

or to modify the overall approach in the guidance. In the course of inviting comment on each guidance document, EPA would welcome comments that specifically address how a guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

VI. Contents of Docket

Document that are referenced in this notice will be inserted in the docket under docket control number "OPP-00616." In addition, the documents referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038) have also been inserted in the docket under docket control number OPP-00557.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, pesticides and pests.

Dated: July 28, 1999.

Susan H. Wayland,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-00599A; FRL-6096-6]

Pesticides; Draft Guidance on Mandatory/Advisory Labeling Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On June 2, 1999, EPA issued a notice of availability for a draft Pesticide Registration (PR) Notice entitled "Guidance for Mandatory and Advisory Labeling Statements." The comment period would have ended August 2, 1999. In response to a request by the National Pest Control Association, EPA has decided to extend the comment period by 45 days. **DATES:** Comments, identified by docket control number OPP-00599A, must be received on or before September 17, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify

docket control number OPP-00599A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305-5448; fax number: (703) 305-6920; e-mail address: kempter.carlton@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this notice if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide Producers	32532	Pesticide manufacturers Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. If available, the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. If you have any questions regarding the applicability of this announcement to you, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *Fax on demand.* You may request a faxed copy of the draft Pesticide

Registration (PR) Notice entitled "Guidance for Mandatory and Advisory Labeling Statements," by using a faxphone to call (202) 401-0527 and selecting item 6120. You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP-00599A. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

C. How and to Whom Do I Submit Comments?

As described in Unit I.C. of the June 2, 1999, **Federal Register** notice (64 FR 29641) (FRL-6079-4), you may submit comments through the mail, in person, or electronically. Please follow the instructions that are provided in the June 2, 1999, notice. Do not submit any information electronically that you consider to be CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00599A in the subject line on the first page of your response.

II. What Action is the Agency Taking?

The Agency has issued the draft document listed in the "SUMMARY" and solicited comments on it. The background can be found in the June 2, 1999, **Federal Register** notice (64 FR 29641). A time extension of 45 days is being provided such that the comment period will now end on September 17, 1999.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: July 28, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6412-9]

New Jersey State Prohibition on Marine Discharges of Vessel Sewage; Notice of Final Affirmative Determination

Notice is hereby given that a final determination has been made by the Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Navesink River, County of Monmouth, State of New Jersey. A Notice of Receipt of Petition and Tentative Determination was published in the **Federal Register** on May 12, 1999 and public comments regarding the tentative determination were accepted through June 12, 1999.

Comments were received from two parties, both objecting to the establishment of the Navesink River No Discharge Area. One individual, who has a boat berthed on the Navesink River, stated that due to his vessel's six-foot draft the available pumpouts are inaccessible to him. He also raised general concerns about maintenance and operability of pumpouts and excessive fees for pumpout use. In response, the application description of depth restrictions to the pumpouts are based on mean low water depth. Two of the available pumpouts have a depth of six-feet at mean low water, so that vessels with a six-foot draft would find pumpouts inaccessible for relatively short periods of time before and after low tide. During high tides, many of the marina operators have indicated that larger vessels will be able to access the pumpouts. Further, the application documents that the fees charged for pumpout on the Navesink River are reasonable. The regulations, 40 CFR 140.4, regarding the prohibition of the discharge from all vessels of any sewage states that the determination will be based on "whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available". Based upon the application submitted by the State of New Jersey,

adequate facilities do exist in the no discharge area. Additionally, Monmouth County (in conjunction with the Navesink municipalities) is in the process of purchasing a pumpout boat for use in the Navesink River. The boat should be in operation by May 2000.

Another commenter stated that the calculations and estimates used to determine an adequate number of pumpouts to service the vessel population underestimated the number of pumpouts needed. This commenter indicated that the formula in an EPA guidance document estimates that in New Jersey 6% of the vessels greater than twenty-six feet in length are equipped with holding tanks. However, in the application submitted, the State estimated that 50% of the vessels greater than twenty-six feet were equipped with holding tanks. Based on these numbers and using the calculations as a guideline, four pumpouts available in this area are adequate based on the vessel population. Even if it were assumed that 100% of the vessels greater than twenty-six feet were equipped with holding tanks, the existing number of pumpouts would be sufficient.

Another comment concerned the lack of dump stations for disposal of waste from portable toilets. In response, EPA notes that the pumpouts which received Clean Vessel Act grant monies came equipped with wand systems. The wands permit the portable toilets to be pumped out in a safe and sanitary manner.

An additional comment cited a general provision of the Clean Water Act (CWA) which reads, " * * * it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans." The commenter claims the Agency is going against the intent of the CWA by eliminating a person's ability to use marine sanitation devices. The goal of the CWA which was cited actually envisions that eventually, through research, the discharge of any pollutants to waters of the U.S., in any quantities, would be eliminated. The Agency does not agree that this affirmative decision violates any provisions of nor the intent of the CWA.

This petition was made by the New Jersey Department of Environmental Protection (NJDEP) on April 3, 1998 in cooperation with the Navesink Regional Environmental Council. Members of the Council include the Borough of Fair Haven, the Township of Middletown, the Borough of Red Bank, the Borough

of Rumson, the Borough of Tinton Falls, the Township of Holmdel, the Township of Colts Neck, the Township of Freehold and the Township of Marlboro. The Council worked in conjunction with Clean Ocean Action, Marine Development USA, Inc.; Marine Trade Association of New Jersey, Monmouth County Health Department, Monmouth County Planning Board, New Jersey Marine Sciences Consortium, New Jersey Sea Grant Advisory Service, New Jersey State Police Marine Division, U.S. Coast Guard Auxiliary and the U.S. Coast Guard. Upon receipt of an affirmative determination in response to this petition, NJDEP would completely prohibit the discharge of sewage, whether treated or not, from any vessel in Navesink River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

The Navesink River, located in central New Jersey, is part of the Hudson-Raritan Bay Estuary and drains approximately 95 square miles of urban/suburban residential development and agricultural lands. The Navesink River runs easterly from Red Bank, New Jersey and then joins the Shrewsbury River and empties into Sandy Hook Bay. The tidal waters of the Navesink River extend from the Shrewsbury River, near Sea Bright, upstream to the Swimming River Reservoir dam. The Navesink River has been identified as a waterbody of national significance and is part of the New York-New Jersey Harbor Estuary Program. The No Discharge Area (NDA) will include all tidal waters of the Navesink River which extend from the Shrewsbury River, near Sea Bright, upstream to the Swimming River Reservoir dam. The eastern boundary of the NDA is a line from Lat./Long. 73° 58' 45", 40° 22' 40" to Lat./Long. 73° 58' 58", 40° 23' 04". The western boundary of the NDA is at Lat./Long. 74° 06' 48", 40° 19' 12".

Information submitted by the State of New Jersey and the Navesink Regional Environmental Planning Council states that there are five existing pumpout facilities available to service vessels which use the Navesink River. Sea Land Marina, located at 261 West Front Street, Red Bank, operates a portable pumpout. The pumpout is available from 7 a.m. to 5 p.m. beginning April 15 until October 15 and is operated by the marina staff. A \$5.00 fee is charged for the use of the pumpout. Irwin's Boat Works, located at 1 Marine Park, Red Bank, operates a stationary pumpout. The pumpout is available from 8 a.m. to 5 p.m. beginning May until October 31 and is operated by the marina staff. A fee of \$5.00 is charged for the use of the