further identified by its corresponding CA Index Name.

Each of the twenty-seven substances proposed for removal was reported for the Inventory. Subsequently, the person who reported the substance informed EPA that the chemical identity originally reported to EPA and included on the Inventory was incorrect. The corrected identity for each of the twenty-seven substances has been added to the Agency's Master Inventory File. EPA checked each of the twenty-seven substances in question, as originally reported, to determine whether any other person had also reported the same substance for the Inventory. If someone else had correctly reported the substance, it would have been retained for the Inventory. As to the twenty-seven substances, however, no other person had reported them. Accordingly, they do not appear to be eligible for continued inclusion on the Inventory.

Publication of this notice does not mean that EPA will actually and automatically delete from the TSCA Inventory any of the twenty-seven chemical substances listed below. Rather, the Agency solicits public comments on its intent to remove from the TSCA Inventory the listed chemical substances. EPA is specifically interested in knowing whether any of the chemical substances listed below have been manufactured, imported or processed for commercial purposes by anyone during the period January 1, 1975 through the publication date of this notice. The Agency is also interested to know whether any person can show that any of the chemical substances listed below could have been properly reported for either the Initial or the Revised Inventory. EPA also solicits comments from anyone who believes that any of the chemical substances listed below should not be removed from the TSCA Inventory for any reason. All such comments must be submitted to EPA within the 60-day comment period.

EPA will review all comments received and will make a determination regarding the eventual status of each of the chemical substances listed below. The Agency will announce its decision in a final notice of disposition in the **Federal Register**. If the Agency determines that any of the chemical substances listed should not be removed from the Inventory, an eligible manufacturer, importer, or processor of that substance would then be invited to submit an Inventory report to EPA to replace the one that was incorrectly submitted. The substance could then remain on the Inventory. On the other hand, if the Agency concludes that a substance is not eligible for inclusion on the Inventory, effective with the publication of the final notice of disposition, the substance will be considered removed from the Inventory—the presence of its name in any previously published version of the Inventory notwithstanding. In that event, the premanufacture notification requirements of section 5(a) of TSCA would apply to any manufacture or importation of the substance from the date of removal on.

With the publication of this notice, any on-going manufacture, importation, or processing of any of the twenty-seven chemical substances listed below begun prior to the publication date of this notice may continue until publication of the final notice of disposition. EPA will not, however, consider any request to retain any of the listed substances on the Inventory based solely on manufacture, importation or processing of that substance which begins after the first publication date of this notice.

65086-37-5 Nonanoic acid, 2,2-dimethyl-, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-propenoate, 1,3-isobenzofurandione and methyl 2-methyl-2-propenoate.

65121-76-8 Phenol, 2-methyl-4,6-dinitro-, lead (2+) salt.

65122-05-6 Diazene, [(1,3-dihydro-1,1,3-trimethyl-2H-iden-2-ylidene)methyl] (2-methoxyphenyl)-.

65151-55-5 Docosanoic acid, 1,3,5,-triazine-2,4,6-triyltris[(methoxymethyl)imino]methyle ne ester.

65530-81-6 Poly(difluoromethylene), α-(2,2-dichloro-1,1,2-trifluoroethyl)-W-hydro-.

65717-13-7 4-Primidinecarboxylic acid, 1,2,3,6-tetrahydro-5-nitro-2,6-dioxo-, monopotassium salt.

67892-76-6 Nonanoic acid, 2,2,-dimethyl-, oxiranylmethyl ester, polymer with butyl 2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid.

67892-78-8 Nonanoic acid, 2,2-dimethyl-, oxiranylmethyl ester, polymer with butyl 2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-propenoate and 2-propenoic acid.

68110-21-4 Zincate(1-), trichloro-, hydrogen, compd. with N,N-diethyl-4-[(1-methyl-1H-1,2,4-triazol-5-yl)azo] benzenamine. (1:1)

68213-43-4 Fatty acids, tall-oil, polymers with bisphenol A, bisphenol A diglycidyl ether, Bu acrylate, 2-(dimethyl)amino)ethyl methacrylate, 2-[(1,1-dimethyl) amino]ethyl melhacrylate, glycidyl 2,2-dimethylnonanoate, hydroxyethyl methacrylate and Me methacrylate.

71002-23-8 1,1'-Bi-1*H*-imidazole, 2,2',5,5'-tetrakis(2-chlorophenyl)-4,4'-bis(3,4-dimethoxyphenyl)-.

71735-70-1 B-Alanine, N-[3-(nonyloxy)propyl]-.

71799-76-3 9,11-Octadecadienoic acid, (*Z,Z*)-, polymer with 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate, (*Z,Z*)-9,12-octadecadienoic acid and oxiranylmethyl 2,2-dimethylnononoate.

74398-77-9 Benzenediazonium, 2-methoxy-5-methyl-4-[(3-sulfophenyl)azo]-, chloride.

74642-98-1 Cuprate(2-), [bis(aminosulfonyl)-29H,31H-phthalocyaninedisulfonato(4-)-N^{29},N^{30},N^{31},N^{32}]-, lithium sodium.

Dated: April 27, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-13006 Filed 5-12-82; 8:45 am]

BILLING CODE 6560-50-M

[OLCE-FRL-2117-2]

Guidelines for Using the Imminent Hazard, Enforcement and Emergency Response Authorities of Superfund and Other Statutes

AGENCY: Environmental Protection Agency.

ACTION: Policy statement.

SUMMARY: These guidelines are published pursuant to Section 106(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510 (CERCLA or Superfund). They are intended to provide Federal, State, local and private parties with a general description of how response actions undertaken pursuant to Section 104 of CERCLA will be coordinated with the use of enforcement authorities available to the Environmental Protection Agency (EPA or the Agency) and the Department of Justice (DOJ).

Applicability of Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation or rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The Agency has determined that these guidelines do not constitute a major rule or regulation because they are designed simply to describe how authority under CERCLA is to be coordinated with other existing statutory and regulatory authority and are not a significant change in the

Agency's approach to implementing that authority.

These guidelines were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB and any response from EPA to those comments are available for public inspection in the Office of Enforcement Counsel, (WH-527-F), Fairchild Building, 499 South Capitol Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard A. Smith, Office of Enforcement Counsel (WH-527-F), Environmental Protection Agency, Fairchild Building, 499 South Capitol Street, S.W., Washington, D.C. 20460, phone (202) 382-2550.

SUPPLEMENTARY INFORMATION:

Introduction

These guidelines are published pursuant to Section 106(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510 (CERCLA). They are intended to provide Federal, State, local and private parties with a general description of how response actions undertaken pursuant to Section 104 of CERCLA will be coordinated with the use of enforcement authorities available to the Environmental Protection Agency (EPA or the Agency) and the Department of Justice (DOJ). These include the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers.

Consistent with proposed revisions to the National Contingency Plan (NCP), FR Vol. 47, No. 49, page 10472, March 12, 1982, it is EPA policy to continue to pursue enforcement actions as an alternative to or complementary with Fund-financed response activities. This policy is necessary to ensure that the limited Superfund resources are utilized to the maximum extent possible where there is no solvent responsible party and therefore no alternative to Government response. Further, it is Agency policy to seek, whenever possible, cleanup by responsible parties prior to recourse to either the Fund or litigation. To this end EPA may, whenever possible, provide notice to potentially responsible parties and an opportunity to confer with the Agency in an effort to develop a satisfactory cleanup agreement.

While hazardous substance problems are widespread, their resolution is inherently site specific and requires developing response and/or enforcement actions at each site which are tailored to individual circumstances. Thus, an enforcement program to solve these problems must retain sufficient flexibility to be adaptable to a wide range of situations. Within the broad policy framework established by the proposed revisions to the NCP, selection of the appropriate enforcement tools to achieve the statutory goals must, of necessity, be based on case-by-case determinations.

The Administrator of EPA has consulted with the Attorney General in the preparation of these guidelines.

Available Federal Legal Authorities

Federal legal authorities available to compel responsible parties to address threats created by hazardous substances including both administrative and judicial actions. These authorities exist not only under CERCLA but are found in a variety of other statutes including the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act (CAA), the Toxic Substances Control Act (TSCA), the Safe Drinking Water Act (SDWA) and common law. The range of potential actions which may be ordered or sought covers all phases of hazardous substances problems from initial information gathering needed to determine the existence and location of a potential problem, to complete elimination of the problem. Which particular authority or authorities will be used and whether to precede court action with administrative action will be determined on a case-by-case basis depending upon the most effective approach for achieving the desired goal of site cleanup.

The statutory authorities listed above provide EPA with several categories of enforcement tools designed to facilitate enforcement of the relevent statutes, including:

1. Authority to obtain existing data regarding a possibly hazardous condition:

a. Section 3007, 3013, 7003 RCRA—right of entry; obligation to furnish information.

b. Section 104(b), 104(e) and 106(a) CERCLA—right of entry; obligation to furnish information.

c. Section 8 and 11 TSCA—subpoena; regulations to maintain or submit information.

d. Section 308 CWA—right of entry; obligation to furnish information.

e. Section 114 CAA—right of entry; obligation to furnish information.

f. Section 1445 SDWA—right of entry; obligation to furnish information.

2. Authority to require responsible parties to collect data:

a. Sections 3007(a), 3013 and 7003 RCRA—administrative orders, penalties and court action.

b. Section 103(d) CERCLA—regulations to maintain records.

c. Sections 106 (a) and (b) CERCLA—administrative orders, penalties and/or court actions.

d. Section 8 TSCA—regulations to maintain or submit records.

e. Section 308(a) CWA—recordkeeping, sampling and monitoring.

f. Section 114 CAA—recordkeeping, sampling and monitoring.

g. Section 321 CAA—subpoena.

h. Section 1445 SDWA—regulations to maintain records.

3. Authority to compel responsible parties to cleanup hazardous conditions:

a. Sections 3008 and 7003 RCRA—administrative orders, penalties and court action.

b. Sections 106 (a) and (b) CERCLA—administrative orders, penalties and court action.

c. Section 504 CWA—court action.

d. Section 1431 SDWA—administrative orders, penalties and court action.

e. Sections 6 and 7 TSCA—court action.

f. Sections 113 and 303 CAA—court action.

4. Authority to recover money expended by the government to investigate and cleanup a hazardous condition:

a. Sections 107(a) and 112(c)(3) CERCLA—court action.

b. Section 311(f) CWA—court action.

c. Sections 3013 (d) and (e) RCRA—administrative orders and court action.

5. Penalties for failure to comply with administrative orders, regulations or permit conditions:

a. Sections 3008, 3013 and 7003 RCRA—civil penalties, fines and imprisonment.

b. Sections 103(d) and 106(b) CERCLA—fines and imprisonment.

c. Section 107(c)(3) CERCLA—punitive damages.

d. Sections 1431 and 1435 SDWA—fines.

e. Sections 311(b) (5) and (6) CWA—civil penalties, fines and imprisonment.

f. Sections 309 (c) and (d) CWA—civil penalties, fines and imprisonment.

g. Section 16 TSCA—civil penalties, fines and imprisonment.

h. Section 17 TSCA—specific enforcement and seizure.

i. Section 113 CAA—civil penalties, fines and imprisonment.

In addition to these statutory authorities CERCLA specifically preserves the Federal and/or State common law, as an available legal tool.

Under the general doctrine of public nuisance the United States can seek to compel a responsible party to investigate the nature and extent of a hazardous condition, take remedial action to correct that condition, and pay the costs incurred by the government in investigating the problem and taking any remedial action.

There are obviously differences inherent in the statutory provisions that are applicable to the utilization of these authorities. These differences will influence decisions on the choice of legal authorities and legal approaches for any case.

The meaning and reach of these statutory authorities is a matter under continuous review by Federal courts. The EPA and Department of Justice view of what these provisions mean is expressed in the public documents filed in these cases. The Court decisions provide the interpretation and guidance, and the meaning ascribed to the statutory provisions obviously evolves as new cases produce new decisions. These decisions in turn shape EPA and DOJ decisions concerning which statutes to employ.

Coordination of Enforcement With Response Activities

A. *General.* Agency policy as reflected in the preamble to the proposed revisions to the NCP, is that enforcement is to be used as an alternative to or complementary with the use of Superfund monies.

Early involvement of State and Federal personnel in the site identification and priority setting process is contemplated by the proposed revisions to the NCP. Before Superfund money is authorized for expenditure at any site where EPA is the lead Agency, it will be determined, based on the exigencies of the hazard presented and input from the legal and program personnel involved, whether enforcement, Fund use, or some combination of the two is appropriate.

This is emphasized by numerous references throughout Subpart F of the proposed revisions to the NCP pertaining to the need to undertake efforts to identify non-Federal potentially responsible parties simultaneously with the technical investigation of a release or threatened release. See, for example, §§ 300.63(a)(3), 300.65(b) and (e).

Further, § 300.65(d) of the proposed revisions to the NCP describes the Hazard Ranking System (HRS) that will be applied to sites to allow a comparison of risk or danger in widely varying situations. The criteria in the HRS are applicable to any site, regardless of the existence of potentially responsible parties.

It is the responsibility of the Office of Solid Waste and Emergency Response through its Regional program personnel, with the assistance of Agency legal personnel, the Department of Justice, and State legal personnel where appropriate, to undertake the necessary investigations to determine the existence of potentially responsible parties for releases or threatened releases where EPA is the lead Agency under the proposed revisions to the NCP.

Prior to the initiation of either Fund-financed response activity or enforcement action, the Agency will attempt to provide oral or written notice, where appropriate considering the exigencies of the situation, to identifiable potentially responsible parties (individual, corporate or public) who may be partially or wholly responsible for the hazard at a particular site. This notice is intended to provide potentially liable responsible parties with an opportunity to undertake required cleanup in lieu of Government response and to advise these parties of their potential liability should the Government undertake the cleanup of the release or threatened release. This notice is not, however, a condition precedent to undertaking a response action or an action to recover money spent during such a response.

Where these efforts prove unsuccessful in leading to a satisfactory cleanup agreement, the Agency will determine whether to employ the Fund for site cleanup or to use one or more of the various administrative and/or judicial tools described in these guidelines in lieu of or in combination with Fund use. These decisions will be made jointly by the Office of Legal and Enforcement Counsel and the Office of Solid Waste and Emergency Response with input as appropriate from the On Scene Coordinator (OSC), the Regional Response Team (RRT) or National Response Team (NRT), when activated, and the Department of Justice.

When the decision is made to employ the Fund for site cleanup, every effort will be made by the Office of Legal and Enforcement Counsel to recover the Government funds expended, including referral to the Department of Justice for collection action where necessary.

The Agency will necessarily employ a significant percentage of its enforcement resources at those hazardous waste sites on the Interim and Final National Priorities List for which responsible parties can be identified. However, sites not in the priority ranking system described in the proposed revisions to the NCP may also be the subject of enforcement actions where appropriate.

B. *Extent of Remedy.* As stated in the preamble to the proposed revisions to the NCP, the Agency has, on a case-by-case basis, historically made a combined legal and scientific judgment in enforcement actions as to the appropriate extent of remedy, by consideration of a variety of generic and case specific factors. This has resulted in settlements and initial court decisions calling for remedial activity in individual circumstances ranging from complete elimination or removal of contaminants to nondetectable levels, to installation of containment and/or treatment alternatives in addition to or in lieu of rehabilitation of the contaminated environment.

This case-by-case determination of the appropriate extent of remedy will continue for responsible party cleanup at Superfund sites. The Agency will seek, through voluntary agreement or administrative or judicial processes, to have those persons responsible for the release cleanup in a manner that effectively mitigates and minimizes damage to and provides adequate protection of public health, welfare, and the environment. EPA will evaluate the adequacy of cleanup proposal submitted by responsible parties or determine the level of cleanup to be sought through enforcement efforts, by consideration of the factors described in §§ 300.67 (e) through (j) of Subpart F of the proposed revisions to the NCP. The Agency will not, however, apply the cost balancing considerations discussed in section 104(c)(4) of the Act and § 300.67(k) of Subpart F of the proposed revisions to the NCP to determine the appropriate extent of remedy for responsible party cleanup. These cost balancing considerations are applicable only to Fund-financed activities.

C. *Coordination With States.* It is the intent of these guidelines to encourage those States that are willing and able to do so, to take the lead in bringing enforcement actions to address hazardous waste problems.

Coordination of Fedeal actions with State actions will be primarily accomplished through the use of cooperative agreements as provided in section 104(d) of CERCLA.

On a case-by-case basis, State and Federal legal officials will decide whether State or Federal or a combined enforcement action is appropriate. Where the State is taking the enforcement lead, EPA and DOJ may provide legal assistance as appropriate, including access to expert witnesses, sample analysis capability, and training.

Suits to recover Superfund money whether expended directly by the Federal officials or spent by State officials following allocation of funds from the Federal government will remain the responsibility of Federal officials. Section 300.68 of Subpart F of the proposed revisions to the NCP requires that all documentation of activities at a site shall be collected and maintained to form the basis for cost recovery. For this reason there will be a continuing close relationship between State and Federal officials with respect to actions where the State is taking the enforcement lead.

Conclusion

As the preceeding discussion clearly shows, enforcement and Fund use decisions are closely linked from the early stages of hazardous waste site identification and assessment. The intent is that identification of responsible parties proceed contemporaneously with site hazard ranking to encourage maximum non-Federally financed cleanup, and to insure timely enforcement action should it become necessary. Should enforcement prove necessary the Agency and DOJ will encourage and support maximum use of State authorities and personnel. If Federal enforcement authorities are utilized, the Agency will issue administrative orders, and/or undertake judicial actions in cooperation with DOJ, that seek to impose reasonable, cost-effective remedies that achieve levels of cleanup that effectively mitigate and minimize damage to and provide adequate protection to public health, welfare and the environment, consistent with the proposed revisions to the NCP.

Dated: May 11, 1982.

John E. Daniel,

Acting Administrator.

[FR Doc. 82-13133 Filed 5-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 24, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. T-4044.

Filing party: Mr. Douglas J. Sealy, Goldman, Sachs and Co., 55 Broad Street, New York, New York 10004.

Summary: Agreement No. T-4044 is a terminal lease agreement for dock facilities between South Lousiana Port Commission as lessor (Port) and Rogers Terminal and Shipping Corporation, as lessee (Rogers). The purpose of the agreement is to facilitate the issuance of industrial revenue bonds in the amount of $15,375,000 which are to finance the cost of construction of Rogers' dock and wharf facility to be moored in the Parish of St. James, Louisiana. The bond issuance procedure requires the transfer of said facilities to the Port, who will, in turn, lease the facilities back to Rogers. Rental under the agreement will be used to fund repayment of the bond, and at the end of the 20-year bond period (also the term of the agreement) the facilities will be transferred by the Port back to Rogers. The facilities will be used as a floating bulk cargo transfer facility. The project will be operated and maintained throughout the lease term as part of the public port of the lessor, and lessor shall have the exclusive right to and shall assess and collect dockage fees for all vessels berthing at the project and to issue an appropriate tariff covering such charges and their application. Further provision is made for apportionment of such revenues.

By order of the Federal Maritime Commission.

Dated: May 10, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-13027 Filed 5-12-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *SouthTrust Corporation,* Birmingham, Alabama; to acquire 90 percent or more of the voting shares or assets of The First National Bank of Piedmont, Piedmont, Alabama. Comments on this application must be received not later than June 5, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Colorado National Bankshares, Inc.,* Denver, Colorado; to acquire 80 percent or more of the voting shares or assets of Republic National Bank of Englewood, Englewood, Colorado. Comments on this application must be received not later than June 4, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *North Texas Bancshares, Inc.,* North Richland Hills, Texas; to acquire 100 percent of the voting shares or assets of the successor by merger to Arlington State Bank, Arlington, Texas.