

Included within the definition of nontarget sites are areas of permanent human habitation including permanent residences, schools, churches, and areas in which substantial commercial activities are conducted (e.g., shopping centers), domestic apiaries, and publicly-maintained roads. In addition, aquatic habitats such as critical fisheries, municipal water supply intakes and other waters (which include rivers, streams, ponds, lakes, and ephemeral streams and ponds with flowing or standing water visible from an aircraft flying at an altitude of 1,000 feet above the terrain at the time of treatment), are included within the definition of a sensitive area. The release of any pesticide spray is not permitted over a sensitive area or in the surrounding buffer zone. Buffer zones are defined as areas intended to receive only spray drift fallout from the application sites.

The Agency recognizes that some seasonal dwellings, such as hunting and fishing camps, may be located in or adjacent to the treatment area. These dwellings are not considered to be permanent residences and thus will not be buffered against direct application. However, many of these dwellings are near aquatic sites listed in Table II which will be buffered.

To minimize operational errors, overflights of the treatment area prior to the actual spray operation are encouraged. The purpose of these overflights is to locate visually all sensitive areas and buffer zones designated on the spray block maps. Particular attention should be given to identifying ephemeral streams and ponds visible from an aircraft flying at an altitude of 1,000 feet or less above the terrain at the time of treatment, which may not be designated on the spray block map due to their seasonality.

Authority

This Advisory Opinion governing the use of certain insecticides for the suppression of the spruce budworm in Maine through July, 1980, is issued pursuant to the authority granted to the Administrator by Section 2(ee) of FIFRA, 7 U.S.C. 136(ee) (Supp. 1979). Section 12(a)(2)(G) of FIFRA makes it unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." Section 2(ee) defines this terminology as prohibiting the use of registered pesticide "in a manner not permitted by the labeling." However, section 2(ee) also provides that this prohibition does not apply with respect to "any use of a pesticide in a manner that the Administrator determines to be

consistent with the purposes of this Act."

Effective Date: This Notice is effective through July 31, 1980.

Dated: May 5, 1980.

Steven D. Jellinek,
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-15127 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1493-7]

Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities

BACKGROUND: This notice is published under the authority of § 101(b) and § 103 of the Clean Air Act. The notice provides further clarification of a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977) and "Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities," 44 FR 32042 (June 4, 1979).

DISCUSSION: The previous policy statements on the control of volatile organic compounds (VOC's) noted that methyl chloroform and methylene chloride are negligibly photochemically reactive and do not appreciably contribute to the formation of ozone. Consequently, controls on emissions of these two compounds would not contribute to the attainment and maintenance of the national ambient air quality standards for ozone. In the June 1979 policy statement EPA explained that it would not disapprove any state implementation plan (SIP) or plan revision for its failure to contain regulations restricting emissions of methyl chloroform and/or methylene chloride.

Today's statement clarifies EPA policy regarding state implementation plan submittals which do contain regulations restricting emissions of the two compounds. Section 110(a)(1) of the Clean Air Act limits state implementation plans to measures designed to achieve and maintain the national ambient air quality standards (NAAQS). Because current information indicates that emissions of methyl chloroform and methylene chloride do not appreciably affect ambient ozone levels, EPA cannot approve measures specifically controlling emissions of either or both compounds as part of a federally enforceable ozone SIP. EPA will take no action on any measures specifically controlling emissions of the two compounds which are submitted by the states as ozone SIP measures for

EPA approval. If a state chooses to control emissions of these compounds, such measures will be considered as state regulations only and not as part of an ozone SIP. EPA will not enforce controls on emissions of either methyl chloroform or methylene chloride adopted by the state as part of an implementation plan for ozone.

States retain authority to control emissions of these compounds under the authority reserved to them under Section 116 of the Clean Air Act. For further information relevant to the exercise of this authority see the July 8, 1977 and June 4, 1979 policy statements. This policy notice should not be read as a statement of EPA's views on the desirability of controls on these substances.

Finally, EPA wishes to point out that this policy notice addresses only the Agency's lack of authority to include in federally approved SIPs controls on substances whose emissions do not contribute, either directly or indirectly, to concentrations of pollutants for which NAAQS have been established under section 109 of the Act. This policy notice does not address the question of SIP measures which control substances contributing to concentrations of pollutants for which NAAQS have been established, but which are contended to be more strict than absolutely necessary to attain and maintain the NAAQS. EPA has no authority to exclude such measures from SIPs.

FOR FURTHER INFORMATION CONTACT:
G. T. Helms, Chief, Control Programs Operations Branch (MD-15), Research Triangle Park, North Carolina 27711, (919) 541-5226, FTS 629-5226.

Dated: May 9, 1980.

David G. Hawkins,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-15124 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1491-7; PP 6G1807/T239]

Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the temporary tolerance for residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), milk 0.05 ppm, eggs 0.1 ppm, meat fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

FOR FURTHER INFORMATION CONTACT:

James Stone, Acting Product Manager (PM) 23, Room; E-351 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202-755-1397).

SUPPLEMENTARY INFORMATION: In the Federal Register of October 17, 1979 (44 FR 59956) EPA announced the establishment of a temporary tolerance for residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3,4-thiadiazol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 ppm, milk 0.5ppm, eggs 0.1 ppm, meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. The tolerance was established in response to a pesticide petition (PP 6G1807) submitted by Nor-Am Agricultural Products, Inc. That temporary tolerance permitted the marketing of the above raw agricultural commodities when treated in accordance with experimental use permit 2139-EUP-23. That experimental use permit will expire July 1, 1980.

Nor-Am Agricultural Product, Inc. requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provision of the experimental use permit 2139-EUP-23. (A related document establishing a feed additive regulation for residues of thidiazuron in or on cottonseed hulls appears elsewhere in today's Federal Register.) These temporary tolerances will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit (2139-EUP-23) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C.).

The scientific data reported and all other relevant material were evaluated, and it was determined that extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am Agricultural Products, Inc., must immediately notify the EPA of any findings from the experimental use permit that have a bearing on safety. The firm will also keep records of production, distribution, and performance and upon request make the

records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance will expire July 1, 1981. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodities after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j))

Dated: April 24, 1980.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 80-15122 Filed 5-15-80; 8:45 am)

BILLING CODE 6560-01-M

[FRL 1492-8; OPP-180432]

Oregon Department of Agriculture; Specific Exemption for Naphthaleneacetic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") for the use of naphthaleneacetic acid (NAA) in eleven counties in Oregon to control cracking and splitting of cherries. This specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION:

According to the Applicant, the fruit of the sweet cherry is highly susceptible to cracking due to rainfall. The cracking is caused by absorption of water directly through the skin of the fruit. This absorption produces an increase in the volume of the fruit beyond the skin's capacity to contain it; consequently, cracking occurs. Severe cracking results in a low quality crop or, many times, a crop that is not worth harvesting, the Applicant states. The Applicant

estimates a loss of \$1.6 million without the use of NAA.

The Applicant proposed to make a single application of NAA to 7,500 acres of sweet cherries in the counties of Benton, Clackamas, Douglas, Hood River, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

Naphthaleneacetic acid is currently registered for use on apples, pears, quinces, and pineapples; and permanent tolerances for residues of NAA in or on these raw agricultural commodities have been established. EPA has determined that residues of NAA in or on sweet cherries from the proposed use should be less than 0.05 part per million (ppm). EPA has judged this residue level to be adequate to protect the public health. No hazard to the environment is anticipated from this program.

After reviewing the application and other available information, EPA has determined that (a) cracking or splitting of sweet cherries is likely to occur; (b) there is no plant regulator presently registered and available for use to control cracking and splitting in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if cracking and splitting of cherries is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a plant regulator to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the plant regulator noted above until July 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The pesticide products Liquistik Concentrate (EPA Reg. No. 279-2131) and Fruitone N (EPA Reg. No. 264-141) may be applied;
2. The rate of application of NAA will not exceed two grams per acre. The product will be applied in 50 to 500 gallons of water;
3. A total of 7,500 acres of sweet cherry trees may be treated using no more than a total of 33 pounds of NAA.
4. Application will take place by ground equipment only and may be made during the period of May 1 through June 30, 1980;
5. A 30-day pre-harvest interval will be observed;
6. All applicable directions, restrictions, and precautions on the product labels will be observed;
7. Application is limited to the counties named above;
8. The limited residue data submitted indicate that residues of naphthaleneacetic acid will not exceed 0.05 ppm in or on sweet cherries. Sweet

cherries with residues of 0.05 ppm or less may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action;

9. Due to the limited residue data available, the Applicant must assure that additional residue data are gathered for sweet cherries treated under this exemption; and

10. The Applicant is responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of the proposed program by December 31, 1980. This report shall include the total acreage treated, total amount of NAA used and where it was used. In addition, the average tonnage of cherries obtained from use of NAA under the exemption as compared to the tonnage generally obtained must be reported. This information must apply only to those cherry fields which are treated under the exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 8, 1980.

James M. Conlon,
Acting Deputy Assistant Administrator for
Pesticide Programs.

[FR Doc. 80-15121 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1492-2; OPTS-51062]

Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the *Federal Register* certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by June 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances,

Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202-426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the *Federal Register* of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the *Federal Register* issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the *Federal Register* of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the *Federal Register* nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the *Federal Register*.

If no generic use description or generic name is provided, EPA will develop one and after providing due

notice to the submitter, will publish an amended *Federal Register* notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) *Federal Register* notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the *Federal Register*.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M. St. SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51062]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 8, 1980.

John P. DeKany,
Deputy Assistant Administrator for Chemical Control.

PMN 80-89

Close of Review Period. July 22, 1980.

Manufacturer's Identity. Claimed confidential. Submitter has annual sales of between \$10,000,000 and \$99,000,000 and will produce the substance in the east-north central region of the country.