

proposed amendment (administrative record No. UT-1007).

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Utah proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 30 CFR 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record Nos. UT-972 and UT-1008). It responded on September 29, 1994, and February 1, 1995 (administrative record Nos. UT-975 and UT-1017), that it had no comments on the amendment and that it believed there would be no impacts to water quality standards promulgated under authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*).

4. State Historic Preservation Officer (SHPO)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO (administrative record Nos. UT-972 and UT-1008). The SHPO did not respond to OSM's requests.

V. Director's Decision

Based on the above finding, the Director approves Utah's proposed amendment as submitted on September 9, 1994, and as revised by it and supplemented with additional explanatory information on January 5, 1995.

The Director approves Utah Admin. R. 645-203-200, concerning the confidentiality of coal exploration information, and removes 30 CFR 944.16(a), which required Utah to revise this rule. The Director approves the rule as proposed by Utah with the provision that it be fully promulgated in identical form to the rule submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 944, codifying decisions concerning the Utah program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay.

Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This final rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a

significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 20, 1995.

Charles E. Sandberg,

Acting Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 944—UTAH

1. The authority citation for part 944 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 944.15 is amended by adding paragraph (cc) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(cc) Revisions to Utah Admin. R. 645-203-200, confidentiality of coal exploration information, as submitted to OSM on September 9, 1994, and as revised and supplemented with additional explanatory information on January 5, 1995, are approved effective March 27, 1995.

§ 944.16 [Amended]

3. Section 944.16 is amended by removing and reserving paragraph (a).

[FR Doc. 95-7436 Filed 3-24-95; 8:45 am]

BILLING CODE 4310-05-M

SELECTIVE SERVICE SYSTEM

32 CFR Part 1690

Selective Service Regulations; Post Employment Conflict of Interest

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: 32 CFR part 1690—Post Employment Conflict of Interest is being removed from the Code of Federal Regulations because it has been made obsolete by the revocation of 5 CFR part 737 and the issuance by the United States Office of Government Ethics of 5

CFR part 2641—Post-Employment Conflict of Interest Restrictions.

EFFECTIVE DATE: March 27, 1995.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, 1515 Wilson Blvd., Arlington, VA 22209-2425. Phone (703) 235-2050.

SUPPLEMENTARY INFORMATION:

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 (b) and (d), I find good cause exists for waiving the general notice of proposed rulemaking and 30-day delay in effectiveness as to this rule. The notice and delayed effective date are being waived because the removal of 32 CFR part 1690 is indicated by 1 CFR part 8 because it is obsolete.

Executive Order 12866

In promulgating this rule, I have adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This amendment has not been reviewed by the Office of Management and Budget under that Executive order, as it is not deemed "significant" thereunder.

Regulatory Flexibility Act

I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this rulemaking does not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 32 CFR Part 1690

Conflict of interests, Government employees.

Dated: March 16, 1995.

Gil Coronado,

Director of Selective Service.

PART 1690—[REMOVED AND RESERVED]

For the reasons set out in the preamble, and under the authority of Title V, sec. 501(a), Pub. L. 95-521, as amended, 92 Stat. 1864; and secs. 1 and 2, Pub. L. 96-28, 93 Stat. 76 (18 U.S.C. 207); and 5 CFR part 737, part 1690 is removed and reserved.

[FR Doc. 95-7217 Filed 3-24-95; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[PP 1F3952, PP 1F3985, PP 2F4100, and FAP 1H5607/R2120; FRL-4945-8]

RIN 2070-AB78

Lambda-Cyhalothrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the synthetic pyrethroid lambda-cyhalothrin in or on the raw agricultural commodities (RACs) tomatoes, cabbage, broccoli, head lettuce, dry bulb onion, and garlic and in or on the processed food/feed tomato pomaces. Zeneca, Inc., requested this regulation to establish maximum permissible levels for residues of the insecticide.

EFFECTIVE DATE: This regulation becomes effective March 27, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 1F3952, PP 1F3985, PP 2F4100, and FAP 1H5607/R2120], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted 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 copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Second Floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6100; e-mail: LaRocca.George@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the **Federal**

Registers of April 3, 1991 (56 FR 13642), December 13, 1991 (56 FR 65080), and June 10, 1992 (57 FR 24644), which announced that Zeneca, Inc., (formerly ICI Americas, Inc.), 1800 Concord Pike, Wilmington, DE 19897, had submitted pesticide petitions (PPs) 1F3952, 1F3985, 2F4100 and food/feed additive petition (FAP) 1H5607 to EPA requesting that the Administrator, pursuant to sections 408(d) and 409(b) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d) and 348(b), establish tolerances for residues of the insecticide lambda-cyhalothrin [1- α -(S),3-2- α -(Z)]-(\pm)-cyano-(3-phenoxyphenyl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate] in or on the raw agricultural commodities (RACs) tomatoes at 0.06 part per million (ppm); cabbage at 0.4 ppm; broccoli at 0.4 ppm; lettuce (head) fresh, with wrapper leaves at 2.0 ppm; lettuce (head) fresh, without wrapper leaves at 0.3 ppm; dry bulb onions and garlic at 0.1 ppm; tomato pomaces (wet) at 0.6 ppm; and tomato pomaces (dry) at 4.0 ppm. EPA considers lettuce with wrapper leaves as the raw agricultural commodity not without wrapper leaves. Therefore, a proposed tolerance of 2.0 ppm for lettuce (head) is the correct commodity definition for tolerance purposes.

On June 29, 1994, Zeneca, Inc., requested that certain petitions be amended by increasing the proposed tolerances for the RAC tomatoes (PP 1F3952) to 0.1 and by deleting the proposed tolerance on wet tomato pomace (1H5607) since there is no distinction between wet and dry pomace, and increasing the proposed feed additive tolerance to 6.0 ppm for tomato pomaces. (See the **Federal Register** of August 24, 1994 (59 FR 43580).)

Currently, tolerances for lambda-cyhalothrin have been established as combined residues of parent and its epimer without expressing the chemical identification of the epimer since an analytical method to distinguish parent from epimer was not available at the time. There are now validated methods to distinguish parent from epimer, and the tolerances will now be expressed as the combined residues of lambda-cyhalothrin and its epimer. In addition, EPA has concluded that although the Chemical Abstract Services (CAS) names for lambda-cyhalothrin and its epimer are more compact, to a chemist the structures are more easily derived from the IUPAC names. Therefore, the IUPAC nomenclature will replace the CAS names in this and future regulations for lambda-cyhalothrin. The