newly submitted metabolism and mutagenicity studies. The registrant submitted data to show that the metabolism of metolachlor is substantially different from the metabolism of acetochlor and alachlor. Metolachlor does not metabolize to form a reactive quinone imine, which is presumed to be the carcinogenic metabolite of acetochlor and alachlor. There was also no evidence for mutagenic potential of metolachlor. Based on these data and in consideration of the full weight-of-the-evidence, the Carcinogenicity Peer Review Committee concluded that the classification of metolachlor should remain as a Group C carcinogen, but recommended that the RfD approach should be used for quantification of human risk.

A NOEL of 15 mg/kg/day from the 2-year rat feeding study was determined to be appropriate for use in the Margin of Exposure carcinogenic risk assessment. The chronic reference dose (RfD) is currently based on a systemic NOEL of 9.7 mg/kg/day from the 1-year feeding study in dogs, and any cancer concerns from chronic exposure are already addressed by the lower NOEL, which is the basis for the current RfD.

The Reference Dose (RfD) is established at 0.1 mg/kg of body weight (bwt)/day, based on a NOEL of 9.7 mg/kg/day and an uncertainty factor of 100. Available information on anticipated residues and/or percent of crop treated were used to estimate the Anticipated Residue Contribution (ARC) from residues of metolachlor in the human diet. The ARC from established tolerances and the proposed tolerances for celery and onions is estimated at 0.0006 mg/kg bwt/day and utilizes 0.6 percent of the RfD for the U.S. population. The ARC for non-nursing infants (the subgroup most highly exposed) utilizes 2 percent of the RfD. EPA believes these uses of metolachlor pose a negligible cancer risk to humans.

An adequate analytical method, gas chromatography, is available for enforcement purposes. The analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual, Vol. II (PAM II). The nature of the residue in plants is adequately understood. There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry since there are no livestock feed items associated with this action.

There are currently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 0E3882 and PP 4E4286/P597]. All written comments filed in response to these petitions will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines ''significant'' as those actions likely to lead to a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

Authority: 21 U.S.C. 346a and 371.

2. In § 180.368, paragraph (a) is amended by adding and alphabetically inserting the entry for celery, and paragraph (c) is amended by adding and alphabetically inserting the entry for onion (dry bulb), to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Celery	0.1
* * * * *	

* * * * * *

(c) * * *

Commodity	Parts per million
Onion (dry bulb)	1.0
* * * * *	

[FR Doc. 95–3386 Filed 2–14–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 6E3460/P597; FRL–4932–2]

RIN 2070–AB78

Pesticide Tolerance for Prometryn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a tolerance for residues of the herbicide prometryn in or on the raw agricultural commodity parsley. The proposed regulation to establish a maximum permissible level for residues of the herbicide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [PP 6E3460/P597], must be received on or before March 17, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703) 308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 6E3460 to EPA on behalf of the Agricultural Experiment Station of California. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.222 by establishing a tolerance for residues of the herbicide prometryn (2,4-bis(isopropylamino)-6-methylthio-s-triazine) in or on the raw agricultural commodity parsley at 0.1 part per million (ppm). The petitioner proposed that use of prometryn on parsley be limited to California only based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A 2-year feeding study with dogs fed diets containing 0, 15, 150, or 1,500 ppm (equivalent to 0, 0.375, 3.75, or 37.5 milligrams (mg)/kilogram (kg)/day) with a no-observed-effect level (NOEL) of 150 ppm (3.75 mg/kg/day) based on degenerative hepatic changes, renal tubule degeneration, and bone marrow atrophy at the 1,500-ppm dose level.

2. A 104-week chronic feeding/carcinogenicity study with rats fed diets containing 0, 10, 100, 750, or 1,500 ppm (equivalent to 0, 0.38, 3.90, 29.45, or 60.88 mg/kg/day for males and 0, 0.49, 4.91, 37.25, or 80.62 mg/kg/day for females) with a systemic NOEL of 750 ppm (29.45 mg/kg/day in males and 37.25 mg/kg/day in females) based on decreased body weight gain in both sexes, and renal lesions (mineralized concretions) in males at the 1,500-ppm dose level. There were no carcinogenic effects observed under the conditions of the study.

3. A carcinogenicity study with mice fed diets containing 0, 10, 1,000, or 3,000 ppm (equivalent to 0, 1, 100, or 300 mg/kg/day) for 102 weeks with a systemic NOEL of 1,000 ppm (100 mg/kg/day) based on decreased body weight gain in female mice at the 3,000-ppm dose level. There were no carcinogenic effects observed under the conditions of the study.

4. A two-generation reproduction study in rats fed diets containing 0, 10, 750, or 1,500 ppm (equivalent to 0, 0.6, 47.8, 96.7 mg/kg/day in males and 0, 0.7, 53.6, or 105.6 mg/kg day in females) with a NOEL for reproductive effects of 10 ppm (0.6 mg/kg/day in males and 0.7 mg/kg/day in females) based on decreased pup weight at the 750-ppm dose level. The NOEL for parental systemic toxicity was also established at 10 ppm based on decreased food consumption, body weight, and body weight gain at the 750-ppm dose level.

5. A developmental toxicity study in rabbits given gavage doses of 0, 2, 12, or 72 mg/kg/day with a NOEL of 12 mg/kg/day for maternal toxicity based on decreased food consumption at the highest dose tested (72 mg/kg/day). The NOEL for developmental effects was established at 12 mg/kg/day based on increased fetal resorption at the highest dose tested.

6. A developmental toxicity study in rats given gavage doses of 0, 10, 50, or 250 mg/kg/day during gestational days 6 to 15 with a NOEL of 50 mg/kg/day for maternal toxicity based on salivation and decreases in body weight and food consumption at the highest dose tested (250 mg/kg/day). A NOEL for developmental toxicity was established at 50 mg/kg/day based on decreased fetal body weight and increased incomplete ossification of sternebrae and metacarpals at the 250-mg/kg/day dose level.

7. Mutagenicity studies as follows: a gene mutation test (Ames assay), negative up to cytotoxic solubility limits; structural chromosome aberration tests, negative for anomalies in micronuclei in bone marrow cells of