

US EPA ARCHIVE DOCUMENT

for this program is expected to last for a 1-year period. (Susan Stanton)

4. Colorado Department of Agriculture on May 8, 1993, for the use of permethrin on wheat, oats, and barley to control cutworms. This program has ended. (Andrea Beard)

5. Florida Department of Agriculture and Consumer Services on December 3, 1992, for the use of propiconazole on celery to control early blight. This program has ended. (Andrea Beard)

6. Florida Department of Agriculture and Consumer Services on February 12, 1993, for the use of imazethapyr on lettuce, escarole, and endive to control pigweeds. This program is expected to last until May 31, 1994. (Andrea Beard)

7. Mississippi Department of Agriculture and Commerce on May 15, 1993, for the use of paraquat on rice to control weeds. This program has ended. (Susan Stanton)

8. New Mexico Department of Agriculture on March 29, 1993, for the use of chlorpyrifos on wheat to control the Russian wheat aphid. This program has ended. (Andrea Beard)

9. Texas Department of Agriculture on April 23, 1993, for the use of metolachlor on leucaen leucocephala to control weeds. This program is expected to last until April 22, 1994. (Larry Fried)

10. Texas Department of Agriculture on May 28, 1993, for the use of avermectin on melons (cantaloupes, honeydews, and watermelons) to control leafminers. This program has ended. (Larry Fried)

11. Texas Department of Agriculture on April 23, 1993, for the use of oxyfluorfen on leucaen leucocephala to control weeds. This program is expected to last until April 22, 1994. (Larry Fried)

12. Texas Department of Agriculture on March 17, 1993, for the use of chlorpyrifos on wheat to control the Russian wheat aphid. This program has ended. (Andrea Beard)

EPA has denied specific exemption requests from the:

1. California Environmental Protection Agency, Department of Pesticide Regulation, for the use of benomyl on artichokes to control *Ramularia* leaf spot. Benomyl was formerly the subject of an EPA Special Review. A notice published the *Federal Register* of February 24, 1993 (58 FR 11232); no comments were received. (Susan Stanton)

2. New York Department of Environmental Conservation for the use of fosetyl-aluminum (Aliette) on grapes to control downy mildew. (Susan Stanton)

3. The subject section 18 emergency exemptions were denied or revoked based on the determination that these

emergency exemption requests were affected by the Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) policy on the Delaney Clause and section 18 emergency exemptions under FIFRA, which became effective May 7, 1993.

This policy states that EPA will not grant an emergency exemption, will overturn any crisis exemptions granted by States and other Federal agencies, and will revoke any emergency exemption currently in force for a pesticide if: (1) The pesticide is likely to meet the Delaney Clause's induce cancer in animals standard (e.g., the pesticide is classified in Group A, B, or C under EPA's Cancer Assessment Guidelines, or has been treated as if it falls under one of those classifications); and (2) EPA is unable to conclude that under existing EPA policy the particular use of the pesticide would not need a food additive regulation. For each of the denied or revoked exemptions, EPA determined that the above two criteria were met and that no extraordinary circumstances existed which justified departure from this policy. On May 7, 1992, EPA denied or revoked the following section 18 specific exemptions:

- a. Arkansas for the use of bromoxynil on rice.
- b. California for the use of bifenthrin on tomatoes.
- c. California for the use of triadimefon on tomatoes (revoked).
- d. Florida for the use of cyromazine on potatoes and tomatoes (revoked).
- e. Idaho for the use of bifenthrin and fosetyl-al on hops.
- f. Michigan for the use of cyromazine on potatoes.
- g. Michigan for the use of fosetyl-al on grapes.
- h. Mississippi for the use of bromoxynil on rice.
- i. Montana for the use of pendimethalin on mint.
- j. North Carolina for the use of iprodione on apples (revoked).
- k. Oregon for the use of fosetyl-al on hops (revoked).
- l. Oregon for the use of pendimethalin on mint.
- m. Pennsylvania for the use of fosetyl-al on grapes.
- n. South Carolina for the use of acephate on tomatoes.
- o. South Dakota for the use of pendimethalin on mint.
- p. Tennessee for the use of iprodione on apples.
- q. Texas for the use of permethrin on rice.

r. Washington for the use of bifenthrin on hops. (Susan Stanton)
EPA has granted a public health exemption to the Arkansas State Plant

Board for the use of formaldehyde in poultry houses, hatcheries, and immobile equipment to control *salmonella* bacteria; May 28, 1993, to May 27, 1994. (Susan Stanton)

Authority: 7 U.S.C. 136.

Dated: September 16, 1993.

Douglas D. Campt,
Director, Office of Pesticide Programs.

[FR Doc. 93-23867 Filed 9-28-93; 8:45 am]

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[FRL-4731-1]

Final Decision to Grant BP Chemicals, Inc. an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Waste Into Waste Disposal Well No. 4

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of final decision on exemption petition.

SUMMARY: Notice is hereby given by the USEPA that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been granted to BP Chemicals, Inc. (BPCI) of Lima, Ohio, for the operation of waste disposal well (WDW) No. 4. As required by 40 CFR part 148, BPCI has demonstrated to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous and was granted an exemption from the restrictions on the land disposal of hazardous wastes for WDWs No. 1, 2, and 3 on May 7, 1992. Since that time, BPCI completed the construction of WDW No. 4. On October 26, 1992, BPCI successfully performed testing required of WDW No. 4 and, therefore, BPCI may henceforth use WDW No. 4 for disposal through injection of the RCRA regulated hazardous wastes, codes K011, K013, K014, F039, and various D, U, and P listed materials. This action constitutes a final USEPA action for which there is no administrative appeal.

FOR FURTHER INFORMATION CONTACT:
Harlan Garrish at (312) 886-2939.

SUPPLEMENTARY INFORMATION:

Background

BPCI submitted a petition to the USEPA under 40 CFR part 148, which allows any person to petition the Administrator to determine whether its continued injection of hazardous wastes is protective of human health and the

environment. After a comprehensive review of all material submitted, the USEPA determined that there is a reasonable degree of certainty that BPCI's injected wastes will not migrate out of the injection zone within the next 10,000 years as required by 40 CFR part 148. The injection zone at this site includes the uppermost part of the Middle Run and all of the Mt. Simon and Eau Claire Formations, lying between the depths of 2,430 and 3,223 feet in WDW No. 4. The immediately overlying confining zone is a portion of the Knox Dolomite between 2,100 and 2,430 feet. The confining zone is separated from the lowermost source of underground drinking water, located at a depth of 400 feet, by sequences of permeable and less permeable sedimentary rocks which provide additional protection from fluid migration into underground sources of drinking water. A fact sheet containing a summary of the demonstration of no migration for the decision now being finalized was published in the *Federal Register* on March 12, 1992, at 57 FR 8753; a fact sheet describing the tests of WDW No. 4 was published on May 27, 1993, at 58 FR 30926.

A public notice of the proposed decision was issued on May 20, 1993, pursuant to 40 CFR 124.10; however, due to a lack of interest expressed by the public, USEPA participation in the public hearing scheduled for June 23, 1993 was canceled. The public comment period expired on July 6, 1993. Comments reflected concerns about the capacity of the reservoir and the potential for migration through earthquake-induced fissures. Computer simulations indicate that the injection zone capacity is more than adequate and present information reveals no faults within the area of predicted migration. Accordingly, USEPA has determined that it is safe to grant this exemption. The five conditions appended to the proposed decision were not challenged and are made conditions of this final approval.

The wastes for which this exemption is granted are principally process waste waters defined under 40 CFR part 261 as bottom stream from the wastewater stripper, (K011), bottom stream from the acetonitrile column, (K013), and bottoms from the acetonitrile purification column, (K014), all in the production of acrylonitrile. At the point of generation, one waste stream is sometimes hazardous due to corrosivity, (D002), and chromium content, (D007). The waste stream sometimes contains de minimus amounts of ammonia blowdown, scrubber water, slopwater, contaminated storm water, pump seal

water, water from the loading/unloading sump, contaminated groundwater (F039), equipment washwater, solutions that are compatible with the waste stream, contaminated product, and laboratory wastes. Waste codes for the hazardous wastes which BPCI may continue to dispose through its deep-well disposal system are listed in a table included in the *Federal Register* notice of May 27, 1993.

General conditions of this exemption are found at 40 CFR part 148. In addition, as a condition of granting this exemption to the ban on injection of certain hazardous wastes, the USEPA requires that the following conditions be met:

1. The permitted injection zone must be comprised of the Middle Run, Mt. Simon, and Eau Claire Formations;

2. Injection shall occur only into the Middle Run and Mt. Simon Sandstones in WDW No. 4;

3. This exemption is issued in conjunction with the exemption issued for the BPCI Lima, Ohio, site on May 7, 1992; the combined monthly injection volume for all four wells at the BPCI Lima, Ohio, site must not exceed 24 million gallons;

4. The petitioner shall fully comply with all requirements set forth in the Underground Injection Control Permit-To-Operate for BPCI WDW No. 4 issued by the Ohio EPA; and

5. The injection pressure at the wellhead shall be no greater than 844 psi, the pressure at which the no-migration demonstration was made.

Dated: August 19, 1993.

Edward P. Watters,
Acting Director, Water Division, Region 5,
U.S. Environmental Protection Agency.
[FR Doc. 93-23876 Filed 9-28-93; 8:45 am]
BILLING CODE 6560-50-P

[OPP-30341A; FRL-4187-4]

Abbott Laboratories; Approval of Pesticide Product Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Abbott Laboratories, to conditionally register the pesticide products Xentari Water Dispersible Granule and Xenatri Technical Powder containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703-305-7690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the *Federal Register* of July 31, 1992 (57 FR 33958), which announced that Abbott Laboratories, Chemical and Agricultural Products Division, 1401 North Sheridan Road, North Chicago, IL 60064, had submitted applications to register the pesticide products Xentari Water Dispersible Granule and Xentari Technical Powder (EPA File Symbols 275-IL and 275-IA) containing *Bacillus thuringiensis* subsp. *aizawai* lepidopteran active toxin(s) at 10.3 and 19 percent respectively; an active ingredient not included in any currently registered products.

These applications were approved on August 20, 1992, as Xentari Water Dispersible Granule (EPA Registration Number 275-85) for terrestrial, greenhouses, and aquatic food crop uses and Xentari Technical Powder (EPA Registration Number 275-86) for manufacturing use only.

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest.

The Agency has considered the available data on the risks associated with the proposed use of *Bacillus thuringiensis* subsp. *aizawai* lepidopteran active toxin(s), and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of *Bacillus thuringiensis* subsp. *aizawai* lepidopteran active toxin(s) during the period of conditional registration is not expected to cause any unreasonable adverse effect on the environment, and