

manufacturing or formulating end-use products to control various fungal plant pathogens and terrestrial use. (S. Cerrelli)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP-30480] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official notice record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-30480]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: June 7, 1999.

Kathleen D. Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-400142; FRL-6077-9]

Emergency Planning and Community Right-to-Know; Notice of Availability of Guidance Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA has prepared and is making available several guidance documents to assist industries in understanding their compliance responsibilities in association with section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). One of the documents is an expanded and updated version of the 1997 EPCRA Section 313 Questions and Answers document which provides guidance on commonly asked questions. EPA is also making available a crosswalks document which lists the source of the question and answer and a description of and revisions to the original. Another document EPA is making available is the "Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1998 Version Crosswalks Document" which outlines clarifications made to the current instructions package. In addition to these documents, EPA has updated several industry-specific guidance documents developed for facilities in the industry groups recently added to the list of industries covered under EPCRA section 313. These documents are intended to assist these recently added industries in understanding the requirements under EPCRA section 313 and to help them more easily determine if their facility is likely to have reporting responsibilities under EPCRA section 313.

FOR FURTHER INFORMATION CONTACT: Sara Hisel McCoy, 202-260-7937, e-mail: hisel-mccoy.sara@epa.gov for questions related to the Questions and Answers document, its Crosswalks document or the Forms and Instructions Crosswalks document. For specific information regarding the industry-specific guidance documents, contact Velu Senthil, 202-260-3943, e-mail: senthil.velu@epa.gov. For more information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

You may be interested in this notice if you manufacture, process, or otherwise use any of the chemicals covered by EPCRA section 313. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Industry	Manufacturing, metal mining, coal mining, electric utilities, commercial hazardous waste treatment, chemicals and allied products-wholesale, petroleum bulk terminals and plants wholesale, and solvent recovery services.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in these documents. Other types of entities not listed in the table could also be interested. To determine whether your facility would be interested in these documents, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of these documents to a particular entity, consult the appropriate person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information or Copies of These Documents?

1. *Electronically.* You may obtain electronic copies of these documents from the EPA internet Home Page at <http://www.epa.gov>. On the Home Page select in the following order: "Offices, Labs and Regions," "Offices," "Office of Prevention, Pesticides and Toxic Substances," "Right-to-Know," and then look up the entry for these documents under "TRI Forms, Reporting Requirements and Guidance." You can also go directly to the "TRI Forms, Reporting Requirements and Guidance" listing at <http://www.epa.gov/opptintr/tri>.

2. *By mail.* Copies of these documents are also available from the National Center for Environmental Publications and Information (NCEPI), P.O. Box 42419, Cincinnati, OH 45242-2419.

3. *In person or by phone.* If you have any questions or need additional information about these documents, please contact the appropriate technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

II. Additional Documentation and Clarification

A. What Documents are Being Made Available?

EPA is making available the 1998 "Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Questions and Answers Document," the 1998 "EPCRA Section 313 Questions and Answers Crosswalks Document," and the "Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1998 Version Crosswalks Document." In addition, EPA is making available several updated guidance documents specific to the seven industries recently added to the list of industrial sectors covered by EPCRA section 313 and section 6607 of the Pollution Prevention Act. The titles and document numbers for these six documents are as follows:

- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for Metal Mining Facilities" (EPA 745-B-99-001)
- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for Coal Mining Facilities" (EPA 745-B-99-002)
- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for Electricity Generating Facilities" (EPA 745-B-99-003)
- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for RCRA Subtitle C TSD Facilities and Solvent Recovery Facilities" (EPA 745-B-99-004)
- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for Chemical Distribution Facilities" (EPA 745-B-99-005)
- "Section 313 Emergency Planning and Community Right-to-Know Act Guidance Document for Petroleum Bulk Facilities" (EPA 745-B-99-006)

The revised 1998 "EPCRA Section 313 Questions and Answers Document" and the six new industry guidance documents are effective beginning with the 1999 reporting year. However, to ensure consistency in reporting and the integrity of the data, the Agency would prefer that covered facilities use these documents as guidance for the 1998 reporting year as well.

B. How Has EPA Updated the "EPCRA Section 313 Questions and Answers Document" and What is the "EPCRA Section 313 Questions and Answers Crosswalks Document"?

The revised 1998 "EPCRA Section 313 Questions and Answers Document" assists regulated facilities in complying with the reporting requirements of EPCRA section 313. This updated document presents guidance in the form of answers to many commonly asked questions on compliance with EPCRA section 313 and is intended to help covered facilities understand various issues associated with completing the Form R and the Alternate Threshold Certification Statement (Form A).

In an effort to make the "1998 EPCRA Section 313 Questions and Answers Document" as complete as possible, EPA has added over 150 questions and answers (Q&As) to the updated document. These additional Q&As were derived from: (1) The "EPCRA Section 313 Addendum to the Guidance Documents for the Newly Added Industries"; (2) recent interpretive guidance letters produced by EPA's Toxics Release Inventory Branch on EPCRA section 313; and (3) inquiries by the regulated community from the 1997 spring EPCRA section 313 training sessions. Facilities covered by EPCRA section 313 should review the entire updated document to understand compliance with the regulations.

In addition to adding new Q&As, in some instances EPA edited some of the 1997 Q&As for clarity. To highlight any edits EPA has made between the 1998 Q&As and the original version, EPA has also prepared the 1998 "Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Questions and Answers Crosswalks Document." This crosswalks document includes the 1998 Q&A number, the source of the Q&A, if there have been any edits other than punctuation, whether the edit was minor or more significant, and if the edits are significant, a rationale for the edit.

In most of the Q&As where EPA has made edits, the Agency simply added language to provide a more complete picture of the reporting requirements associated with issues presented in the question. However, there are a few cases in which the answer has been modified from the original. These modifications include:

1. EPA has made revisions to many of the laboratory activities exemption Q&As (see section 2D of the documents or the 1998 Q&A numbers 292 through 314). As made clear in the EPCRA section 313 regulations, for toxic

chemicals to be exempted from reporting under the laboratory activities exemption, the activities must take place inside the laboratory (40 CFR 372.38(d)(3)). Some Q&As on this exemption may have been unclear on this point. These Q&As have been modified to clarify that activities must be conducted inside a laboratory to be eligible for this exemption.

2. The answer to Q&A number 189 in the 1997 "EPCRA Section 313 Questions and Answers Document" on the motor vehicle exemption has also been modified in the 1998 "EPCRA Section 313 Questions and Answers Document." In the 1997 Q&A number 189, a covered facility allows motor vehicles from other facilities to come on-site to refuel. In this 1997 Q&A, the facility was instructed to exempt the quantity of the toxic chemicals in the fuel used to refuel the motor vehicles from off-site. However, the activity in the 1997 Q&A number 189 was misidentified as an otherwise use of the toxic chemical. To be consistent with other reporting guidance on this topic, the answer has been changed in the 1998 Q&A number 287 to reflect the fact that the facility is actually processing the toxic chemicals in the gasoline and therefore is not eligible for the motor vehicle exemption.

3. The answer to Q&A number 161 in the 1997 "EPCRA Section 313 Questions and Answers Document" has been modified in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 246). In the 1997 Q&A number 161, a facility which has exceeded the threshold for ammonia is instructed to discount the releases and other waste management of ammonia in the quantities of sewage derived from the employees working at the facility under the personal use exemption. However the quantities of ammonia derived from the employee waste have been coincidentally manufactured as a result of the degradation of the waste. Therefore, because only quantities of the toxic chemical that are otherwise used are eligible for the personal use exemption, the quantities of ammonia coincidentally manufactured cannot be exempt under the personal use exemption. The updated 1998 Q&A number 246 (1997 Q&A 161) reflects this more accurate interpretation.

4. The answer to Q&A number 88 in the 1997 "EPCRA Section 313 Questions and Answers Document" has been clarified in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 133) to reflect that ammonia produced from the decomposition of animal products used to produce feed is to be counted towards

the manufacturing as well as processing thresholds.

5. In the "EPCRA Section 313 Addendum to the Guidance Documents for the Newly Added Industries" Q&A number 67 (1998 Q&A 171) a facility which receives reusable containers with residual amounts of a toxic chemical adds more toxic chemical to the containers on-site and sends the containers to customers. The answer in the Addendum Q&A directed the facility to consider the residual amounts in these containers towards the facility's processing threshold. Because these residual amounts remain in the original container in which they were first placed, they are not being repackaged. EPA therefore modified the answer in the 1998 Q&A number 171 to indicate that these residual amounts need not be counted towards the facility's processing threshold because they do not meet the definition of processing.

6. The "EPCRA Section 313 Addendum to the Guidance Documents for the Newly Added Industries" Q&A number 92 has been modified in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 251) to reflect that while storm water drawn from the environment may qualify for the intake water exemption in 40 CFR 372.38(c)(5), toxic chemicals acquired by storm water after the storm water has run onto and off of facility equipment and buildings are to be considered toward threshold determinations and release and other waste management calculations.

7. The "EPCRA Section 313 Addendum to the Guidance Documents for the Newly Added Industries" Q&A number 48 has been modified in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 530) to clarify that although the use of a temporary storage pile may not be considered a reportable release to the land provided certain conditions are met, the volatilizing or leaching of toxic chemicals from the pile is considered reportable releases and is to be reported if the EPCRA section 313 thresholds have been met by the facility for the toxic chemical in the storage pile.

8. The answer to Q&A number 394 in the 1997 "EPCRA Section 313 Questions and Answers Document" has been updated in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 540) to reflect EPA's modified interpretation of the term otherwise use. In the EPCRA section 313 facility expansion rulemaking (62 FR 23834, May 1, 1997) (FRL-5578-3), EPA reinterpreted the term otherwise use to include on-site treatment for destruction, disposal and stabilization

of toxic chemicals in materials received from off-site for the purposes of further waste management. This change to the regulations became effective in the 1998 reporting year. The answer to the 1998 Q&A number 540 reflects this change in the regulations.

9. The answer to Q&A number 435 in the 1997 "EPCRA Section 313 Questions and Answers Document" has been edited in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 588) to clarify that although a toxic chemical may not undergo any releases or other waste management activities, a Form R or Form A may still be required if thresholds have been met for the chemical.

10. The Hotline Monthly Report Question from November 1997 was modified in the 1998 "EPCRA Section 313 Questions and Answers Document" (1998 Q&A number 664) to clarify that a Form R submitted after the submission of a Form A for the same chemical and reporting year is considered a late submission of the Form R and a request to withdraw the previously filed Form A.

C. Why is EPA Updating the New Industry Sector Guidance Documents?

As a result of the final rule to add seven new industrial sectors to EPCRA section 313 reporting (62 FR 32834), EPA has received numerous inquiries from representatives of these newly added industries. In response to these questions, EPA has made several determinations clarifying how activities conducted by these new industries should be considered under EPCRA section 313. EPA would like to provide all facilities with this additional information and is making it available in these documents for use in preparing the first years reports for those industries.

D. What is the "Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1998 Version Crosswalks Document"?

To clarify various reporting issues and to provide additional guidance for the industrial sectors newly regulated under EPCRA section 313 (62 FR 32834), EPA has made some changes to the EPCRA Section 313 Forms and Instructions for the 1998 reporting year. The Agency has received requests from the regulated community to identify what exactly has changed in the instructions. EPA is making available the "Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1998 Version Crosswalks Document" which outlines the areas in the instructions that have

been amended to reflect these clarifications.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: June 8, 1999.

Joseph A. Carra,

Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6360-9]

John P. Saad Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency (EPA) proposes to enter into a cost recovery settlement pursuant to section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(g). This administrative settlement would resolve the settling party's liability for past response costs incurred by EPA at the John P. Saad Superfund Site located in Nashville, Tennessee. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, Waste Management Division, U.S. EPA Region 4, 61 Forsyth Street, Atlanta, GA 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor on or before July 16, 1999.

Dated: May 28, 1999.

Anita Davis,

Acting Chief, Program Services Branch, Waste Management Division.

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