(solution) under existing EPCRA section 313 listings.

IV. Effective Dates

All provisions of this rule are final June 7, 1995. However, these changes (with the exception of the deletion of ammonium nitrate (solution)) are effective for the 1994 reporting year. The deletion of ammonium nitrate (solution) listing is effective for the 1995 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 two of the actions in this final rule is also consistent with 5 U.S.C. section 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 final rule 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 requirement that facilities include 10 percent of total ammonia in aqueous solutions in threshold determinations might relieve some facilities from the obligation to report for aqueous ammonia.

The following effective dates and requirements apply to this final rule.

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

2. *Deletion of ammonium nitrate (solution).* The deletion of ammonium nitrate (solution) is effective for the 1995 reporting year (reports due July 1, 1996). EPA is delaying 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 is also 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)) is 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 this final rule has come so close to the reporting deadline 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 can 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 have already reported under the current requirements are not required to resubmit their reports under the new requirements. They can, however, withdraw their reports if they did not meet the threshold for ammonia under the revised ammonia listing.

V. Rulemaking Record

The record supporting this final rule is contained in docket number OPPTS-400032B. 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.

VI. References

(1) USEPA/OPPT. ''Response to Comments Received on the March 30, 1990 and April 3, 1995 Proposed and Amended Proposed Rules to Delete Ammonium Sulfate (solution) from the EPCRA Section 313 List'', U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics, Washington, DC (1995).

(2) Tuttle, Jr., T. R., ''Ammonium Hydroxide: What is its Structure?'', Letters to the Editor No. 1 and No. 3, *Journal of Chemical Education*, 68, (1991), p. 533.

(3) Grunwald, E.; Ralph, E. K., ''Kinetic Studies of Hydrogen-Bonded Solvation Complexes of Amines in Water and Hydroxylic Solvents'', *Accounts of Chemical Research*, 4, (1971), pp. 107-113.

(4) Bertie, J.E.; Morrison, M. M., ''The Infrared Spectra of the Hydrates of Ammonia, $NH_3 \cdot H_2O$ and $NH_3 \cdot 2H_2O$'', *Journal of Chemical Physics*, 73, (1980), pp. 4832-4836.

(5) Bertie, J.E.; Shehata, M. R., ''Ammonia Dihydrate: Preparation, X-Ray Powder Diffraction Pattern and Infrared Spectrum of $NH_3 \cdot H_2O$ and $NH_3 \cdot 2H_2O$ at 100 K'', *Journal of Chemical Physics*, 81, (1984), pp. 27-29.

(6) Yoke, J., ''Ammonia and Water Molecules Engaged in Hydrogen Bonding'', Letter to the Editor No.2, *Journal of Chemical Education*, 68, (1991), p. 533.

(7) Yoke, J., ''Ammonium Hydroxide Does Not Exist'', *Journal of Chemical Education*, 66, (1989), p. 310.

(8) USEPA/OW. ''Ambient Water Quality Criteria for Ammonia - 1984'', U. S. Environmental Protection Agency, Office of Water Regulations and