

US EPA ARCHIVE DOCUMENT

strictions set forth in the Administrator's Order dated September 16, 1975.

After considering the evidence submitted by USDI in their application for registration and the data submitted in support thereof, the Administrator has made a written finding pursuant to the regulations [40 CFR 162.8(a)(3)] with respect to whether such properties of the M-44 sodium cyanide capsules are fundamentally different from the factors considered by the EPA in establishing the data requirements set forth in the Registration Guidelines. Although The Guidelines were published as proposed rules in the FEDERAL REGISTER on June 25, 1975 (40 FR 26802), and have not as yet been promulgated, the basic data requirements set forth in the proposed Guidelines represent the current data necessary to support a registration. Accordingly, the notification of data waiver will apply to supporting data now required by the Agency and set forth in the proposed Guidelines.

The Administrator has determined that the submission of certain data is not necessary for determining whether the M-44 sodium cyanide capsules will generally cause unreasonable adverse effects on man or the environment. Specifically, the requirement for the separate submission of new experimental data on eye and dermal exposure of experimental animals to demonstrate acute toxicity of sodium cyanide for the proposed use is waived. The waiver is based on the well established effects of the acute toxicity of cyanide already available to the EPA, including data on the acute toxic effects of cyanide on humans by oral and inhalation exposure routes. The compound is highly toxic and is known to be absorbed through the skin. Adequate dose/effect relationships have been observed to presume such relationships will hold for other routes of administration and that there would be little basis for assumption of higher toxicity via dermal or eye administration. Therefore, it is considered that the voluminous data already available are sufficient to meet the purpose of the data requirements and to establish and delineate the highly toxic nature of sodium cyanide and to allow the determination of adequate restrictive precautions and procedures to allow for safe handling of sodium cyanide.

Therefore, it has been determined that the requirements for registration have been satisfied. This application has been approved and the product has been assigned the EPA Registration No. 6704-75. Notice of approval is given pursuant to the regulations [40 CFR 162.7(d)(2)].

Registration has also been approved for several of the applicants joined in these proceedings, as well as for those applicants who requested registration of M-44 sodium cyanide capsules at the conclusion of the proceedings in accordance with the Administrator's Order. These applicants based their method of support for registration on that data provided by USDI. Accordingly, the findings and subsequent determination to waive data requirements apply equally to the following:

Applicant:	EPA registration No.
Montana Department of Livestock	35975-2
Wyoming Department of Agriculture	35978-1
Colorado Department of Agriculture	33968-6
Oregon Department of Agriculture	35979-1
California Department of Food and Agriculture	10965-2
South Dakota Department of Game, Fish and Parks	34275-1

Moreover, the determination to waive the requirement for separate submission of new data on eye and dermal exposure of experimental animals to demonstrate acute toxicity for use against mammalian predators will apply to any other application for registration of M-44 sodium cyanide capsules now before the Agency and any other filed hereafter.

Test data and other information submitted in support of these registrations as well as such other scientific information deemed relevant to the registration decision, except for such material protected by Section 10 of FIFRA, are available for public inspection in the office of the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room EB-31, East Tower, 401 M St. SW., Washington, D.C. 20460, in accordance with the regulations for section 3(c)(2) of FIFRA (40 CFR 162.7(f)).

Dated: February 20, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 76-5396 Filed 2-25-76; 8:45 am]

[FRL 494-4; OPP-180066]

#### TENNESSEE VALLEY AUTHORITY

##### Receipt of Application for Specific Exemption To Use 2,4-D To Control Eurasian Watermilfoil

The Tennessee Valley Authority (TVA) has applied to the Environmental Protection Agency (EPA) for a specific exemption to use no more than 312,000 pounds acid equivalent of liquid dimethylamine salt and granular butoxyethanol ester formation of the herbicide 2,4-D to control Eurasian watermilfoil on the Tennessee River. Eight of TVA's mainstream reservoirs and one tributary reservoir are involved; the nine reservoirs contain 299,600 acres of water surface, 7,000 surface acres of which require herbicide treatment during the 1976 season. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460.

Dated: February 19, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 76-5401 Filed 2-25-76; 8:45 am]

[FRL 495-6]

#### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

##### Notice of Delegation of Authority to Commonwealth of Virginia

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for five categories and seven categories of new stationary sources (NSPS), respectively. On April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On June 2, 1975, the Regional Administrator, Region III, EPA, forwarded to the Commonwealth of Virginia information setting forth the requirements for an adequate procedure for implementing and enforcing the standards for NSPS and NESHAPS. On August 26, 1975, Earl J. Shiftet, Secretary of Commerce and Resources, submitted to the EPA Regional Office a request for delegation of authority. Included in that request were copies of the Commonwealth of Virginia regulations which incorporate by reference the Federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61, with certain exceptions. Also included were copies of State statutes which provide the State with the requisite authority to enforce the NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs (a) and (b) of the following official letter to Earl J. Shiftet, Secretary of Commerce and Resources, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 11 of that letter:

MR. EARL J. SHIFLET,  
Secretary of Commerce and Resources,  
Commonwealth of Virginia,  
Richmond, Virginia 23219.

**Re: Delegation of Authority of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.**

DEAR MR. SHIFLET: This is in response to your letter of August 26, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the Commonwealth of Virginia.

We have reviewed the pertinent laws of the Commonwealth of Virginia and the rules and regulations of the Virginia State Air Pollution Control Board, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS regulations by the Virginia State Air Pollution Control Board and the Commonwealth of Virginia. Therefore, we hereby delegate authority to administer and enforce the NSPS and NESHAPS regulations to the Commonwealth of Virginia as follows:

A. The Commonwealth shall have authority for all sources located in the Commonwealth of Virginia subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of the request for delegation. The 12 categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; petroleum refineries; nitric acid plants; sulfuric acid plants; asphalt concrete plants; storage vessels for petroleum liquids, secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants. However, the definition of portland cement plants in the State regulation does not include clinker storage or finished product storage facilities, and thus this delegation does not include such facilities.

B. The Commonwealth shall have authority for all sources located in the Commonwealth of Virginia subject to the national emission standards for hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of the request for delegation. The three hazardous air pollutants covered by the delegation are asbestos, beryllium and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Virginia State Air Pollution Control Board, including:

(A) For New Source Performance Standards:

(1) Sources determined to be applicable during that quarter.

(2) Applicable sources which started operation during that quarter or the start of operations prior to that quarter which have not been previously reported.

(3) The compliance status of the above, including the summary sheet from the compliance test(s).

(4) Any legal actions, as defined in J. Rasmic's letter of December 18, 1974, to Mr. Meyer, which pertain to NSPS sources.

(B) For National Emission Standards for Hazardous Air Pollutants:

(1) NESHAPS sources granted a permit to construct.

(2) NESHAPS sources inspected during that quarter and their compliance status (except under § 61.22 (d) and (e)).

(3) The number of inspections under § 61.22 (d) and (e).

(4) The requirements of (A) above.

2. Enforcement of the NSPS and NESHAPS regulations in the Commonwealth of Virginia will be the primary responsibility of the Virginia State Air Pollution Control Board.

Where the Virginia State Air Pollution Control Board determines that such enforcement is not feasible and so notifies EPA, or where the Virginia State Air Pollution Control Board acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Commonwealth of Virginia subject to NSPS and NESHAPS.

3. Acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the Commonwealth of Virginia to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's Request of August 26, 1975.

4. Upon approval of the Regional Administrator of Region III, the Virginia State Air Pollution Control Board may subdelegate its authority to implement and enforce the NSPS and NESHAPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

5. The Virginia State Air Pollution Control Board will at no time grant a waiver of compliance under the NESHAPS regulations.

6. This delegation to the Commonwealth of Virginia does not include the authority to implement and enforce NSPS and NESHAPS for sources owned or operated by the United States which are located in the State. This condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61.

7. The Commonwealth of Virginia will not grant a variance from compliance with the applicable NSPS and NESHAPS regulations if such variance delays compliance with the Federal Standards (Parts 60 and 61). Should the Virginia State Air Pollution Control Board grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Virginia State Air Pollution Control Board shall also constitute grounds for revocation of delegation by EPA.

8. The Virginia State Air Pollution Control Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a State interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the State.

9. If at any time there is a conflict between a State regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State. If the State does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

10. The Virginia State Air Pollution Control Board will utilize the methods specified in 40 CFR Parts 60 and 61, in performing source tests pursuant to the regulations.

11. If the Regional Administrator determines that a State program for enforcing or implementing the NSPS or NESHAPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Virginia State Air Pollution Control Board.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among

other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Commonwealth of Virginia should be submitted to the Virginia State Air Pollution Control Board at Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, in addition to EPA Region III. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Virginia State Air Pollution Control Board.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of receipt of this letter, the Commonwealth of Virginia will be deemed to have accepted all of the terms of the delegation.

Sincerely,

DANIEL J. SNYDER, III  
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified Earl J. Shiflet, Secretary of Commerce and Resources, on December 30, 1975, that authority to implement and enforce the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants was delegated to the Commonwealth of Virginia.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources listed in the above letter and the national emission standards for hazardous air pollutants should be submitted to the Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia 23219, with copies to EPA, Region III. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the Virginia State Air Pollution Control Board only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended. 42 U.S.C. § 1857c-6 and 7.

Dated: February 21, 1976.

DANIEL J. SNYDER, III,  
Regional Administrator, Region 3.

[FR Doc. 76-5506 Filed 2-25-76; 8:45 am]

## DEPARTMENT OF LABOR

Equal Employment Opportunity  
Commission

### HIGHER EDUCATION STAFF INFORMATION (EEO-6)

#### Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 Higher Education Staff Information (EEO-6) report required by 29 CFR 1602.50 is extended from February 28, 1976 to April 30, 1976. The payroll reporting period for the EEO-6 remains unchanged.