List of Subjects in 21 CFR Part 1240

Communicable diseases, Public health, Travel restrictions, Water supply.

Therefore, under the Public Health Service Act and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1240 is amended as follows:

PART 1240—CONTROL OF COMMUNICABLE DISEASES

1. The authority citation for part 1240 continues to read as follows:

Authority: 42 U.S.C. 216, 243, 264, 271.

§ 1240.70 [Removed]

2. Section 1240.70 *Lather brushes* is removed.

Dated: May 4, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–12450 Filed 5–11–98; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6011–6]

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: Final rule: Amendments.

SUMMARY: This action promulgates final amendments to 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. The amendment also establishes 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 the THBA and crotonaldehyde production processes. The EPA is also making a change to clarify compliance demonstration requirements for flexible operation units.

This action implements 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 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 amends 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.

EFFECTIVE DATE: May 12, 1998.

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 making 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 adding crotonaldehyde production to the HON.

II. Summary of 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(e) 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 tetrahydrobenzaldehyde production by a source category list maintenance action finalized on June 4, 1996 (61 FR 28197). Today's action will add THBA production to the list of HON-affected chemicals.

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.

THBA 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 for purposes of equipment leaks 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 action is twofold. First, it subjects facilities manufacturing THBA to the provisions of 40 CFR part 63, subparts F, G, and H. Although an 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 action is consistent with the source category schedule, which requires regulation of THBA production (originally listed as butadiene dimers production) by November 1997.

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.

This action establishes compliance dates for THBA production units of 1 year from the date this action is published for subpart H of this part and 3 years from the date this action is published for subparts F and G of this part. The compliance date of three years from the date of this action for compliance with subparts F and G of this part is to allow time for retrofitting of controls and evaluation of control requirements in the one known facility. A facility has one year from today 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 adds crotonaldehyde production to the chemical production processes subject to the HON and establishes a new compliance date for crotonaldehyde chemical manufacturing process units. In addition, today's action removes 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 revising table 1 of subpart F by removing acetaldol. Crotonaldehyde production is being 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.

This action creates a new compliance date 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 new compliance date is 3 years from today 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 today is being used 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 adding a new paragraph (b)(6) to § 63.103 of subpart F to clarify the compliance demonstration requirements for flexible operation units. This amendment revises 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 added 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. It is not the EPA's intent that the rule be interpreted in this manner. Therefore, for the purposes of compliance with this rule, additional controls are not required when producing products 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 became apparent as facilities were completing compliance planning and demonstration activities for the April 1997 compliance deadline. This revision will 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 action is generally consistent with industry's understanding of the rule. Today's clarification is not expected to increase the cost or burden of demonstrating compliance with the HON.

D. Public Comment on the August 22, 1997 Proposal

Three comment letters were received on the August 22, 1997 **Federal Register** document that proposed changes to this rule. All comments received were from industry representatives. While the comments received were supportive of the proposed amendments they expressed concern with the applicability of the rule and clarity of the proposed changes. The EPA has considered these comments and has made one minor change to the final rule, and added additional language to the preamble to clarify the compliance demonstration procedures for flexible operation units. The response to these comments may be obtained over the Internet at http://www.epa.gov/ttn or from the EPA's Technology Transfer Network (TTN). The TTN is a network of electronic bulletin boards operated by the Office of Air Quality Planning and Standards. The service is free, except for the cost of a phone call. Dial (919) 541–5742 for up to a 14,400 bits per second modem. Select TTN Bulletin Board: Clean Air Act Amendments and select menu item Recently Signed Rules. If more information on TTN is needed, contact the systems operator at (919) 541–5384.

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. 1414.03) 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 Chapter 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 ½ 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 a 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.

The HON rule promulgated on April 22, 1994 was considered ''significant'' under Executive Order 12866, and a regulatory impact analysis was prepared. The amendments issued today apply to one additional process unit at two facilities. These facilities are already well controlled. It is not certain what additional control will 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. The clarification of the compliance demonstration requirements for flexible operation units is believed to be consistent with industry understanding of the rule, and is not believed to create additional impacts. For these reasons, the regulatory action is considered ''not significant.''

C. Regulatory Flexibility

The EPA has determined it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The EPA has also determined that this 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. See the April 22, 1994 **Federal Register** (59 FR 19449) for the basis for this determination. This amendment to the rule will not have a significant impact on a substantial number of small entities. This rule will 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.

D. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a major rule as defined by 5 U.S.C. 804(2).

E. Unfunded Mandates Reform Act

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 today's action 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, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 1, 1998.

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 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) or (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 May 12, 1998 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 May 12, 1998.

* * * * *

(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 May 12, 1998.

* * * * *

(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), 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 May 12, 1998.

* * * * *

(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 August 22, 1997 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 August 22, 1997 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 May 12, 1998, whichever is later.

(ii) This subpart and subpart G of this part by May 14, 2001, 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, May 12, 1998 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, August 22, 1997 shall be used as the applicable date for that provision.

(iii) Subpart H of this part by May 12, 1999, 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, May 12, 1998 shall be used as the applicable date for that provision. When December 31, 1992 is referred to in subpart H of this part, August 22, 1997 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 paragraphs (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.

* * * * *

Table 1 of 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. 98–12579 Filed 5–11–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300648; FRL–5787–8]

RIN 2070–AB78

Azoxystrobin; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for combined residues of azoxystrobin or methyl (*E*)-2-[2-[6-(2-cyanophenoxy)pyrimidin-4-yloxy]phenyl]-3-methoxyacrylate) and its Z isomer in or on cucurbits and watercress . This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on cucurbits and watercress in several states. This regulation establishes a maximum permissible level for residues of azoxystrobin in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.