the scope even further by including food uses of broadcast or sprayable applications of Lepidopteran pheromones under certain conditions outlined in this notice. It is important to note that this policy is only applicable to Lepidopteran pheromone products where the pheromone(s) is the sole active ingredient(s). Lepidopteran pheromone products formulated to include non-pheromone pesticide active ingredients, and non-lepidopteran pheromone products still require an EUP, when the treated area exceeds 10 acres and the formulation does not utilize a retrievable matrix.

II. Risk Considerations

A. Ecological Effects

In regard to nontarget organism effects, the risks from broadcast applications to crop lands should not be greater than from forestry or other non-crop use if the same environmental hazard restrictions apply. Experimental use of broadcast applications are limited to terrestrial use only and experimental application does not include use in or around marshes, swamps, rivers, streams, ponds, lakes, estuaries, flood plains, or drainage ditches, nor should the product be allowed to wash or drain into water. Low rates of experimental application, high volatility, limited acreage, and the current extent of knowledge indicating generally low orders of toxicity are all justifications to overcome potential increased risks to nontarget organisms due to exposure to foliar residues. The Agency has previously determined that exposure to wildlife will be minimal when release of the pheromone is confined to experimental purposes only and applications are limited to a maximum of 150 grams ai/acre/year on a maximum of 250 acres.

B. Human Health

The need for further regulatory relief above that provided for non-food uses prompted the Agency to reconsider the human dietary exposure for broadcast applications. In its previous policy notice, EPA was not able to make a no unreasonable adverse effects finding for arthropod pheromone pesticides for use on food crops because of insufficient data on the levels of exposure from pheromones applied in a broadcast manner. For pheromone products, especially those directly applied to food, one problem has been a lack of subchronic toxicity studies and an estimate of the actual pheromone residues occurring with use. The Agency has contended that sprayable formulations or other modes of application of pheromones to raw agricultural commodities had the potential to increase the likelihood of human dietary exposure. The Agency, at this time, still does not have adequate data to support the inclusion of all uses of arthropod pheromones in its EUP policy. It does possess enough information, however, to include the straight-chained Lepidopteran pheromones, a significant subset.

Human health concerns arise for any experimentally treated crops that may enter the food supply. From the data submitted, the Agency was able to conclude that the potential for residues from Lepidopteran pheromones, as described in this notice, is not a dietary hazard. This conclusion is based on: (1) The low acute toxicity seen in the data review of the Lepidopteran pheromones registered to date; (2) the known metabolism of long-chain fatty acids that predicts these compounds would be metabolized either by beta-oxidation yielding a series of paired carbon losses or by complexing with glucuronide and excretion by the kidneys; and (3) low exposure subsequent to application from product aging, volatilization, and the results of the field residue studies. Elsewhere in this issue of the **Federal Register**, EPA is proposing an exemption from the requirement of a permanent tolerance for these straight-chained Lepidopteran pheromones under the Federal Food, Drug, and Cosmetic Act.

The Agency has found that given the generally low expected toxicity and high volatility of arthropod pheromones, an upper limit of 150 grams ai/acre/year is adequate for testing the Lepidopteran pheromone product performance while still protecting the public health, nontarget organisms and the environment from unreasonable risks. These application rates encompass the majority of pheromone uses seen by the Agency to date.

III. Conclusion

Today's notice sets forth that for food uses of the majority of Lepidopteran pheromone pesticides, regardless of formulation or mode of application, EPA is permitting the acreage expansion from 10 to 250 acres for experimental testing at a maximum use rate of 150 grams ai/acre/year before triggering the requirement of an EUP under FIFRA. For the purposes of this policy, Lepidopteran pheromones are defined as naturally occurring compounds which are unbranched aliphatics (with a chain between 9 and 18 carbons) ending in an alcohol, aldehyde or acetate functional group and containing up to 3 double bonds in the carbon chain. Synthetically produced compounds that are identical to a known Lepidopteran pheromone as described above, and those that differ only in that their molecular structures are stereochemical isomers (or ratios of such isomers) also are included in this notice. The Agency contends, that for experimental uses involving food crops and all other non-aquatic uses, this change in policy provides significant flexibility to determine product efficacy without resulting in significant risk to human health or the environment due to the active ingredient's low use rate, high volatility, and lack of dietary exposure. Upon meeting the above conditions, the Agency has determined that pheromones of the type described do not present an unreasonable adverse effect to human health or the environment due to unlikely exposure.

The above policy applies to only the experimental phase of pheromone product development and not to registration of the product. The intent of this regulatory relief policy is to permit adequate conditions for practical research and development, while protecting the food supply and nontarget species from higher pheromone levels than occur naturally. The current set of studies listed in 40 CFR 158.690 are still required for the registration and sale of the final product.

With the implementation of this policy, EPA hopes to encourage the development and use of environmentally acceptable biological pesticides as alternatives to more toxic conventional synthetic chemical pesticides. The aim is to ease the testing requirements of these products, to speed their market entry, and promote their integration into pest management strategies.

List of Subjects

Environmental protection, Experimental use permits.

Dated: August 18, 1995.

Janet L. Andersen,

Acting Director, Biopesticide and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 95–21038 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–00413; FRL–4973–2]

Revision of Metabolism Testing Guideline Under FIFRA and TSCA; Notice of Availability and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comments.

SUMMARY: EPA is making available for public comment, a revised proposed guideline for General Metabolism studies of pesticides. This revised guideline, when final, will replace OPP Guideline 85–1 under 40 CFR 158.340 and OPPTS Guideline under 40 CFR 798.7100.

DATES: Comments must be received on or before October 31, 1995.

ADDRESSES: Interested persons are invited to submit written comments in triplicate to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person: bring comments to : Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: guidelines@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00413.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under the ''SUPPLEMENTARY INFORMATION'' caption of this preamble.

Information submitted as a comment in response to this notice may be claimed confidential 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. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. All statements will be made part of the record and will be taken into consideration by the Agency Scientists.

FOR FURTHER INFORMATION CONTACT: By mail: Yiannakis M. Ioannou, (7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 820D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–7894; e-mail: ioannou.yiannakis@epamail.epa.gov.

Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or for courier pick-up: Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5805 or 305–5454. By internet: e-mail requests to: guidelines@epamail.epa.gov or, in the near future, via the EPA Public Access Gopher (gopher.epa.gov) under the heading ''Environmental Test Methods and Guidelines.''

SUPPLEMENTARY INFORMATION: The Pesticide Assessment Guidelines, OPPTS 870 harmonized series (formerly Subdivision F), describe protocols for performing toxicology and related tests to support registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Some of the tests are also used in tolerance reviews under the Federal Food, Drug, and Cosmetic Act (FFDCA). Subdivision F was proposed for public comment in the **Federal Register** of August 22, 1978 (43 FR 37336) and published by NTIS in October 1982 (EPA Doc. No. 540/9–82–025, October 1982; NTIS Doc. No. PB 83–153916). Subdivision F included guideline 85–1 for performing General Metabolism Studies. OPPTS also published a guideline for General Metabolism Studies (to satisfy TSCA requirements) under 40 CFR 798.7100. This revised OPPTS 870.7485 guideline is designed to replace both aforementioned guidelines.

The proposed revisions are the result of efforts by Agency scientists to improve the existing guideline to reflect current Agency experience and the state-of-the-art regarding metabolism of pesticides and other toxic compounds. In addition, a need for revision was indicated by the results of the Pesticide Reregistration Rejection Rate Analysis as well as by comments received in response to the notice (FRL–3775–9) published in the **Federal Register** of September 19, 1990 (55 FR 38578).

On May 24, 1995, a workshop was held to discuss the revision of the Metabolism Testing Guidelines. The workshop was attended by representatives from Government, Industry, Academia, Environmental Groups, and other interested parties and comments provided by these groups before, during, and after the workshop were incorporated, whenever appropriate, into OPPTS 870.7485.

All interested parties are encouraged to submit comments on the proposed revised guideline for general metabolism studies. Specific comments should reference the specific number and paragraph or subparagraph of the proposed guideline. Recommended technical or scientific changes/modifications should be supported by current scientific/technical knowledge and include supporting references. References may be to the published literature, studies submitted to the Agency in support of registration, and unpublished data. Citations must be sufficiently detailed so as to allow the Agency to obtain copies of the original documents and unpublished data supplied to allow their evaluation.

Comments on the proposed revised guideline will be considered by the Agency and such modifications of the guideline considered to be of merit will be incorporated into the final guideline. The draft modifications and the public comments will be presented to the FIFRA Scientific Advisory Panel at a public meeting for its comments before being published as a final guideline. Notice of this meeting will be published in the **Federal Register** and all interested parties will be offered the opportunity to present written and public comments to the FIFRA Scientific Advisory Panel at the public meeting.

A record has been established for this notice under docket number ''OPP–00413'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

guidelines@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the

use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

List of Subjects

Environmental protection, Test guidelines.

Dated: August 23, 1995.

Stephanie R. Irene,

Acting Director, Health Effects Division, Office of Pesticide Programs.

[FR Doc. 95–21413 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5288–5]

Proposed Settlement Agreement, Clean Air Act Petition for Judicial Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in the following case: *Geneva Steel Company* v. *Carol Browner, Administrator United States Environmental Protection Agency*, No. 94–9554 (10th Cir. petition filed Sept. 6, 1994). This petition for judicial review was filed under section 307(b) of the Clean Air Act, 42 U.S.C. 7607(b), contesting various aspects of EPA's final approval of State implementation plan revisions submitted by the State of Utah addressing, among other planning requirements, the control of particulate matter emissions in Utah and Salt Lake Counties. See 59 FR 35036 (July 8, 1994).

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement agreement from persons who are not parties or intervenors to the litigation specified above. EPA or the U.S. Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Clean Air Act.

A copy of the proposed settlement agreement is available from: (1) Phyllis Cochran, Air and Radiation Division (Mailcode 2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–7606; or (2) Jonah Staller, Office of Regional Counsel (Mailcode 8RC), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202, (303) 294–7190.

Written comments should be sent to: Vickie Patton, Air and Radiation Division (Mailcode 2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and must be received by September 29, 1995.

Dated: August 24, 1995.

Jonathan Z. Cannon,

Assistant Administrator (General Counsel).

[FR Doc. 95–21526 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–P

[OPP–180979; FRL 4974–5]

Bifenthrin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Arizona Department of Agriculture (hereafter referred to as the ''Applicant'') for use of the pesticide, bifenthrin (Capture), to control sweetpotato whitefly (SWF) on up to 5,500 acres of leaf lettuce and 6,100 acres of cauliflower in Arizona. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before September 14, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–180979,'' should be submitted by mail 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. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–180979]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential 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. A copy of the comment that does not contain (CBI) must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8347; Internet address: collantes.margarita@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for use of the bifenthrin, available as Capture 2EC from FMC Corporation, to control sweetpotato whitefly on up to 5,500 acres of leaf lettuce and 6,100 acres of cauliflower per season in Arizona. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, the lack of hard freezes during the past winter