

**40 CFR Part 63**

[FRL-5193-1]

**National Emission Standards for Hazardous Air Pollutants (NESHAP); Secondary Lead Smelters; PVC in Feedstock****AGENCY:** Environmental Protection Agency (EPA)**ACTION:** Proposed rule; amendments.

**SUMMARY:** Notice is given that the EPA is considering amending the proposed rule for secondary lead smelters (59 FR 29750, June 9, 1994). Information gathered since proposal indicates that the amount of polyvinyl chloride (PVC) plastic contained in lead-acid battery scrap is declining and should be relegated to trace quantities within the next few years. Polyvinyl chloride in scrap is a precursor to hydrochloric acid emissions. The EPA is considering whether limits for hydrochloric acid contained in the proposal should be withdrawn.

**DATES:** *Comments.* Comments must be received on or before May 4, 1995.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A-92-43, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The Agency requests that a separate copy also be sent to the contact person listed below.

*Docket.* Docket No. A-92-43 contains supporting information used in developing the proposed standards for secondary lead smelters (59 FR 29750, June 9, 1994). The docket is located at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 in room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 12 p.m. and 1 to 3 p.m., Monday through Friday. The proposed regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning the proposed standards and the materials discussed in this notice contact Mr. Phil Mulrine at (919) 541-5289, Metals Group, Emissions Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** Since the proposal of standards for secondary lead

smelters (59 FR 29750, June 9, 1994), the EPA has continued to gather information relevant to the rulemaking.

In the notice of proposed standards for secondary lead smelters, the EPA stated, "All smelting furnaces that process broken batteries are potential sources of HCl and Cl<sub>2</sub> [chloride] emissions. Many used lead-acid batteries contain polyvinyl chloride (PVC) plastic separators between the battery grids, although the use of PVC plastic as a separator material has been discontinued by most battery manufacturers. These separators are typically not removed from the lead-bearing parts of the battery during the battery breaking and separation process. When the PVC plastic is burned in the smelting furnace, the chlorides are released as HCl, Cl<sub>2</sub>, and chlorinated hydrocarbons" (59 FR 29754).

Information gathered recently relevant to this specific topic indicate that the number of used lead-acid batteries in the scrap inventory that contain PVC plastic separators has declined sharply in recent years from approximately 1 percent of the total available scrap in 1990 to less than 0.1 percent in 1994 (Docket No. A-92-43, Item No. IV-D-32 and IV-D-34). This trend is expected to continue due to the fact that these separators are no longer manufactured in the United States (Docket No. A-92-43, Item No. IV-D-38). No other source of chlorides has been identified in the feedstocks to these furnaces. Consequently, the EPA also expects emissions of HCl and Cl<sub>2</sub> to follow a similar decline.

In light of this new information, the EPA is reconsidering the conclusion that secondary lead smelters will continue to be a source of HCl and Cl<sub>2</sub> emissions and the need to regulate these pollutants from this source category. At this time, the EPA is considering withdrawing the HCl/Cl<sub>2</sub> emission standards and associated monitoring requirements from the proposed NESHAP. The EPA welcomes comment on this new information and the ramifications it may have on the final rule.

Dated: April 7, 1995.

**Mary D. Nichols,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 95-9378 Filed 4-18-95; 8:45 am]

**BILLING CODE 6560-50-P**

**40 CFR Part 180**

[OPP-300385; FRL-4947-9]

**Potassium Oleate, Oxytetracycline, and S-ethyl diisobutylthiocarbamate; Proposed Tolerance Actions****AGENCY:** Environmental Protection Agency (EPA or "the Agency")**ACTION:** Proposed rule.

**SUMMARY:** For each of the pesticides subject to the actions listed in this proposed rule, EPA has completed the reregistration process and issued a Reregistration Eligibility Document (RED). In the reregistration process, all information to support a pesticide's continued registration is reviewed for adequacy and, when needed, supplemented with new scientific studies. Based on the RED tolerance assessments for the pesticide chemicals subject to this proposed rule, EPA is proposing the following actions: to delete the term potassium oleate from the tolerance exemption for "potassium oleate and related C<sub>12</sub>-C<sub>18</sub> fatty acid potassium salts," to increase the tolerance for oxytetracycline on peaches, and for the tolerance "S-ethyl diisobutylthiocarbamate," to change the chemical name to the common name "butylate", to delete certain terms, and to change commodity definitions to accord with Table II of Subdivision O.

**DATES:** Written comments, identified by the OPP document control number [300385], must be received on or before May 19, 1995.

**ADDRESSES:** By mail, submit comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** By mail: Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202. The contacts for the specific chemicals are: Ben Chambliss (oxytetracycline), (703) 308-8174, David Chen (potassium oleate), (703) 308-8017, Paul Parsons (butylate), (703) 308-8037.

**I. Legal Authorization**

The Federal Food, Drug, and Cosmetic Act (FFDCA) [21 U.S.C. 301 et seq.] authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the