On November 6, 1973, notice was given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form were promulgated by the Environmental Protection Agency (EPA). The regulation established Part 440—ore mining and dressing point source category and is applicable to existing sources for the iron ore subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferroalloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F), and the titanium ore subcategory (Subpart G) of the ore mining and dressing point source category pursuant to sections 301, 304 (b), (c) of the Federal Water Pollution Control Act, as amended (25 U.S.C. 1311, 1314), and (e), (6) Stat. 616 et seq. (P. L. 62-510) (the Act).

When 40 CFR 440 was promulgated in interim final form, comments on 40 CFR 440 and comments on the development document supporting the regulation were solicited.

A number of comments were received relative to the adequacy of the data relied upon by the Agency as a basis for promulgating the limits. The precious metals subcategory (Subpart B), that portion of the ferroalloy ores subcategory (Subpart D) which is applicable to the quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques, and the uranium, radium and vanadium subcategory (Subpart E). Additional data has been supplied and additional data is to be supplied available to the Agency relative to these portions of the regulation.

In that serious questions have been raised concerning the adequacy of the data base used to support portions of this regulation, the Agency is reevaluating the technical and economic basis for the ferroalloy ores subcategory and the uranium, radium and vanadium subcategory. This need for reevaluation prompts the Agency to suspend the effectiveness of these portions of the regulation while these portions of the regulation are being reviewed by the Agency.

Interested persons are encouraged to submit written comments on the base and precious metals subcategory (Subpart B), that portion of the ferroalloy ores subcategory (Subpart D) which is applicable to the quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques and the uranium, radium and vanadium subcategory (Subpart E). Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All comments received before July 15, 1976, will be considered and included in the administrative record. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in EPA's Advance Notice Concerning Public Review Procedures published on August 6, 1973 (38 FR 21262).

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterfront Mall, 401 M Street, SW, Washington, D.C. 20460.

In consideration of the foregoing discussion, 40 CFR 440.22, 40 CFR 440.42(a) (5) and 40 CFR 440.52 are suspended until November 6, 1976. By November 1, 1976, the Agency anticipates that these sections will be revised or amended. Dated: May 17, 1976.

RUSSELL E. THAI, Administrator.