

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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