

0E3875/P623] (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 Room 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:  
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.

The official record for this rulemaking, 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 rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 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: July 27, 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. By adding new § 180.485, to read as follows:

**§ 180.485 Cyproconazole; tolerances for residues.**

A time-limited tolerance is established for the residues of the fungicide cyproconazole, (2*RS*,3*RS*)-2-(4-chlorophenyl)-3-cyclopropyl-1-(1*H*-1,2,4-triazole-1-yl)butan-2-ol, in or on the following imported raw agricultural commodity:

Commodity	Parts per million	Expiration date
Coffee beans <sup>1</sup> .....	0.1	July 1, 1997.

<sup>1</sup> There are no U.S. registrations as of August 9, 1995 for use on coffee beans.

[FR Doc. 95-19531 Filed 8-8-95; 8:45 am]  
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**INTERSTATE COMMERCE COMMISSION**

**49 CFR Parts 1051 and 1220**

[Ex Parte No. 55 (Sub-No. 95)]

**Petition for Rulemaking—Invoiceless Billing Transactions**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The Commission is issuing an advance notice of proposed rulemaking

to examine restrictions against invoiceless billing between shippers and carriers. In this context, invoiceless billing means a system in which payments are made with no paper or electronic freight bill being issued by the carrier. Presently, Commission regulations require the issuance of freight bills by motor common carriers and require their retention for one year. This proceeding is instituted in response to a petition asking the Commission to modify the present regulations to allow consensual invoiceless billing between shippers, on the one hand, and motor common and contract carriers on the other. The Commission is asking for comments on this proposal and on whether

consensual invoiceless billing should be authorized for other modes, including rail and water carriers. Following receipt of public comments, the Commission will decide whether any changes to the present rules may be warranted. If so, a notice of proposed rulemaking will be issued. Otherwise, the proceeding will be discontinued.

**DATES:** Any person interested in participating in this proceeding as a party of record may file comments by October 10, 1995.

**ADDRESSES:** Send an original and 10 copies of pleadings referring to Ex Parte No. 55 (Sub-No. 95) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201

Constitution Avenue, NW., Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

**SUPPLEMENTARY INFORMATION:** For a more detailed discussion of the current statutes and regulations, the issues raised by the petition, and the information that is needed to go forward, see the Commission's separate decision in this proceeding issued today. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services: (202) 927-5721.]

### Regulatory Flexibility

Because this is not a notice of proposed rulemaking within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we need not conduct at this point an examination of impacts on small business. However, we welcome any comments regarding small entity considerations embodied in that Act.

### Environmental and Energy Considerations

Issuing this notice will not significantly affect either the quality of the human environment or the conservation of energy resources because the notice merely seeks information and is not proposing any change in current rules or policy. We preliminarily conclude that, even if we subsequently decide to grant the relief sought by petitioner, an environmental assessment would not be necessary under our regulations because the proposed action would not result in changes in carrier operations that exceed the threshold established in our regulations. See 49 CFR 1105.6(c)(2). We invite comments on the environmental and energy impacts of the proposal.

### List of Subjects

#### 49 CFR Part 1051

Buses, Freight, Motor carriers, Reporting and Recordkeeping requirements.

#### 49 CFR Part 1220

Motor carriers, Railroads, Reporting and recordkeeping requirements.

**Authority:** 49 U.S.C. 10321 and 11144, and 5 U.S.C. 553.

Decided: July 25, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, Commissioners Simmons and McDonald.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-19512 Filed 8-8-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AD 38

### Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Four Plants From Southwestern California and Baja California, Mexico

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Fish and Wildlife Service (Service) proposes to list *Acanthomintha ilicifolia* (San Diego thornmint), *Dudleya stolonifera* (Laguna Beach dudleya), *Hemizonia conjugens* (Otay tarweed), and *Monardella linoides* ssp. *viminea* (willow monardella) as endangered throughout their respective ranges in southwestern California and northern Baja California, Mexico, pursuant to the Endangered Species Act of 1973, as amended (Act). These species occur in coastal sage scrub, chaparral, and grassland habitats. The four taxa are threatened by a variety of factors including urban and agricultural development, competition from non-native plant species, off-road vehicle use, mining, grazing, and trampling by hikers. This proposed rule, if made final, would implement the Federal protection and recovery provisions afforded by the Act for these four plant species.

**DATES:** Comments from all interested parties must be received by October 9, 1995. Public hearing requests must be received by September 25, 1995.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gail Kobetich at the above address (telephone 619/431-9440).

## SUPPLEMENTARY INFORMATION:

### Background

*Acanthomintha ilicifolia* (San Diego thornmint), *Dudleya stolonifera* (Laguna Beach liveforever), *Monardella linoides* ssp. *viminea* (willow monardella), and *Hemizonia conjugens* (Otay tarweed) occur in San Diego and Orange Counties in southwestern California. In addition, populations of three of these taxa (*A. ilicifolia*, *H. conjugens*, and *M. linoides* ssp. *viminea*) extend into extreme northern Baja California, Mexico. These species occur in coastal sage scrub or in a mosaic of sage scrub, chaparral, riparian scrub, and grassland habitats.

Coastal sage scrub is a community typically dominated by a variety of drought-deciduous and evergreen sclerophyllous shrubs, including *Artemisia californica* (California sagebrush), *Eriogonum fasciculatum* (California buckwheat), *Encelia californica* (California encelia), *E. farinosa* (brittle bush), *Malosma laurina* (laurel sumac), *Opuntia* spp. (prickly pear, cholla), *Salvia* spp. (black sage, white sage), *Rhus integrifolia* (lemonadeberry), and *R. ovata* (sugarbush). Coastal sage scrub was historically distributed throughout cismontane (coastal) California south of San Francisco to Ensenada in Baja California, Mexico (Westman 1983). It ranges in elevation from sea level to about 600 meters (m) (2,000 feet (ft)) in inland sites in the southerly portion of its distribution (O'Leary 1990).

*Acanthomintha ilicifolia* grows in heavy clay soils in open areas of coastal sage-scrub, chaparral, and native grassland in San Diego County and northern Baja California, Mexico. *Dudleya stolonifera* is primarily restricted to weathered bluffs and rock outcrops in microhabitats within coastal sage scrub or chaparral. *D. stolonifera* is found only in the vicinity of Laguna Beach (Orange County). *Hemizonia conjugens* occurs in southern coastal San Diego County and northern Baja California, Mexico, and is typically found in clay soils on slopes and mesas within coastal sage scrub or grassland habitats. *Monardella linoides* ssp. *viminea* primarily inhabits washes in coastal sage scrub or riparian scrub habitats. Populations of *M. linoides* ssp. *viminea*, concentrated in the Miramar area of San Diego County, extend south into Baja California, Mexico.

Typically, areas with Mediterranean climates such as southern California have numerous rare, locally endemic species (Stebbins and Major 1965, Cody 1986). Southern California has the highest concentration of locally endemic plant species in the United