order biodegradation rate constant. An owner or operator may elect to assume the first order biodegradation rate constant is zero for any regulated compound(s) present in the wastewater. Procedure 4 explains two types of batch tests which may be used to estimate the first order biodegradation rate constant. An owner or operator may elect to assume the first order biodegradation rate constant is zero for any regulated compound(s) present in the wastewater. Procedure 3 would be used if the facility has, or measures to determine, data on the inlet and outlet individual organic compound concentration for the biological treatment unit. Procedure 3 may only be used on a thoroughly mixed treatment unit. Procedure 2 is used if a facility has or obtains performance data on a biotreatment unit prior to and after addition of the microbial mass. An example where Procedure 2 could be used, is an activated sludge unit where measurements have been taken on inlet and exit concentration of organic compounds in the wastewater prior to seeding with the microbial mass and start-up of the unit. The flow chart in Figure 1 outlines the steps to use for each of the procedures.

* * * * *

Appendix C to Part 63 [Amended]

7. In appendix C of part 63, section III, in the second sentence of C, the phrase ''uniform well-mixed or completely mixed system'' is revised to read ''thoroughly mixed treatment unit.''

[FR Doc. 97–22367 Filed 8–21–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–58793]

RIN 2060–AC19

National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule: Amendments.

SUMMARY: The EPA proposes to amend the National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) by adding tetrahydrobenzaldehyde (THBA) and crotonaldehyde to, and removing acetaldol from, the list of chemical production processes. This action also proposes to establish a separate compliance date of 3 years from final action for subparts F and G of part 63 and 1 year from final action for subpart H of part 63 for THBA and crotonaldehyde production processes. The EPA is also proposing a change to clarify compliance demonstration requirements for flexible operation units.

This proposed action would implement section 112(d) of the Clean Air Act as amended in 1990 (the Act), which requires the Administrator to regulate emissions of hazardous air pollutants (HAP) listed in section 112(b) of the Act. The intended effect of this proposed rule is to protect the public by requiring new and existing major sources to control emissions of HAP to the level reflecting application of the maximum achievable control technology. This action also proposes to amend the initial list of source categories of HAP required by section 112 (c) of the Act by removing THBA production from the list of categories of major sources.

DATES: *Comments.* Comments must be received on or before September 22, 1997, unless a hearing is requested by September 22, 1997. If a hearing is requested, written comments must be received by October 6, 1997.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than September 2, 1997. If a hearing is held, it will take place on September 8, 1997, beginning at 10 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–95–30 (see docket section below), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Marguerite Thweatt, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541–5607.

Docket. Docket No. A–95–30, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260–7548 or 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning this action contact Mr. John Schaefer at (919) 541–0296, Organic Chemicals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities and Background Information

A. Regulated Entities

The regulated category and entities affected by this action include:

Category	Regulated entities
Industry	Facilities that produce tetrahydrobenzaldehyde; facilities that produce crotonaldehyde Synthetic organic chemical manufacturing industry (SOCMI) units, e.g., producers of benzene, toluene, or any other chemical listed in Table 1 of 40 CFR part 63, subpart F.

This table is not intended to be exhaustive but, rather, provides a guide for readers regarding entities likely to be interested in the revisions to the regulation affected by this action. Entities potentially regulated by the HON are those which produce as primary intended products any of the chemicals listed in table 1 of 40 CFR part 63, subpart F or facilities producing THBA or crotonaldehyde and that are located at facilities that are major sources as defined in section 112 of the Clean Air Act (CAA). To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR 63.100. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

With today's action, EPA is proposing to make production of THBA and crotonaldehyde subject to subparts F, G, and H of 40 CFR part 63. Subparts F, G, and H of 40 CFR part 63 establish National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (57 FR 62607). This rule is commonly referred to as the hazardous organic NESHAP or the HON. The HON rule applies to SOCMI facilities located at major sources and affects approximately 310 facilities nationwide. These SOCMI facilities include those that produce one or more of the synthetic organic

chemicals listed in Table 1 of subpart F and that either (1) use an organic HAP as a reactant or (2) produce an organic HAP in the process. Emission points within these facilities affected by the rule are process vents, storage vessels, transfer operations, equipment leaks, and wastewater collection systems. Processes producing THBA were not included on the list of SOCMI processes to be regulated under the HON. Crotonaldehyde production was removed from the list of SOCMI processes to be regulated by the HON when the rule was issued in April 1994. Crotonaldehyde production was deleted because available information indicated that this chemical was no longer produced in the United States. Because EPA has since learned that crotonaldehyde is still produced in the United States, in today's action EPA is proposing to add crotonaldehyde production to the HON.

B. Electronic Submission of Comments

Comments on the proposed changes to the NESHAP may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A–90–19. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

II. Summary of Proposed Changes to Rule

A. Addition of THBA Production

Tetrahydrobenzaldehyde production was included as a source of HAP emissions under the source category of butadiene dimers production on the initial list of source categories selected for regulation under section 112(c) of the Act published on July 16, 1992 (57 FR 31576) and was scheduled for control by November 1997 on the section 112(c) source category schedule (58 FR 63941). Although the initial source category list clearly identified THBA production as being included in the butadiene dimers production source category, the butadiene dimers name was a misnomer. Consequently, the butadiene dimers production source category was changed to THBA production by a source category list maintenance action finalized on June 4, 1996 (61 FR 28197). Today's action would add THBA production to the HON.

The chemical THBA is produced by reacting 1,3-butadiene and acrolein together. Both 1,3-butadiene and acrolein are HAPs and are emitted during the production process. At this time, only one facility in the nation manufactures THBA, and it is not expected that additional facilities will begin producing THBA. The THBA production unit is co-located with other SOCMI production units to which the HON is applicable. In addition, the emissions points and air pollution control measures applied are identical to those encountered in these co-located SOCMI units.

Tetrahydrobenzaldehyde is used in the manufacture of paint additives. The product is similar to other SOCMI products on the list of HON affected chemicals in that it is an intermediate organic chemical used in the manufacture of other organic chemicals. The production of THBA was not included in the HON initially, because EPA was unaware of THBA's similarities to other SOCMI chemicals. Had EPA been aware of these similarities THBA would have been included in the list of affected HON chemicals in the initial HON rulemaking and subject to the requirements in the HON.

The EPA considers THBA production to be a batch process since, the process operates over only a short operating cycle before experiencing significant fouling (plugging) in the reaction system, requiring the system to be shutdown and the equipment cleaned. Due to the frequent shutdown and equipment cleaning cycle, the process is classified as a batch process for purposes of subpart H.

The effect of today's proposed action is twofold. First, it potentially subjects facilities manufacturing THBA to the provisions of 40 CFR Part 63, subparts F, G, and H. Although an independent assessment of the impacts (environmental, cost, economic, or other) associated with this action has not been conducted, the EPA believes that the impact on the THBA production unit will be no more or less severe than those imposed on the other SOCMI production processes already affected. Second, it overrides the need to write a separate regulation for the THBA production source category. Consequently, the THBA production source category is being removed from the list of HAP-emitting source categories published pursuant to Section 112(c) of the Act because it is being subsumed under the HON rule. The EPA does not believe that the development of a separate rule for this source category is justified or would result in a different control level than that required under the HON. Today's proposed action is consistent with the source category schedule, which requires regulation of THBA production (originally listed as butadiene dimers production) by November 1997. Today's action is the first step in fulfilling that requirement.

With respect to the issue of whether the addition of the THBA production source category to the population of SOCMI sources regulated by the HON would alter the maximum achievable control technology (MACT) determinations made for the HON rule, it has been concluded that since the emission points and air pollution control measures at the only facility known to manufacture THBA are similar to those at other SOCMI sources, the HON MACT floor determination would be unaffected.

The EPA is proposing to establish compliance dates for THBA production units of 1 year from the date this action is final for subpart H of this part and 3 years from the date this action is final for subparts F and G of this part. The EPA is proposing a compliance date of three years from the date this action is final for compliance with subparts F and G of this part to allow time for retrofitting of controls and evaluation of control requirements in the one known facility. A compliance date of one year from the date this action is final is being proposed for compliance with subpart H of this part. One year is believed to provide sufficient time to establish the equipment leak monitoring program and recordkeeping system. These time periods are consistent with the compliance times provided for sources originally subject to the HON rule.

B. Addition of Crotonaldehyde Production and Removal of Acetaldol Production

Today's action proposes to add crotonaldehyde production to the chemical production processes subject to the HON and to establish a new compliance date for crotonaldehyde chemical manufacturing process units. In addition, today's action proposes to remove acetaldol production processes from the applicability of the HON by removing this chemical from table 1 of subpart F.

In the April 22, 1994 rule, EPA made several changes to the proposed lists of chemical products to correct errors and to remove chemicals no longer commercially produced in the United States. One of the chemical products removed from the list of SOCMI

chemicals in the April 1994 notice, based upon the belief that it was no longer commercially produced in the United States, was crotonaldehyde. Since April 1994, EPA has learned that this removal was an error because crotonaldehyde is produced by at least one facility in the United States. The EPA has also learned that acetaldol, which was retained on table 1 of subpart F in the April 1994 rule, is an unstable intermediate which is used to produce either crotonaldehyde or 1,3—butylene glycol, and is therefore not itself a product appropriate for inclusion on table 1 of subpart F. Based on the January 17, 1997 amendments to the HON (62 FR 2721), EPA believes that acetaldol production operations are more appropriately considered unit operations part of crotonaldehyde or 1,3—butylene glycol chemical manufacturing process units. Therefore, the EPA is proposing to revise table 1 of subpart F by removing acetaldol. Crotonaldehyde production would be added to subpart F as a regulated process. No action is needed for 1,3—butylene glycol because that chemical is already listed in table 1 of subpart F.

A new compliance date is being proposed for crotonaldehyde chemical production process units because of the confusion caused by listing a nonisolated intermediate chemical product instead of the correct final product. The EPA is proposing a new compliance date of 3 years from the date that this action becomes final for compliance with subparts F and G of this part to allow time for retrofitting of controls and evaluation of control requirements in the one known facility. A compliance date of 1 year from the date that this action is final is being proposed for compliance with subpart H of this part. One year is believed to provide sufficient time to establish the equipment leak monitoring program and recordkeeping system. These time periods are consistent with the compliance times provided for sources originally subject to the HON rule.

C. Clarification of Compliance Demonstration Requirements for Flexible Operation Units

In today's action, EPA is proposing to add a new paragraph (b)(6) to § 63.103 of subpart F to clarify the compliance demonstration requirements for flexible operation units. This proposed amendment would revise the rule to clarify that performance tests and monitoring parameter ranges are to be based on operating conditions present during production of the primary product. The April 1994 rule was not clear on this point due to a drafting oversight. This change is being proposed because some owners and operators have expressed concerns that the rule could be interpreted as requiring installation of additional controls for periods when the flexible operation unit is producing a product other than the primary product. The EPA has also recently learned that there are questions whether the rule requires owners or operators to develop parameter monitoring ranges appropriate for each product produced by a flexible operation unit or to develop parameter monitoring ranges for operating conditions during production of the primary product of the flexible operation unit. The need for clarification of these aspects of compliance demonstration has become apparent as facilities are completing compliance planning and demonstration activities for the April 1997 compliance deadline. This proposed revision would make the rule consistent with the assumptions that EPA used in deriving the cost (including the recordkeeping and reporting burden) estimates used in support of the April 1994 rule. Based on conversations with several industry representatives, EPA believes that today's proposed action is generally consistent with industry's understanding of the rule. Today's proposed clarification is not expected to increase the cost or burden of demonstrating compliance with the HON.

III. Administrative

A. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the rule under the Provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0282. An Information Collection Request (ICR) document was prepared by the EPA (ICR No. 1414.02) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., SW., Washington DC 20460 or by calling (202) 260–2740.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR part 9 and 48 CFR Ch. 15.

Today's action neither adds new respondents nor is it anticipated to increase the number of responses. The increase in the number of effected processing units is less than 2 percent. Since this action does not substantially change the information collection, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is ''significant'' and, therefore, subject to OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This proposed amendment would apply the rule to one additional process unit at two facilities. These facilities are already well controlled. It is not certain what additional control would be required as a result of this action. Regardless of the final assessment of additional controls at these two facilities, the EPA believes that application of the HON to these facilities will have a negligible impact on the results of the RIA and the change will be within the uncertainty of the analysis. The proposed clarification of the compliance demonstration requirements for flexible operation units is believed to be consistent with industry understanding of the rule, and is believed to have a negligible impact on the results of the RIA. Again, the change is expected to be within the uncertainty of the analysis. For these reasons, the EPA believes that revision of the Regulatory Impact Analysis is not necessary. Pursuant to the terms of the Executive Order 12966, it has been determined that this rule is not a ''significant regulatory action'' because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct

a regulatory flexibility analysis of any rule subject to notice and comment requirements unless the agency certified that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small government jurisdictions. This proposed amendment to the rule would not have a significant impact on a substantial number of small entities. This rule would apply the requirements of the HON rule to an additional process unit at two facilities and only imposes negligible recordkeeping costs on those facilities. The additional recordkeeping costs are not expected to create a burden for either of the regulated entities. Furthermore, neither of these regulated entities is a small business. The amendment to § 63.103(b)(6) is a clarification of an existing requirement, and this clarification is not expected to increase control requirements or burden of the rule. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate or to the private sector, of $100 million or more. Under section 205, the EPA must select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the action proposed today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 15, 1997.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is proposed to be amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry

2. Section 63.100 is amended as follows:

a. By revising paragraphs (b)(1), (d) introductory text, (d)(3) introductory text, the first sentence of paragraph (g)(2)(iii), the first sentence of paragraph (h)(2)(iv), the first sentence of paragraph (i)(2)(iv), (k) introductory text, (l)(1)(ii), (l)(2)(ii);

b. By adding paragraphs (b)(1)(i), (b)(1)(ii), (d)(4), (g)(2)(iii)(A), (g)(2)(iii)(B), (h)(2)(iv)(A), (h)(2)(iv)(B), (i)(2)(iv)(A), (i)(2)(iv)(B), and (p).

The revisions and additions read as follows:

§ 63.100 Applicability and designation of source.

* * * * *

(b) * * *

(1) Manufacture as a primary product one or more of the chemicals listed in paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(i) One or more of the chemicals listed in table 1 of this subpart; or

(ii) One or more of the chemicals listed in paragraphs (b)(1)(ii)(A) or (b)(1)(ii)(B) of this section:

(A) Tetrahydrobenzaldehyde (CAS Number 100–50–5); or

(B) Crotonaldehyde (CAS Number 123–73–9).

* * * * *

(d) The primary product of a chemical manufacturing process unit shall be determined according to the procedures specified in paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this section.

* * * * *

(3) For chemical manufacturing process units that are designed and operated as flexible operation units producing one or more chemicals listed in table 1 of this subpart, the primary product shall be determined for existing sources based on the expected utilization for the five years following April 22, 1994 and for new sources based on the expected utilization for the first five years after initial start-up.

* * * * *

(4) Notwithstanding the provisions of paragraph (d)(3) of this section, for chemical manufacturing process units that are designed and operated as flexible operation units producing a chemical listed in paragraph (b)(1)(ii) of this section, the primary product shall be determined for existing sources based on the expected utilization for the five years following [Insert date 60 days after date of publication in the **Federal Register**] and for new sources based on the expected utilization for the first five years after initial start-up.

(i) The predominant use of the flexible operation unit shall be determined according to paragraphs (d)(3)(i)(A) and (d)(3)(i)(B) of this section. If the predominant use is to produce one of the chemicals listed in paragraph (b)(1)(ii) of this section, then the flexible operation unit shall be subject to the provisions of this subpart and subparts G and H of this part.

(ii) The determination of applicability of this subpart to chemical manufacturing process units that are designed and operated as flexible operation units shall be reported as part of an operating permit application or as otherwise specified by the permitting authority.

* * * * *

(g) * * *

(2) * * *

(iii) If the predominant use of a storage vessel varies from year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (g)(2)(iii)(A) and (g)(2)(iii)(B) of this section, as applicable. * * *

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding [Insert date 60 days after date of publication in the Federal Register].

* * * * *

(h) * * *

(2) * * *

(iv) If the predominant use of a loading arm or loading hose varies from

year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (h)(2)(iv)(A) and (h)(2)(iv)(B) of this section, as applicable. * * *

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the 12-month period preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding [*Insert date 60 days after date of Publication in the Federal Register*].

* * * * *

(i) * * *

(2) * * *

(iv) If the predominant use of a distillation unit varies from year to year, then the applicability of this subpart shall be determined according to the criteria in paragraphs (i)(2)(iv)(A) and (i)(2)(iv)(B) of this section, as applicable. * * *

(A) For chemical manufacturing process units that produce one or more of the chemicals listed in table 1 of this subpart and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding April 22, 1994.

(B) For chemical manufacturing process units that produce one or more of the chemicals listed in paragraph (b)(1)(ii) of this section and meet the criteria in paragraphs (b)(2) and (b)(3) of this section, the applicability shall be based on the utilization that occurred during the year preceding [*Insert date 60 days after date of publication in the Federal Register*].

* * * * *

(k) Except as provided in paragraphs (l), (m), and (p) of this section, sources subject to subparts F, G, or H of this part are required to achieve compliance on or before the dates specified in paragraphs (k)(1) through (k)(8) of this section.

* * * * *

(l)(1) * * *

(ii)(A) Such construction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this subpart;

(B) Such construction commenced after [*Insert date of publication in the Federal Register*] for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section; and

* * * * *

(2) * * *

(ii)(A) Such reconstruction commenced after December 31, 1992 for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in table 1 of this subpart; and

(B) Such construction commenced after [*Insert date of publication in the Federal Register*] for chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section.

* * * * *

(p) *Compliance dates for chemical manufacturing process units that produce crotonaldehyde or tetrahydrobenzaldehyde.* Notwithstanding the provisions of paragraph (k) of this section, chemical manufacturing process units that meet the criteria in paragraphs (b)(1)(ii), (b)(2), and (b)(3) of this section shall be in compliance with this subpart and subparts G and H of this part by the dates specified in paragraphs (p)(1) and (p)(2) of this section, as applicable.

(1) If the source consists only of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(ii) of this section, new sources shall comply by the date specified in paragraph (p)(1)(i) of this section and existing sources shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

(i) Upon initial start-up or [*Insert date 60 days after date of publication in the Federal Register*], whichever is later.

(ii) This subpart and subpart G of this part by [*Insert date 38 months from the date of publication in the Federal Register*], unless an extension has been granted by the Administrator as provided in § 63.151 (a)(6) or granted by the permitting authority as provided in § 63.6 (i) of subpart A of this part. When April 22, 1994 is referred to in this subpart and subpart G of this part, [*Insert date 60 days after date of publication in the Federal Register*] shall be used as the applicable date for that provision. When December 31, 1992 is referred to in this subpart and subpart G of this part, [*Insert date of publication in the Federal Register*] shall be used as the applicable date for that provision.

(iii) Subpart H of this part by [*Insert date 14 months from the date of publication in the Federal Register*], unless an extension has been granted by the Administrator as provided in § 63.151 (a)(6) or granted by the permitting authority as provided in § 63.6 (i) of subpart A of this part. When April 22, 1994 is referred to in subpart H of this part, [*Insert date 60 days after date of publication in the Federal Register*] shall be used as the applicable date for that provision. When December 31, 1992 is referred to in subpart H of this part, [*Insert date of publication in the Federal Register*] shall be used as the applicable date for that provision.

(2) If the source consists of a combination of chemical manufacturing process units that produce as a primary product one or more of the chemicals listed in paragraph (b)(1)(i) and (b)(1)(ii) of this section, new chemical manufacturing process units that meet the criteria in paragraph (b)(1)(ii) of this section shall comply by the date specified in paragraph (p)(1)(i) of this section and existing chemical manufacturing process units producing crotonaldehyde and/or tetrahydrobenzaldehyde shall comply by the dates specified in paragraphs (p)(1)(ii) and (p)(1)(iii) of this section.

3. Section 63.103 is amended by adding paragraph (b)(6) to read as follows:

§ 63.103 General compliance, reporting, and recordkeeping provisions.

(b) * * *

(6) The owner or operator of a flexible operation unit shall conduct all required compliance demonstrations during production of the primary product. The owner or operator is not required to conduct compliance demonstrations for operating conditions during production of a product other than the primary product. Except as otherwise provided in this subpart or in subpart G or subpart H of this part, as applicable, the owner or operator shall operate each control device, recovery device, and/or recapture device that is required or used for compliance, and associated monitoring systems, without regard for whether the product that is being produced is the primary product or a different product. Except as otherwise provided in this subpart, subpart G and/or subpart H of this part, as applicable, operation of a control device, recapture device and/or recovery device required or used for compliance such that the daily average of monitored parameter values is outside the parameter range established pursuant to § 63.152(b)(2),

or such that the monitoring data show operation inconsistent with the monitoring plan established pursuant to § 63.120(d)(2) or § 63.181(g)(1)(iv), shall constitute a violation of the required operating conditions.

* * * * *

Subpart F—[Amended]

4. Table 1 of subpart F is amended by removing the entry for acetaldol and its associated CAS number and group number.

[FR Doc. 97–22366 Filed 8–21–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5876–4]

National Oil and Hazardous Substances Pollution Contingency Plan, National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Saegertown Industrial Area Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency, Region III (EPA) announces its intent to delete certain releases on the Saegertown Industrial Area Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL is published at 40 CFR part 300, appendix B. Part 300 is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA has determined that the Site as described on the NPL no longer necessitates remedial measures for the properties affected by those releases. This proposal for partial deletion includes releases on the property formerly owned by the General American Transportation Corporation (GATX) and Spectrum Control, Inc. (SCI) and property currently owned by the Saegertown Manufacturing Corporation (SMC).

EPA bases its proposal to delete the releases from the former GATX and SCI properties, and the SMC property (Deleted Properties) from the Site on the determination by EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), that all appropriate actions under CERCLA have been implemented to protect human health, welfare and the environment, as defined by CERCLA, and, therefore, no further remedial measures pursuant to CERCLA are deemed necessary for the Deleted Properties.

This partial deletion pertains only to releases on the former GATX and SCI properties and the SMC property at the Site, and does not include the Lord Corporation property (Operable Unit—1) at the Site. Operable Unit—1 (OU–1) will remain on the NPL, and response activities will continue for this Operable Unit.

DATES: Comments concerning this Site may be submitted on or before September 22, 1997.

ADDRESSES: Comments may be submitted to Steven J. Donohue, Remedial Project Manager, 3HW22, U.S. EPA, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 566–3215, Fax (215) 566–3001, e-mail DONOHUE.STEVEN@EPAMAIL.EPA.GOV.

Comprehensive information on this Site is available for viewing in the Site information repositories at the following locations: U.S. EPA, Region III, Hazardous Waste Technical Information Center, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566–5364; and the Saegertown Area Library, 320 Broad Street, Saegertown, PA 16433, (814) 763–5203.

FOR FURTHER INFORMATION CONTACT: Steven J. Donohue (3HW22), EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566–3215, Fax (215) 566–3001, e-mail DONOHUE.STEVEN@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Environmental Protection Agency, Region III (EPA) announces its intent to delete releases on certain portions of the Saegertown Industrial Area Site (Site) located in Saegertown, Crawford County, Pennsylvania from the National Priorities List (NPL) published at 40 CFR part 300. These releases no longer pose a threat to human health or the environment and therefore remedial measures according to CERCLA are no longer necessary on the Deleted Properties. EPA requests comments on this partial deletion.

The Deleted Properties at the Saegertown Industrial Area Site are those properties, as originally listed on the NPL in February 1990, located to the north of Pennsylvania Route 198. The Deleted Properties are bounded by Route 198 to the south, generally bounded by an unnamed intermittent tributary of Woodcock Creek to the east and the northern property boundary of SMC to the north, and bounded by the former Conrail railroad right of way to the west. A figure and the exact coordinates that define the Deleted Properties at the Site are contained in the NPL deletion docket.

Section II of this document explains the criteria for partially deleting portions of a site from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Saegertown Industrial Area Site and explains how partial deletion criteria are met for this Site.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-Financed response under CERCLA has been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Site releases may not be deleted from the NPL until the state in which the site is located has concurred with the proposed deletion. EPA is required to provide the state with 30 working days for review of the deletion notice prior to its publication in the **Federal Register**.

It states in the NCP (40 CFR 300.425(e)(3)) that all sites deleted from the NPL are eligible for further Fund-financed remedial action should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.