

bounded on the north by a line drawn across the Delaware River between Trenton, NJ and Morrisville, PA along the southern side of the U.S. Route 1 Bridge.

(b) *Definitions.* As used in this section:

COTP means the Captain of the Port, Philadelphia, PA and any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his or her behalf.

Dangerous cargo means those cargos listed in § 160.203 of this chapter when carried in bulk.

Underway means that a vessel is not at anchor, made fast to the shore, or aground.

(c) *Applicability.* This section applies to any vessel operating within the Regulated Navigation Area, including a naval or public vessel, except a vessel engaged in:

- (1) Law enforcement;
- (2) Servicing aids to navigation; or
- (3) Surveying, maintaining, or improving waters within the Regulated Navigation Area.

(d) *Draft limitation.* Unless otherwise authorized by the COTP, no vessel with a draft greater than 55 feet may transit within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge.

Note: The projected depth of the navigational channels of the Delaware River is 40 feet.

(e) *Oil transfer operations.* Unless otherwise authorized by the COTP, no vessel may conduct oil transfer operations within the area between the southern boundary of this regulated navigation area and the southern span of the Delaware Memorial Bridge except within the anchorage ground designated in § 110.157(a)(1) of this chapter.

(f) *Requirements for vessels carrying dangerous cargos.* The master, owner, or operator of a vessel carrying a dangerous cargo listed in § 160.203 of this chapter shall:

(1) Notify the COTP at least 72 hours before the vessel enters or departs the regulated navigation area and at least 12 hours before the vessel moves within the regulated navigation area. The notice must include a report of the vessel's propulsion and machinery status and any outstanding deficiencies identified by the vessel's flag state or classification society;

(2) Not enter, get or remain underway within the regulated navigation area if visibility is or is expected to be less than two (2) miles. If during the transit visibility becomes less than two (2) miles, the vessel must seek safe

anchorage and notify the COTP immediately;

(3) Not anchor in any area within the regulated navigation area unless in times of emergency or with COTP permission;

(4) Not transfer dangerous cargo while the vessel is at anchor or bunkering;

(5) Maintain a manned watch in the steering compartment whenever the vessel is underway within the regulated navigation area unless the vessel has two separate and independent steering control systems with duplicate pilothouse steering gear control systems which meet the requirements of 46 CFR 58.25–55;

(6) When anchored within the regulated navigation area and:

(i) Sustained winds are greater than 25 knots but less than 40 knots, ensure the main engines are ready to provide full power in five minutes or less; and

(ii) Sustained winds are 40 knots or over, ensure that the main engines are on line to immediately provide propulsion;

(7) While moored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the outboard side of the vessel;

(8) While underway or anchored within the regulated navigation area, ensure that at least two wire cable mooring lines (firewarps) are rigged and ready for use as emergency towing hookups fore and aft on the vessel; and,

(9) Proceed as directed by the COTP.

(g) *Requirements for vessels operating in the vicinity of a vessel carrying dangerous cargos.* (1) Except for a vessel that is attending a vessel carrying dangerous cargo with permission from the master of the vessel carrying dangerous cargo or a vessel that is anchored or moored at a marina, wharf, or pier, and which remains moored or at anchor, no vessel may, without the permission of the COTP:

(i) Come or remain within 500 yards of the port or starboard side or within 1000 yards of the bow or stern of an underway vessel that is carrying dangerous cargo; or

(ii) Come or remain within 100 yards of a moored or anchored vessel carrying dangerous cargo.

(2) The master, owner, or operator of any vessel receiving permission under paragraph (g)(1) of this section shall:

(i) Maintain a continuous radio guard on VHF-FM channels 13 and 16;

(ii) Operate at "no wake" speed or the minimum speed needed to maintain steerage, whichever is less; and

(iii) Proceed as directed by the COTP.

(3) No vessel may overtake a vessel carrying dangerous cargos unless the

overtaking can be completed before reaching any bend in the channel. Before any overtaking, the pilots, masters or operators of both the overtaking vessel and the vessel being overtaken must clearly agree on the circumstances of the overtaking, including vessel speeds, time and location of overtaking.

(h) *Additional restrictions above the C&D Canal.* When operating on the Delaware River above the C&D Canal:

(1) A vessel carrying dangerous cargo must be escorted by at least one commercial tug; and

(2) A vessel carrying dangerous cargo and an oncoming vessel shall not meet at a relative speed greater than prudent under the prevailing weather conditions or 20 knots, whichever is less. Meeting situations shall be avoided on river bends to the maximum extent possible.

(i) The COTP will issue a Broadcast Notice to Mariners to inform the marine community of scheduled vessel movements during which the restrictions imposed by paragraphs (g) and (h) of this section will be in effect.

Dated: October 7, 1996.

Kent H. Williams,
Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.

[FR Doc. 96-28653 Filed 11-6-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5649-3]

National Emission Standards for Hazardous Air Pollutant Emissions from Miscellaneous Organic Chemical Processes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of available information and solicitation of additional information.

SUMMARY: The EPA intends to propose a single set of emission standards that will apply to more than 20 listed source categories of hazardous air pollutants (HAP). These emission standards will apply to a group of organic chemical processes for which final standards promulgation is required by November 15, 2000. The Agency anticipates that these standards will also apply to organic chemical processes that have either been excluded from the applicability of emission standards developed for other source categories, or that have not been included within a listed source category.

The purpose of this action is to notify interested parties including owners and operators of chemical processes that could be covered by national emission standards for hazardous air pollutants (NESHAP) applicable to miscellaneous organic processes. The EPA has invited State and Regional environmental agencies, representatives from industry, and representatives from environmental groups to provide input into the development of the set of proposed standards. Representatives of the Synthetic Organic Chemical Manufacturers Association and the Chemical Manufacturers Association are actively providing input into the regulatory development process for the proposed set of standards. The EPA encourages interested parties to provide input into this rulemaking process either through their respective trade organizations, or by contacting EPA directly.

DOCKET: Docket No. A-90-49 contains information supporting development of the list of source categories, including those categories for which EPA proposes to develop a set of emission standards by November 15, 2000. A docket supporting development of emission standards discussed in this notice has not yet been established. Docket No. A-90-49 is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, First Floor, 401 M Street, SW., Washington, DC 20406, or by calling (202) 260-7548 or 260-7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Randy McDonald, Emissions Standards Division, Mail Drop 13, U.S. EPA Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5402.

SUPPLEMENTARY INFORMATION:

I. Background

Section 112 of the Clean Air Act (Act) requires that the Agency list and promulgate NESHAP in order to control, reduce, or otherwise limit the HAP emissions from categories of major and area sources. Pursuant to the specific listing requirements in section 112(c), the Agency published on July 16, 1992 (57 FR 31576), an initial list of 174 categories of major and area sources that would be subject to MACT emission standards. Following this listing, pursuant to requirements in section 112(e), on December 3, 1993 (58 FR

63941) the Agency published a schedule for the promulgation of MACT emission standards for each of the 174 listed source categories.

A number of the source categories for which emission standards must be promulgated by November 15, 2000 (i.e., ten-year standards) can be broadly classified as miscellaneous organic chemical processes. The EPA began collecting information in April 1995 to support development of ten-year standards for listed organic chemical process source categories. Information was collected for more than 300 facilities falling within Standard Industrial Classification (SIC) code 28 (i.e., chemical production processes). These facilities are located in States which have implemented comprehensive air emissions inventory programs and contain high concentrations of chemical producers within their boundaries. The information collected includes process descriptions, sources and quantities of HAP emissions, and emission control levels. The principal sources of these data were air pollutant inventories, construction and operating permits, and electronic databases.

Information collected reveals that many organic chemical processes described by SIC 28, including processes covered by 21 ten-year source categories, involve similar process equipment, similar emission points and control equipment, and are in many cases co-located with other listed sources. The EPA has also identified a number of organic chemical processes which are not included in the source category list (57 FR 31576). These processes, their emission points, and applicable controls are similar to the 21 listed source categories. These organic chemical processes are also co-located with each other and the listed source categories.

II. Description of Agency's Intent

A. Develop a Single Set of Emission Standards for the Group of Miscellaneous Organic Chemical Processes

The knowledge gained from preliminary data collection efforts, combined with the section 112 (c) and (e) requirements to list categories of major HAP sources and to promulgate emission standards for all listed categories by November 15, 2000, has prompted the Agency to propose developing a set of emission standards which applies to a broad group of organic chemical processes. The EPA envisions that the set of emission standards would establish MACT for 21

of the listed source categories scheduled for promulgation by November 15, 2000. Other major sources not included within a listed source category, or excluded from the applicability of regulations promulgated for other source categories, will also be covered by the set of standards.

Twelve of the 21 listed source categories which will be covered by the miscellaneous organic chemical processes MACT standards are listed under the Miscellaneous Processes Industry Group (57 FR 31576). These include: Benzyltrimethylammonium chloride production, carbonyl sulfide production, chelating agents production, chlorinated paraffins production, ethylidene norbornene production, explosives production, hydrazine production, photographic chemicals production, phthalate plasticizers production, rubber chemicals production, symmetrical tetrachloropyridine production, and OBPA/1,3-diisocyanate production.

Eight of the 21 listed source categories which will be covered by the MACT standards for miscellaneous organic chemical processes are listed under the Polymers and Resins Industry Group. These include: Alkyd resins production, polyester resins production, polyvinyl alcohol production, polyvinyl acetate emulsions production, polyvinyl butyral production, polymerized vinylidene chloride production, polymethyl methacrylate production, and maleic anhydride copolymers production.

One of the 21 listed source categories which will be covered by the MACT standards for miscellaneous organic chemical processes is listed under the Surface Coating Processes Industry Group. This category is manufacture of paints, coatings and adhesives.

The EPA envisions that the set of emission standards will establish control requirements for organic chemical processes which: (1) Are described by SIC codes 282, 284, 285, 286, 287, 289, and 386; (2) emit HAP; (3) are located within a stationary source or a contiguous group of stationary sources that emit or has the potential to emit at least 10 tons of one, or an aggregate 25 tons or more HAP per year; and (4) are not covered by any other MACT standard.

Organic chemical processes not covered by any other MACT standard include: (1) The 21 listed source categories identified above; (2) organic chemical processes excluded from applicable requirements of any other MACT standard, which include: (a) Process vents for batch reactors used in producing the organic chemicals listed in table 1 of the emission standards

popularly known as the hazardous organic NESHAP (HON), 40 CFR Part 63 Subpart F, covering the synthetic organic chemical manufacturing industry (SOCMI), (b) HAP emissions from a SOCMI process using HAP only as a solvent, (c) production of pesticide intermediates not covered by the agricultural chemicals production NESHAP, and (d) production of by-products, co-products and intermediates not considered primary products under the NESHAP for Group I and Group IV polymers and resins; and (3) those product processes identified by EPA based on information gathered which include: alcohols, plasticizers, oil additives, synthetic fatty acids, trioxane/trioxane polymer, hexamethylene diisocyanate, urea, nitroparaffin derivatives, polyethylene, Exxate™, dicapryl phthalate, glyphosate, ethoxolates, alkyl naphthalene, polypropylene, neopentyl glycol, hexanediol, primene, hexamethylene diisocyanate, adipic acid, sorbic acid, alkyl phenol, primene, and lactic acid; and (4) other product processes not identified above that can be broadly characterized as organic chemical processes not covered by any other MACT standard.

The EPA recognizes that the list of source categories will need to be amended to reflect the inclusion of sources identified above. The list of categories of major sources of HAP will be amended by adding a new miscellaneous organic chemical source category. This category will subsume the 21 listed source categories and will include all other organic chemical processes not covered by another MACT standard. This action will be taken at a later date.

The set of emission standards for miscellaneous organic chemical processes would be promulgated by November 15, 2000. Section 112(c)(5) of the Act provides that for categories of major HAP sources added to the initial list, standards must be established by November 15, 2000, or within 2 years after the date when such category is listed, whichever is later. Therefore, the NESHAP promulgation date for the newly identified organic chemical processes will be the same as that for the 21 existing ten-year source categories.

B. Rationale for Developing a Single Set of Emission Standards for the Group of Miscellaneous Organic Chemical Processes

Preliminary data indicate that the process equipment, emission characteristics, and applicable control technologies are similar for the broad

group of sources that EPA intends to regulate under a single set of standards. These data also indicate that, for purposes of characterizing and controlling process emissions, distinctions based on whether the production of these organic chemicals is a formulation operation or a chemical reaction, and whether the process vessel is a batch or continuous reactor, are more significant than differences among the final chemical products themselves. For these reasons, EPA believes that it is technically feasible to regulate emissions from a variety of organic chemical processes by a single set of emission standards. The Agency envisions a set of standards establishing separate control requirements for chemical production processes and formulation/blending operations. The set of standards could also establish varying control requirements based on distinctions among classes, types, and sizes of sources. Similar to the HON, separate requirements will be proposed for process vents, transfer operations, storage tanks, equipment leaks, and wastewater HAP emission points. Separate control requirements may also be established for emission points associated with continuous reactors, batch reactors, and formulation/blending.

Several other reasons support the development of a single set of emission standards for a group of organic chemical processes. Data gathered indicate that many of the organic chemical processes that EPA is proposing to regulate by this set of standards are co-located within individual facilities. Facilities with co-located organic chemical processes could more easily comply with a single set of emission standards than with individual standards for each of the co-located processes. For instance, a facility with co-located sources would have to implement only one leak detection and repair program, and would have to maintain only one set of records and submit one set of reports to document compliance if there is a single set of standards.

Another justification for developing a single set of emission standards to regulate production of a variety of organic chemicals is that it would be less costly for EPA to develop a single standard than to develop separate standards for several individually listed source categories which have similar emission characteristics and applicable control technologies. Moreover, a single set of emission standards could cover production of future (i.e., not yet produced) organic chemicals. It is likely that such chemicals will be produced

via batch reactions or continuous reactions or formulation/blending operations and, therefore, could be regulated by the miscellaneous organic chemical process NESHAP (MON) envisioned by EPA. Development of the MON would avoid the costs associated with having to develop emission standards for categories of organic chemicals that would otherwise be listed as major sources of HAP after November 15, 1998.

In order to develop a single set of standards for a group of miscellaneous organic chemical processes, EPA will take advantage of its experience from previous actions that addressed groups of chemical processes in a single rulemaking. The EPA plans to use the products of past rulemakings and guidance documents, such as the HON, polymers and resins rules, and the Alternative Control Techniques Document-Batch Processes, as building blocks for developing the proposed set of standards. A single set of standards for miscellaneous organic chemical processes will ensure that process equipment with comparable HAP emissions and control technologies are subject to consistent emission control requirements.

III. Administrative Requirements

A. Docket

The docket for revisions to the list of source categories is A-90-49. This docket is an organized and complete file of all the information submitted to or otherwise considered by the Agency in the development of the revised list of categories of sources and the revised schedule for standards. A docket containing the information supporting development of the single set of emission standards discussed in this notice has not yet been established. Existing and future dockets associated with the actions discussed in this notice are, or will be available for public inspection at EPA's Air and Radiation Docket and Information Center, which is listed in the **ADDRESSES** section of this notice.

B. Regulatory Requirements

Today's notice is only a notice of the information available to the Agency for purposes of standard development. Today's notice is also a solicitation of information and participation from interested parties. The notice imposes no regulatory requirements or costs. Therefore, EPA has prepared neither an assessment of the potential costs and benefits pursuant to Executive Order 12866, an economic impact analysis pursuant to Section 317, a regulatory

flexibility analysis pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980), nor a budgetary impact statement pursuant to the Unfunded Mandates Act of 1995. Also, this notice does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: October 31, 1996.

Richard Wilson,

Acting Assistant Administrator for Air and Radiation.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800, 2920, 4100, 4300, 4700, 5460, 5510, 8200, 8340, 8350, 8360, 8370, 8560, 9210, and 9260

[WO-130-1820-00 24 1A]

RIN 1004-AC30

Law Enforcement—Criminal

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management ("BLM") proposes to revise and consolidate many of the regulations which instruct the public regarding requirements for the management, use and protection of public lands, the knowing and willful violation of which subjects you to criminal penalties. The existing regulations which may, if knowingly and willfully violated, result in criminal penalties, are often difficult to understand and are scattered throughout the Code of Federal Regulations ("CFR"). Certain sections are no longer applicable but continue to take up space in the CFR. BLM proposes to remove obsolete regulations, consolidate many of the regulations that continue to apply in one new part, and rewrite the remaining regulations in plain English so that the regulated public can understand what actions are prohibited on BLM land.

DATES: Submit comments by January 6, 1997. BLM will consider comments postmarked on or before this date in preparing the final rule.

ADDRESSES: You may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC; or mail comments to

the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW., Washington, DC 20240. You may transmit comments electronically via the Internet to WOCComment@wo.blm.gov. Please include "Attn: AC30" and your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly.

FOR FURTHER INFORMATION CONTACT: Dennis McLane (208) 387-5126.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Rule
- IV. Procedural Matters

I. Public Comment Procedures

Written comments on the proposed rule should:

- (a) Be specific;
- (b) Be confined to issues pertinent to the proposed rule;
- (c) Explain the reason for any recommended change;
- (d) Reference the specific section or paragraph of the proposal which the commenter is addressing, where possible.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments which BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

II. Background

Section 303 of the Federal Land Policy and Management Act of 1976 ("FLPMA" or "the Act") authorizes criminal enforcement of regulations adopted by the Secretary of the Interior through BLM under FLPMA relating to the management, use, and protection of the public lands and the property located thereon. 43 U.S.C. 1733. FLPMA provides for criminal penalties in the amount of \$1,000 or imprisonment of no more than 12 months, or both, for violations of the Act. *Id.* Federal laws concerning public lands and resources often prescribe criminal penalties in excess of those provided for in FLPMA. For example, the alternative fines provisions of Title 18 U.S.C. Section 3571 allows assessment of a fine of not more than \$100,000 for misdemeanors punishable by imprisonment for more than 6 months. Since FLPMA allows imprisonment of up to 12 months for a violation, the larger penalties under 18 U.S.C. 3571 apply to BLM programs. The proposed rule cites Federal law where fines larger than those allowed by FLPMA apply. Proposed part 9260 also

describes the law enforcement authority of BLM, how BLM applies criminal penalties and procedures to certain BLM activities, and identifies many specific prohibited acts and many other regulations, the knowing and willful violation of which may subject you to criminal penalties.

The proposed rule would help the public and Federal, State, and local agencies to understand the scope of BLM law enforcement authority, and the Federal laws and regulations that apply to public lands and BLM activities.

BLM has attempted to consolidate criminal regulations before. Part 9260 was originally published May 20, 1980, as a final rule. The intent of that rulemaking was to establish a single regulatory section where all enforcement provisions of the various land use regulations could be found. The regulations in part 9260 were duplicates of the regulations contained in other parts of Title 43 dealing largely with non-mineral use or development of the public lands. BLM intended to amend part 9260 each time a law enforcement regulation was added or amended to other parts of Title 43. Since BLM did not amend 9260 each time a law enforcement regulation was added or amended in other parts of Title 43, part 9260 now conflicts with other sections of 43 CFR containing law enforcement regulations.

Several executive branch directives call for efficiency in the regulatory process. BLM is meeting the requirements of those directives by:

- (a) Streamlining its regulations and eliminating obsolete and outdated regulations;
- (b) Reviewing existing regulations to discover opportunities to combine related resources and concepts; and
- (c) Reducing regulatory volume and rewriting the regulatory text in clearer and more action-oriented language.

In many subparts of 43 CFR, BLM's regulations currently include lists of prohibited acts which are similar in nature. Other subparts in 43 CFR, especially those related to mineral development in Groups 3000 through 3800 of 43 CFR, do not rely on lists of prohibited acts to enforce the law. Instead, they are made up of regulatory requirements, the knowing and willful violation of which may subject you to criminal penalties. The minerals regulations may also list acts of noncompliance which, if you engage in them, may subject you to criminal penalties. Consequently, a lessee, operator, miner or other user of the public lands who knowingly and willfully violates such regulatory requirements, including those found in