

implement it. It commits to providing EPA with future demonstrations of resource adequacy as necessary as new requirements become known.

The LLCHD submitted a schedule for implementing section 112 requirements in its part 70 program submittal. This schedule will apply to both part 70 and non-Part 70 sources, since adoption by reference of the standard will apply simultaneously to both types of sources.

Finally, the LLCHD has demonstrated that it has the legal authority to take civil and enforcement actions against any section 112 source for all CAA requirements, including the section 112 requirements.

The reader may consult the Technical Support Document, available from the contact above, for a more detailed explanation of these topics.

III. Proposed Action

EPA is proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of the LLCHD's program for receiving delegation of future section 112 standards that are unchanged from Federal standards as promulgated for both Part 70 and non-Part 70 sources. In addition, EPA proposes to delegate existing standards under 40 CFR parts 61 and 63 for non-Part 70 sources.

IV. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed notice. Copies of LLCHD's submittal and other information relied upon for this proposal are contained in the docket maintained at the EPA Regional Office. The docket is an organized and complete file of all information submitted to, or otherwise considered by, EPA in the development of this proposal. The principle purposes of the docket are:

1. To allow interested parties a means to identify and locate documents so they can effectively participate in the approval process; and
2. To serve as the record in case of judicial review, EPA will consider any comments received by May 3, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations., Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.
Dated: March 13, 1995.

William Rice,

Acting Regional Administrator.

[FR Doc. 95-8083 Filed 3-31-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400032A; FRL-4944-8]

RIN 2070-AC00

Ammonia; Ammonium Sulfate (Solution); Ammonium Nitrate (Solution); Water Dissociable Ammonium Salts; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended proposed rule.

SUMMARY: EPA is amending its March 30, 1990 proposal to grant a petition to delete ammonium sulfate (solution) from the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The March 30, 1990 proposal was based on EPA's belief that releases of ammonium sulfate (solution) can be more effectively covered by the EPCRA section 313 ammonia listing. EPA is amending the proposed rule in order to allow the public to comment on data not available or included at the time of the original proposal. EPA is also expanding the proposal to include the deletion of ammonium nitrate (solution) as a separately listed toxic chemical on the EPCRA section 313 list because EPA believes that releases of ammonium nitrate (solution) are more effectively covered by the EPCRA section 313 listings for ammonia and the recently added water dissociable nitrate compounds category. In addition, EPA is proposing to modify the ammonia listing to make it clear that aqueous ammonia from all water dissociable ammonium salts is reportable under the EPCRA section 313 listing for ammonia. In the March 30, 1990 proposal, EPA discussed two options for the reporting of aqueous ammonia, as total ammonia or as some proportion of total ammonia. Today, EPA is proposing that 10 percent of total aqueous ammonia be reported under the ammonia listing.

DATES: Written comments must be received by May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, for specific information on this amended proposed rule, or for more information on EPCRA section 313, 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. Introduction

A. Statutory Authority

This amended proposal is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add chemicals to or delete chemicals from the list, and sets forth criteria for these actions. EPA has added chemicals to and deleted chemicals from the original statutory list. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement

clarifying its interpretation of the section 313(d)(2) criteria for adding and deleting chemicals from the section 313 list (59 FR 61439, November 30, 1994).

Facilities that manufacture, process, or otherwise use ammonia, ammonium sulfate (solution), ammonium nitrate (solution), and other water dissociable ammonium salts may be affected by this amended proposed rule if they meet the following criteria: (1) The facility has the equivalent of 10 or more full-time employees; and (2) the facility is included in Standard Industrial Classification (SIC) Codes 20 through 39; and (3) the facility manufactures (defined to include importing), processes, or otherwise uses the chemicals listed above in quantities equal to or greater than 25,000 pounds for manufacturing or processing and 10,000 pounds for otherwise using.

II. Description of Petition and Original Proposed Rule

A. Description of Petition

On January 23, 1989, EPA received a petition from Allied-Signal Inc. to delete ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals. The petition was based on Allied-Signal Inc.'s contention that ammonium sulfate (solution) does not meet the EPCRA section 313 criteria for listing. Specifically, Allied-Signal Inc. claimed that: (1) Ammonium sulfate is not known to cause and cannot reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring releases, (2) ammonium sulfate does not show potential for causing in humans cancer or teratogenic effects, serious or irreversible reproductive dysfunction, neurological disorders, heritable genetic mutations, or other chronic health effects, and (3) ammonium sulfate does not show potential for adverse effects on the environment due to toxicity, persistency in the environment, and/or tendency to bioaccumulate in the environment.

B. Review of Proposed Rule

On March 30, 1990, EPA issued a proposed rule in the **Federal Register** (55 FR 12144), proposing to delete ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals. This proposal, hereafter referred to as "the original proposal," was based on EPA's belief that the only concerns identified for ammonium sulfate (solution) were for the aqueous ammonia present in the solution and

that this aqueous ammonia is more appropriately reported under the EPCRA section 313 listing for ammonia. Aqueous ammonia is coincidentally manufactured when ammonium salts that dissociate in water (such as ammonium sulfate) are dissolved in water. Therefore, releases of these ammonium salt solutions are environmentally equivalent to the release of aqueous ammonia generated by dissolving anhydrous ammonia in water.

The original proposal and the combined docket for the original proposal and this proposed amendment contain complete discussions and documentation of EPA's technical review of ammonium sulfate (solution), aqueous ammonia, and the options EPA has considered for resolving the reporting requirements under the ammonia listing. The following two sections summarize EPA's technical evaluation and options as discussed in the original proposal.

1. *Summary of technical review.* The chemistry of ammonia in water (i.e., aqueous ammonia) has been extensively studied and is well understood. When anhydrous ammonia or water dissociable ammonium salts (such as ammonium sulfate) are dissolved in water an equilibrium is reached between two forms of ammonia, the un-ionized form (NH_3) and the ionized form (NH_4^+). The term "total ammonia" refers to the sum of both the un-ionized and ionized forms of ammonia and is synonymous with the term "aqueous ammonia." The relative proportions of each form of ammonia are mainly dependent on the pH and temperature of the solution, with the amount of the un-ionized form increasing with both increased pH and increased temperature. These two forms rapidly interconvert and the relative proportions of each form change instantly with changes in the pH and temperature of the solution. The concentration of the un-ionized form of ammonia increases 10-fold with each one unit increase in pH and approximately doubles with every 10 °C increase in temperature. There are differences in the concentrations of the un-ionized form of ammonia between equimolar solutions of aqueous ammonia generated by dissolving dissociable ammonium salts versus anhydrous ammonia. These differences are due to the buffering effects (mainly reflected as pH differences) of the counter ions from the ammonium salts and disappear when both solutions are released to the environment.

EPA preliminarily concluded that there were no known significant human

health effects associated with ammonium sulfate (solution). EPA also preliminarily concluded that the ecotoxicity concerns for ammonium sulfate (solution) were limited to the aqueous ammonia (i.e., total ammonia) present in these solutions and that the sulfate portion was not of concern. The toxicity of aqueous ammonia to aquatic organisms has been extensively studied and is well understood. The toxicity of aqueous ammonia solutions is primarily attributable to the un-ionized form of ammonia with the ionized form being relatively less toxic. Because both the toxicity of aqueous ammonia and the concentration of the un-ionized form of ammonia vary with the pH and temperature of the solution, aqueous ammonia toxicity cannot be represented solely by the concentration of unionized ammonia. Thus, the toxicity of an aqueous solution of ammonia cannot be represented by a single value but must be expressed as a function of pH and temperature. Since the un-ionized ammonia concentration changes with pH and temperature, it is necessary to calculate the total ammonia concentration in order to determine the toxicity of the solution as the pH and temperature conditions change.

EPA's Office of Water has conducted a detailed study of the toxicity of aqueous ammonia which is provided in the criteria document, *Ambient Water Quality Criteria for Ammonia - 1984*. No new information has become available to the Agency that has significantly changed the conclusions reached in this document. Therefore, this document remains the Agency's aquatic toxicity hazard assessment for aqueous ammonia. The criteria developed for this document were derived from toxicity tests conducted with several ammonium compounds, including ammonium sulfate. The criteria are estimates of the highest concentrations that should not cause toxicity to aquatic organisms and are expressed as a function of pH and temperature. The criteria are presented in terms of both the concentrations of the un-ionized form of ammonia and the concentration of total ammonia.

In the original proposal, EPA reported that the majority (95 percent) of the ammonium sulfate consumed in the U.S. is used as a fertilizer and that, based on reports submitted to the Toxic Release Inventory (TRI), in 1987, 90.2 million pounds of ammonium sulfate (solution) were released to water and/or publicly-owned treatment works (POTWs). EPA conducted a limited exposure assessment based on data obtained from the TRI. The assessment focused on releases to surface waters

and POTWs since these releases will have a direct impact on aquatic ecosystems. EPA determined that 30 percent of the facilities reviewed were not being regulated through their State programs for discharges of ammonia.

2. *Summary of options in the original proposal.* EPA considered three options for responding to the petition:

(i) Deny the petition.

(ii) Grant the petition and propose to delete ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals.

(iii) Grant the petition and propose to delete ammonium sulfate (solution) while at the same time, use the rulemaking to revise release reporting of ammonia.

EPA recognized that certain facilities might not be aware of the chemistry of aqueous solutions of ammonium salts. Therefore, under option (iii), EPA discussed three options concerning how to inform the regulated community of the technical determination that these solutions are equivalent to solutions of aqueous ammonia generated by dissolving anhydrous ammonia in water. The options considered were:

(a) Create an "ammonium salts" category to make the technical determination more explicit.

(b) Modify the ammonia listing to read as follows: ammonia (includes total ammonia resulting from solutions of water dissociable salts).

(c) Revise EPA's guidance for ammonia reporting.

EPA believed that creating an ammonium salts category would be confusing and could potentially cause problems concerning double reporting and reporting on salts that do not dissociate. EPA believed that modification of the ammonia listing was not necessary in order to capture releases of aqueous ammonium salt solutions and that it would reinforce the artificial distinction between releases of aqueous solutions of ammonia generated from anhydrous ammonia and those generated from water dissociable ammonium salts. EPA, therefore, issued technical guidance clarifying the reporting requirements under the ammonia listing.

In the same issue of the **Federal Register** in which the proposal was published, a notice of availability was published (55 FR 12148) notifying the public and the regulated community of the availability of a guidance document on the reporting of ammonia releases. The guidance document explained that manufacturing, processing, or otherwise using aqueous solutions of ammonium salts that dissociate in water is equivalent to manufacturing,

processing, or otherwise using aqueous ammonia solutions generated by dissolving anhydrous ammonia (an EPCRA section 313 listed toxic chemical) in water. Therefore, those facilities that manufacture, process, or otherwise use aqueous solutions of ammonium salts that dissociate in water should make threshold determinations under EPCRA section 313 to assess whether reporting for releases under the ammonia listing is required.

In the original proposal, EPA also discussed two options for reporting releases of aqueous ammonia:

(1) Report releases of total ammonia; or

(2) Report a proportion of the releases of total ammonia.

In discussing the two options, EPA stated that reporting total ammonia would allow communities to determine the proportion of un-ionized ammonia and ionized ammonia present in the receiving stream based on the pH and temperature characteristics of the stream. This information allows communities to easily determine the un-ionized ammonia and ionized ammonia loading resulting from facility releases of aqueous ammonia. EPA stated that although the ionized form of ammonia is less toxic to aquatic organisms than the un-ionized form of ammonia, it is present in a higher proportion under environmental conditions and may present the greater hazard. EPA also stated that reporting releases as a proportion of the amount of un-ionized ammonia released would result in data that cannot be used as well since it must be extrapolated to determine the amount of total ammonia released.

EPA proposed the second option in recognition of the fact that the un-ionized form of ammonia is more toxic than the ionized form of ammonia and that under environmental conditions only a proportion of total ammonia contains un-ionized ammonia. EPA requested comment on whether a proportion, which would be the same for all facilities, of releases of total ammonia should be reported. EPA stated that this proportion would be a worst-case estimate of the proportion of the un-ionized form of ammonia present in processing waters reflecting an upper bound level of the amount of the un-ionized form of ammonia formed. EPA also requested comment on what proportion of total ammonia should be used as an estimate.

III. Rationale for Amending the Proposal

The issue of what forms of ammonia should be reportable under the ammonia listing has been the source of

ongoing discussions between EPA and affected parties since the publication of the original proposal. This has resulted in a significant amount of additional information becoming available to EPA, and is one of the reasons EPA is amending the proposed rule. This information has been placed in the docket for this rulemaking. Also, due to the recent addition of a nitrate compounds category to the EPCRA section 313 list of toxic chemicals (59 FR 61439, November 30, 1994), EPA believes that it would be appropriate to expand the proposed rule to include the deletion of ammonium nitrate (solution) as a separately listed chemical under EPCRA section 313. Therefore, EPA decided to publish this amended proposal to allow for adequate public notice and comment.

The following sections discuss this additional information as well as the expansion of the proposal to include the deletion of ammonium nitrate (solution).

A. Additional Information

1. *Average pH and temperature of U.S. waters (Ref. 1).* Data concerning the pH and temperature of lakes, rivers, and streams in the U.S. were not discussed or provided in the original proposal. This information is important since the pH and temperature of these receiving bodies will determine the proportion of aqueous ammonia that will exist in the more toxic un-ionized form. EPA has analyzed data tabulated from the Agency's STORET data base for all 50 states and found that at the 50th percentile for pH and temperature in surface waters, approximately 1 percent of aqueous ammonia would exist in the un-ionized form, at the 90th percentile it would be 10 percent, and at the 95th percentile it would be 15 percent. This information suggests an upper boundary for the amount of the un-ionized form of ammonia that will be generated from the releases of aqueous ammonia.

2. *Toxicity data (Ref. 2).* Additional data concerning the toxicity of aqueous ammonia to one aquatic organism has become available since the original proposal was issued. This new data indicate that the amphipod *Hyalella azteca* shows no dependency towards pH and temperature with regards to chronic toxicity from aqueous ammonia. This suggests that, for this organism, aqueous ammonia toxicity is not due primarily to the un-ionized form of ammonia and that, for this organism, the ionized form may be equally as toxic as the un-ionized form.

3. *Environmental fate of aqueous ammonia (Ref. 3).* Aqueous ammonia does not persist or bioaccumulate in the

environment as ammonia. In surface waters the important and competitive processes that remove aqueous ammonia are nitrification and volatilization. The rate of volatilization of ammonia from surface waters is highest at the sources of releases, while nitrification processes tend to be more significant in lakes, slow moving rivers, and estuaries. Nitrification, which is one process within the nitrogen cycle, involves two steps that yield metabolic energy for two specific microorganisms. In the first step, *Nitrosomonas* converts ammonia to nitrite and in the second step, *Nitrobacter* converts nitrite to nitrate. Because the nitrogen cycle is dynamic, industrial releases of aqueous ammonia should not result in dramatic buildups of ammonia in surface waters. Nitrification is responsive to high inputs of ammonia such as those from industrial releases. However, it should be noted that high nitrification may lead to low levels of dissolved oxygen and the eutrophication of a water body. This effect is typically limited to coastal waters and estuaries where nitrogen is the limiting nutrient. Aqueous ammonia may also be removed by adsorption to particles which then settle to the sediment where soil-type processes take over. The ionized form of ammonia is also assimilated by most plants.

4. *Additional exposure information* (Ref. 4). EPA has conducted an additional exposure analysis of releases of aqueous ammonia to surface waters. This exposure assessment analyzed the releases of ammonium sulfate (solution) and ammonium nitrate (solution) that were reported to the TRI for reporting year 1992. Releases of ammonia reported under the ammonia listing were not included since this data are a mixture of reports of total ammonia releases and un-ionized ammonia releases and EPA has no way to readily determine how a facility calculated its releases. Although this exposure assessment represents only a small portion of the aqueous ammonia released to surface waters, it was helpful in identifying facilities that might be releasing aqueous ammonia in concentrations that exceed water quality criteria. The results showed that not all facilities with significant releases of these ammonium salts are covered by permits that control releases of aqueous ammonia and for those that are covered by such permits violations of these permits occur.

EPA has recently clarified how exposure information is used in listing and delisting decisions under EPCRA section 313 (59 FR 61432, November 30, 1994). EPA does not consider exposure information when evaluating whether

highly ecotoxic chemicals meet the EPCRA section 313(d)(2)(C) listing criteria. EPA believes that for highly ecotoxic chemicals it is sufficient to consider only hazard when determining whether a chemical meets the EPCRA section 313(d)(2)(C) listing criteria. EPA only considers exposure information when evaluating low or moderately ecotoxic chemicals. EPA considers the un-ionized form of ammonia to be highly toxic to aquatic organisms; therefore, EPA did not consider exposure information in evaluating whether aqueous ammonia from ammonium sulfate (solution) contributes to aquatic toxicity. The exposure information provided in this amended proposal and in the original proposal was not used as a basis for determining whether ammonium sulfate (solution) meets the EPCRA section 313(d)(2)(C) listing criteria, but was provided as additional information since many states issue permits that require monitoring or limitation of ammonia releases.

5. *Science Advisory Board review* (Ref. 5). In order to help resolve the scientific issues concerning the reporting of aqueous ammonia under the EPCRA section 313 ammonia listing, EPA asked the Agency's Science Advisory Board (SAB) to review the issues. The SAB assigned the review to the Toxics Reporting Subcommittee of the Ecological Processes and Effects Committee which met in Washington, DC on January 4, 1995, in a public meeting to discuss the issue. EPA submitted two questions for the subcommittee to respond to:

(i) What is the most appropriate way to report releases of aqueous ammonia under EPCRA section 313: as un-ionized ammonia or as total ammonia?

(ii) Does total ammonia meet the EPCRA section 313 listing criteria?

The SAB responded with a letter to the Agency dated February 2, 1995. In this letter the SAB concluded that the acute toxicity of the un-ionized form of ammonia to aquatic life is approximately 100 times greater than the ionized form of ammonia and that the toxicity of the two forms is approximately additive. With regard to what form of ammonia should be reported under EPCRA section 313, the SAB stated that, for aquatic toxicity, reporting concentrations of the un-ionized form of ammonia at a standard pH and temperature would address this endpoint. The SAB also stated that for other effects such as nitrogen nutrient enrichment, the specific forms of ammonia are not very relevant since both have the same nutrient enrichment properties. The SAB went on to

conclude, "Thus, the question of whether to list or how to list ammonia or any of its forms is not a scientific issue but strictly a matter of policy for the Agency to decide."

With regard to whether total ammonia meets the EPCRA section 313 criteria, the SAB stated that, based on their evaluation of the criteria, total ammonia meets the EPCRA section 313 criteria only if, as stated in the statute, the Administrator determines that it causes a significant adverse effect on the environment of sufficient seriousness to warrant reporting.

B. Proposed Deletion of Ammonium Nitrate (solution)

Ammonium nitrate (solution) is a solution of aqueous ammonia and nitrate ions. On November 30, 1994 (59 FR 61432), EPA added a water dissociable nitrate compounds category to EPCRA section 313. The addition of this category and reporting of aqueous ammonia from water dissociable ammonium salts under the ammonia listing obviate the need to have ammonium nitrate (solution) as a separately listed chemical under EPCRA section 313. EPA believes that the aqueous ammonia from ammonium nitrate (solution) is more appropriately reported under the EPCRA section 313 ammonia listing and that the nitrate portion of ammonium nitrate (solution) is more appropriately reported under the new water dissociable nitrate compounds category. Although EPA is proposing to delete ammonium nitrate (solution), this action would not result in any loss of information concerning releases of this material.

IV. Proposed Actions and Rationale

A. Proposed Actions

EPA is proposing to take the following four actions:

1. Delete ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals.

2. Require that threshold and release determinations for aqueous ammonia be based on 10 percent of the total ammonia present in aqueous solutions of ammonia.

3. Modify the ammonia listing by adding the following qualifier: ammonia (includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing).

4. Delete ammonium nitrate (solution) as a separately listed chemical on the EPCRA section 313 list of toxic chemicals.

B. Rationale for Proposed Actions

The rationale for proposing each of these actions is discussed below.

1. *Deletion of ammonium sulfate (solution)*. EPA agrees with the petitioner's claim that ammonium sulfate (solution) does not meet the human health listing criteria under EPCRA section 313(d)(2)(A) and (B). However, EPA does not agree with the petitioner's claim that ammonium sulfate (solution) does not show potential for adverse effects on the environment because when a facility dissolves ammonium sulfate in water, that facility, in effect, manufactures aqueous ammonia. The un-ionized form of ammonia present in aqueous ammonia is highly toxic to aquatic organisms and therefore meets the EPCRA section 313(d)(2)(C) criteria for listing. An aqueous solution of ammonium sulfate is environmentally equivalent to aqueous ammonia generated from anhydrous ammonia because when each of these solutions is released to receiving waters the amount of un-ionized ammonia present is dependent upon environmental conditions. In fact, ammonium sulfate is one of the many ammonium salts used by researchers as a source of aqueous ammonia for aquatic toxicity studies.

EPA does not believe that the sulfate portion of ammonium sulfate (solution) meets the EPCRA section 313(d)(2)(A), (B), or (C) criteria. EPA has previously reviewed the toxicity of sodium sulfate (54 FR 7217 and 54 FR 25850) and concluded that sulfate from sodium sulfate did not meet the EPCRA section 313(d)(2)(A), (B), or (C) criteria.

EPA believes that the only component of ammonium sulfate (solution) that meets the EPCRA section 313 listing criteria is the aqueous ammonia present in this solution. EPA believes that this aqueous ammonia is more appropriately reported under the EPCRA section 313 ammonia listing, therefore it is appropriate to delete ammonium sulfate (solution) from the EPCRA section 313 list of toxic chemicals. Ten percent of the ammonium portion of ammonium sulfate (solution) would remain reportable under the ammonia listing.

2. *Reporting 10 percent of total ammonia*. EPA has considered all data available to the Agency concerning the chemistry, toxicity, and environmental fate of aqueous ammonia and believes that: (1) Aqueous ammonia does not persist or bioaccumulate in the environment as ammonia, (2) the most toxic form of ammonia is the un-ionized form, (3) the un-ionized form of ammonia makes up a relatively small percentage of total ammonia under most

environmental conditions, (4) reporting a percentage of total aqueous ammonia under the ammonia listing would adequately represent the toxicity of aqueous ammonia, and (5) reporting un-ionized ammonia without pH and temperature data would not provide sufficient information to quantify potential hazards from releases. EPA believes that reporting aqueous ammonia as 10 percent of total ammonia is appropriate since, based on the 90th percentile pH and temperature data for U.S. waters, releases of aqueous ammonia will consist of no more than approximately 10 percent of the un-ionized form of ammonia. Reporting aqueous ammonia as a percentage of total ammonia would also allow for easy determination of the amount of total ammonia released. The amount of total ammonia released, along with the site-specific pH and temperature data for the receiving body, are required in order to calculate the amount of un-ionized ammonia released to any one specific water body. Under this proposal, facilities would be required to include 10 percent of the total ammonia in aqueous solutions in all threshold and release determinations under the EPCRA section 313 listing for ammonia. The proposal to report 10 percent of total ammonia is consistent with the original proposal in which EPA asked for comment on whether a proportion of total ammonia, that would be the same for all facilities, should be reported. This proposal is also consistent with the SAB conclusion that reporting un-ionized ammonia under standard conditions adequately addresses the aquatic toxicity endpoint. Also, users of TRI data who wish to assess the contribution of ammonia to nitrogen loading in nitrogen limited waters could extrapolate from the reported data.

3. *Modification of the ammonia listing*. In the original proposal, EPA discussed three ways to clarify that aqueous ammonia from water dissociable ammonium salts is reportable under the ammonia listing. One method considered was to add a modifier to the ammonia listing to read: ammonia (includes total ammonia resulting from solutions of water dissociable salts). EPA was concerned, however that such a modification would reinforce the artificial distinction between releases of aqueous solutions of ammonia generated from anhydrous ammonia and those generated from water dissociable ammonium salts, a distinction which is not present under environmental conditions. However, EPA is now concerned that without such a qualifier the regulated

community might not realize that the aqueous ammonia from water dissociable ammonium salts is reportable under the ammonia listing. EPA guidance in response to inquiries concerning what is reportable under the ammonia listing has been that aqueous ammonia from water dissociable ammonium salts is reportable under the listing. However, even after publishing this guidance in 1990 (55 FR 12148), EPA has continued to receive numerous inquiries regarding what should be reported. Therefore, EPA proposes to add a qualifier to the ammonia listing to clarify that aqueous ammonia from water dissociable ammonium salts is reportable under the ammonia listing. EPA believes that modification of the ammonia listing to specify that the listing includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources, would aid the regulated community in determining whether they are required to report and would eliminate any confusion over what is reportable under the ammonia listing. This modification would also include the proposal discussed above to limit reporting of aqueous ammonia to 10 percent of total aqueous ammonia. Upon finalization of this proposed rule, EPA will publish a revised guidance document for the ammonia listing.

4. *Deletion of ammonium nitrate (solution)*. EPA is proposing to delete ammonium nitrate (solution) because the recent addition of the water dissociable nitrate compounds category (59 FR 61432, November 30, 1994) and reporting of aqueous ammonia from water dissociable ammonium salts under the ammonia listing negate the need for a separate listing for this chemical solution. EPA does not believe that this would be a significant change since the releases of ammonium nitrate (solution) would still be reported under the EPCRA section 313 listing for ammonia and the nitrate compounds category. Under the nitrate compounds category, the amount of ammonium nitrate in solution would be counted in threshold determinations for the category, but only the amount of nitrate ion would be counted in release and transfer determinations, therefore no double counting of releases would occur. This proposal would simply consolidate the reporting of ammonium nitrate (solution) under existing EPCRA section 313 listings. The original proposal discussed the reporting of water dissociable ammonium salts under the ammonia listing. Since ammonium nitrate is a water dissociable ammonium salt and since no loss of

information would result from this deletion, EPA believes that it is appropriate to add this proposal to this rulemaking.

V. Effective Dates

The changes described in this amended proposal (with the exception of the deletion of ammonium nitrate (solution)) would be effective on the date of publication of the final rule, which EPA expects to occur prior to July 1, 1995. These changes would therefore be effective for the 1994 reporting year.

Section 313(d)(4) of EPCRA provides, "Any revision [to the section 313 list] made on or after January 1 and before December 1 of any calendar year shall take effect beginning with the next calendar year. Any revision made on or after December 1 of any calendar year and before January 1 of the next calendar year shall take effect beginning with the calendar year following such next calendar year." EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list; EPA may, at its discretion, make deletions from the list and amendments to listings immediately effective.

EPA believes that the purpose behind section 313(d)(4) is to allow facilities adequate planning time to incorporate newly added chemicals to their TRI release data collection processes. A facility would not need additional planning time not to report releases of a delisted chemical. Moreover, where EPA has determined that a chemical does not satisfy the criteria of section 313(d)(2)(A) through (C), no purpose is served by requiring facilities to collect release data or file release reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. Nothing in the legislative history suggests that section 313(d)(4) was intended to apply to deletions as well as additions. Thus, a reasonable construction of section 313(d)(4), given the overall purposes and structure of EPCRA—to provide the public with information about chemicals which meet the criteria for inclusion on the section 313 list—is to apply the delayed effective date requirement only to additions to the list. This construction of section 313(d)(4) is also consistent with previous rules deleting chemicals from the section 313 list.

An immediately effective date for the actions in this amended proposal is also consistent with 5 U.S.C. 553(d)(1), since a deletion from the section 313 list relieves a regulatory burden. EPA believes the combined effect of the

changes in this amended proposal would be to reduce the burden by clarifying what is reportable under the ammonia listing and by simplifying the reporting requirements for ammonia. In addition, the proposal to require facilities to include 10 percent of total ammonia in aqueous solutions in threshold determinations might relieve some facilities from the obligation to report for aqueous ammonia.

If EPA were to publish a final rule before July 1, 1995, the following effective dates and requirements would apply.

1. *Deletion of ammonium sulfate (solution)*. The deletion of ammonium sulfate (solution) would be effective for the 1994 reporting year (reports due July 1, 1995).

2. *Deletion of ammonium nitrate (solution)*. The deletion of ammonium nitrate (solution) would be effective for the 1995 reporting year (reports due July 1, 1996). EPA is proposing to delay the effective date of this provision to coincide with the effective date of the recently added water dissociable nitrate compounds category (59 FR 61432, November 30, 1994). The requirement that aqueous ammonia from ammonium nitrate (solution) be reported under the ammonia listing as 10 percent of total aqueous ammonia would also be effective for the 1995 reporting year.

3. *Reporting 10 percent of total aqueous ammonia*. The requirement that 10 percent of total aqueous ammonia be reported under the ammonia listing for aqueous ammonia from all water dissociable ammonium salts (except ammonium nitrate (solution)) would be effective for the 1994 reporting year. EPA believes that facilities that have been subject to record keeping requirements for ammonium sulfate (solution) already have the information needed to calculate threshold and release quantities for 10 percent total aqueous ammonia. Specifically, a facility would multiply the appropriate ammonium sulfate (solution) quantities by 2.7 percent, which represents 10 percent of the weight percent of aqueous ammonia from ammonium sulfate (solution).

Facilities that currently report or make threshold determinations for the aqueous ammonia from other water dissociable ammonium salts may not be keeping the kind of information in their records that would allow them to calculate 10 percent of total aqueous ammonia from their un-ionized ammonia data. EPA recognizes that issuance of the final rule may come so late in the reporting year that some of these facilities may not be able to comply with this requirement before the

July 1, 1995 reporting date. Accordingly, for this one year, such facilities could continue to use the pH and temperature of their process and waste streams to estimate the quantities of un-ionized ammonia present for threshold and release determinations, respectively.

Facilities that had already reported under the current requirements at the time the final rule is issued would not be required to resubmit their reports under the new requirements. They could, however, withdraw their reports if they did not meet the threshold for ammonia under the revised ammonia listing.

VI. Request for Public Comment

EPA requests public comment on the actions discussed in this amended proposed rule. Comments should be submitted to the address listed under the ADDRESSES unit. All comments must be received on or before May 3, 1995. In developing the final rule, EPA will consider comments submitted in response to this amended proposal and comments previously submitted on the original proposal.

VII. Rulemaking Record

The record supporting the original proposal and proposed amendment is contained in docket number OPPTS-400032. All documents, including an index of the docket, are available in the TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office from noon to 4 p.m., Monday through Friday, excluding legal holidays. TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

VIII. References

(1) Data from EPA's STORET water quality data base as tabulated in, *Industry Comments for the U.S. EPA Science Advisory Board Ecological Processes and Effects Committee on Delisting of Ammonium Sulfate Under EPCRA Section 313 and Reporting of Ammonia Releases*, December 16, 1994, by BP Chemicals Inc., Monsanto, and Sterling Chemicals.

(2) Uwe Borgmann, *Chronic Toxicity of Ammonia to the Amphipod Hyalella azteca; Importance of Ammonium Ion and Water Hardness*, Environmental Pollution, 86 (1994) 329-335.

(3) *Summary Review of Health Effects Associated with Ammonia*, U.S. EPA Office of Health and Environmental Assessment, EPA/600/8-89/052F June 1989.

(4) U.S. EPA, OPPT, EETD, EAB, *Water Quality Modeling of Ammonium Sulfate (solution) and Ammonium Nitrate (solution) Toxic Release*

Inventory (TRI) Surface Water Releases and Transfers to POTWs, March 13, 1995.

(5) Letter of February 2, 1995 to Carol M. Browner, Administrator U.S. EPA from Dr. Genevieve Matanoski, Chair, Executive Committee, Science Advisory Board.

IX. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action likely to lead to a rule (1) Having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this amended proposed rule is not "significant" and therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by a proposed rule. Because the amended proposed rule does not create any new requirements and consolidates other requirements, it would not significantly affect facilities, including small entities.

C. Paperwork Reduction Act

This amended proposed rule does not result in any new information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting

and recordkeeping requirements, and Toxic chemicals.

Dated: March 29, 1995.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

Therefore it is proposed that, 40 CFR part 372 be amended as follows:

PART 372—[AMENDED]

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by removing the entire entry for ammonium sulfate (solution) and ammonium nitrate (solution) and by adding the following language to the ammonia listing "includes anhydrous ammonia and aqueous ammonia from water dissociable ammonium salts and other sources; 10 percent of total aqueous ammonia is reportable under this listing" under paragraph (a) and removing the entire CAS No. entry for 7783-20-2 and 6484-52-2 under paragraph (b).

[FR Doc. 95-8202 Filed 3-30-95; 1:29 pm]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-67; RM-8481]

Radio Broadcasting Services; Collegetown, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismissed a petition for rule making filed by Saint John's University requesting the allotment of Channel 260A to Collegetown, Minnesota, and reservation of the channel for noncommercial educational use. See 59 FR 35292, July 11, 1994. In reviewing this proceeding, we discovered that we erroneously proposed reservation of the channel at Collegetown. The Notice should only have proposed allotment of a channel to Collegetown. Saint John's proposal does not meet the established guidelines to reserve a channel in the commercial band. Since no comments were received expressing an intention to use the channel as a commercial station, we have terminated the proceeding without making an allotment. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 94-67, adopted March 16, 1995, and released March 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended. Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-7947 Filed 3-31-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD11

Endangered and Threatened Wildlife and Plants: Proposal To Determine Endangered Status for Three Wetland Species Found in Southern Arizona and Northern Sonora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act (Act) of 1973, as amended, for two plants, *Spiranthes delitescens* (Canelo Hills ladies'-tresses) and *Lilaeopsis schaffneriana* spp. *recurva* (Huachuca water umbel), and one amphibian, the Sonora tiger salamander (*Ambystoma tigrinum stebbinsi*). These species occur in a limited number of wetland habitats in southern Arizona and northern Sonora, Mexico. They are threatened by one or more of the following—collecting, disease, predation, competition with nonnative species, catastrophic floods, drought, and degradation and destruction of