

(8) If information relevant to reasonably foreseeable adverse impacts cannot be obtained because the overall cost of obtaining it is exorbitant or the means to obtain it are not known, the fact that such information is incomplete or unavailable must be stated clearly. In addition, the relevance of the incomplete or unavailable information to the evaluation of the impacts must be stated, and a summary of existing credible scientific evidence relevant to evaluation of the impacts must be included, as well as an evaluation of such impacts on the basis of theoretical approaches or generally accepted research methods. For purposes of this subsection, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

PART 776—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS PROCEDURES

5. The authority citation for part 776 continues to read as follows:

Authority: 39 U.S.C. 401.

§ 776.4 [Amended]

6. In § 776.4, remove paragraphs (c) and (d).

7. In § 776.5, remove the phrase "locating the site" from the introductory text of paragraph (f) and insert in its place the word "constructing"; and revise paragraphs (a) and (d), the heading and introductory text of paragraph (e), paragraph (e)(1), the introductory text of paragraph (f), paragraph (f)(1), paragraph (f)(4), paragraph (f)(5), and paragraph (h) to read as follows:

§ 776.5 New construction.

(a) *Consideration in floodplain/wetland.* During the evaluation of contending sites for a proposed project, information concerning impacts on wetlands and floodplains will be collected and considered. If use of a site would require construction in a floodplain or wetland, the site may be considered only when there is no practicable alternative site.

(d) *Site planning.* During site evaluation, a determination must be made whether any of the identified site alternatives would require construction in, or appear to have an impact on, a

floodplain or wetland. This information will be included as part of any required Environmental Assessment.

(e) *Analysis of alternatives.* If any of the site alternatives identified under paragraph (d) of this section would involve construction within a floodplain or wetland, an analysis of alternatives must be prepared, and must include:

(1) Alternate sites as identified in the site planning process;

(f) *Reevaluation.* If, after consideration of information and analyses produced under paragraphs (b), (d), and (e) of this section, and (if required) review through an Environmental Assessment or Environmental Impact Statement, the determination is that there appears to be no practicable alternative to constructing in a floodplain or wetland, a final reevaluation of alternatives must be conducted. The Facilities Service Center Director is responsible for this reevaluation. To facilitate this reevaluation, the following data must be submitted to the Facilities Service Center Director:

(1) A summary of reasons why the rejected alternatives and alternative sites, if any, were considered impracticable.

(4) Documentation from the site evaluation and planning process.

(5) The Environmental Assessment or Environmental Impact Statement, if either was required.

(h) *No alternative.* If the Facilities Service Center Director determines that there is not a practicable alternative to constructing in a floodplain or wetland, the appropriate Postal Service organization is so advised. The Director may provide instructions for mandatory measures to be accomplished during design and construction to minimize harm to the floodplain or wetland.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 90-6191 Filed 3-20-90; 8:45 am]

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POSTAL RATE COMMISSION

39 CFR Part 3001

Domestic Mail Classification, First-Class Mail; Correction

AGENCY: Postal Rate Commission.

ACTION: Correction.

SUMMARY: This document corrects a typographical error in the description of First-Class mail postal or post cards in the Domestic Mail Classification Schedule.

EFFECTIVE DATE: March 21, 1990.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001 (telephone: 202/789-8820).

SUPPLEMENTARY INFORMATION:

Appendix A to subpart C of part 3001, containing the Domestic Mail Classification Schedule was first published in the Federal Register on July 10, 1985 (50 FR 28144). That publication and subsequent editions of the Code of Federal Regulations contained a typographical error in the description of First-Class mail postal or post cards. This document corrects the error. (Other errors occurring in the 1988 and 1989 editions of the Code of Federal Regulations were corrected in the Federal Register of March 7, 1990 at 55 FR 8142).

PART 3001—RULES OF PRACTICE AND PROCEDURE

Appendix A to Subpart C—Postal Service Rates and Charges

In Appendix A to subpart C of part 3001, under "Classification Schedule 100—First Class Mail," under item 100.021 Postal and post cards, the introductory text of paragraph c. is corrected to read as follows:

"c. To be eligible to be mailed as a first-class post card, a card may not exceed any of the following dimensions:"

By the Commission.

Charles L. Clopp,

Secretary.

[FR Doc. 90-0377 Filed 3-20-90; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL-3747-5]

NESHAP Radionuclide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of stay.

SUMMARY: Today's action announces a 120-day stay pending judicial review of subpart I of 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants for Radionuclide Emissions

from Facilities Licensed by the Nuclear Regulatory Commission and Non-DOE Federal Facilities (54 FR 51654 December 15, 1989). EPA is issuing this stay pursuant to section 705 of the Administrative Procedure Act, 5 U.S.C. 705, which grants the Administrator discretion to postpone the effective date of Agency rules pending judicial review, which for 40 CFR part 61, subpart I, is ongoing in the United States Court of Appeals for the D.C. Circuit. Also relevant to this decision is that EPA is currently reconsidering 40 CFR part 61, subpart I.

EFFECTIVE DATE: Effective March 15, 1990, subpart I of 40 CFR part 61 is stayed until July 13, 1990.

FOR FURTHER INFORMATION: James Hardin, Environmental Standards Branch, Criteria and Standards Division (ANR-460, Office of Radiation Programs, Environmental Protection Agency, Washington, DC 20460, (202) 475-9610.

SUPPLEMENTARY INFORMATION:

A. Background

On October 31, 1989, EPA promulgated under section 112 of the Clean Air Act (the "Act"), 42 U.S.C. 7412, National Emission Standards for Hazardous Air Pollutants ("NESHAPs") controlling radionuclide emissions to the ambient (outdoor) air from several source categories, including emissions from Licensees of the Nuclear Regulatory Commission and Non-DOE Federal Facilities. This rule was published in the Federal Register on December 15, 1989 (54 FR 51654; to be codified at 40 CFR part 61, subpart I). At the same time, EPA granted reconsideration of 40 CFR part 61, subpart I. 54 FR 51667-51668. In so doing, EPA established a 60-day period to receive further information and comments on these issues, and also granted a 3-month stay of 40 CFR part 61, subpart I, as provided by Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B). That stay expires on March 15, 1990.

At least 11 petitions for review, made pursuant to Clean Air Act section 307, 42 U.S.C. 7607, challenging EPA's radionuclide NESHAPs (54 FR 51654 December 15, 1989) have been filed with the United States Court of Appeals for the D.C. Circuit. Some of these petitions take issue with the rulemaking generally, while others are narrowly addressed to particular source categories such as 40 CFR part 61, subpart I. For instance, the Nuclear Management and Resources Council, Inc. ("NUMARC") has petitioned only insofar as the rules apply to nuclear power plants and fuel fabrication

facilities (D.C. Circuit Case No. 90-1073), and thus its petition challenges only 40 CFR part 61, subpart I. In any event, all petitions have been consolidated by the court, *sua sponte*, under the heading *American Mining Congress v. EPA*, No. 90-1056 (D.C. Cir.).

B. Issuance of Stay

EPA today further stays, for 120 days pending judicial review, the NESHAP for NRC-Licensees and Non-DOE Federal Facilities, 40 CFR part 61, subpart I. This stay is issued pursuant to the authority granted by section 705 of the Administrative Procedure Act ("APA"), 5 U.S.C. 705, and is intended to have the effect of continuing the stay initially issued by EPA pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), on December 15, 1989. 54 FR 51668. APA section 705 states that "[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review." Therefore, because petitions challenging this rule have been filed with the D.C. Circuit (e.g., including NUMARC's petition), EPA is authorized to issue this stay.

EPA also notes that it has an ongoing proceeding for reconsideration of 40 CFR part 61, subpart I, announced on December 15, 1989. 54 FR 51667-51668. Because reconsideration has not concluded and no final decision has been made by the Agency as to whether to propose modification to the existing 40 CFR part 61, subpart I, and given the ongoing judicial review proceedings in the D.C. Circuit, justice requires that the stay of the effective date of 40 CFR part 61, subpart I, be continued for 120 days. EPA believes that most facilities subject to this rule are in compliance and that, during the short period provided by this stay, their emissions are unlikely to increase. Thus, granting the stay would have little or no potential to have any adverse effects on public health, and granting the stay would therefore be consistent with the public interest.

Dated: March 15, 1990.
William K. Reilly,
Administrator.
[FR Doc. 90-6445 Filed 3-20-90; 9:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP8F3647/R1064; FRL-3713-6]

Pesticide Tolerances for Metsulfuron Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide metsulfuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]-amino]sulfonyl]benzoate) and its metabolite methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate in or on the crop grouping grass forage, fodder, and hay group at 15 parts per million (ppm) and residues of metsulfuron methyl in or on the raw agricultural commodities (RACs) kidney of cattle, goats, hogs, horses, and sheep at 0.5 ppm. The regulation establishes maximum permissible levels for the herbicide and was requested in a petition by E.I. duPont Nemours & Co.

EFFECTIVE DATES: This regulation becomes effective March 21, 1990.

ADDRESSES: Written objections, identified by the document control number, [PP8F3647/R1064], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 243, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1800.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 12, 1988 (53 FR 39783), EPA issued a notice which announced that E.I. du Pont de Nemours & Co. had submitted pesticide petition 8F3647 to EPA proposing to amend 40 CFR 180.428 by establishing a regulation to permit residues of metsulfuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]benzoate) and its metabolite methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate in or on grass forage and fodder at 15 ppm, grass hay at 30 ppm, milk at 0.2 ppm, and kidney of cattle, goats, hogs, horses, and sheep at 0.5 ppm.

There were no comments or requests for referral to an advisory committee received in response to this notice of filing.

The petitioner subsequently amended the petition by submitting a revised Section F deleting the proposed increased tolerance on milk and