

receives a firm arrival time. Maritime traffic will not be significantly impacted because of the expected small number of vessels needing this safety security zone, and the limited duration of the zone during transit and cargo operations.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Maritime traffic will not be significantly impacted because of the expected small number of vessels needing this safety security zone, and the limited duration of the zone during transit and cargo operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. Because of the small number of vessels needing the safety zone and the minimal impact on navigation and commerce the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Section 2.B.2e.34(g) of Commandant Instruction M16475.1B that this action is

categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend Subpart D of Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new section 165.708 is added to read as follows:

§ 165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.

(a) Regulated area. The following boundaries are established as a safety zone during specified conditions:

(1) All waters 200 yards ahead and astern and 100 yards to each side of a vessel transporting nuclear materials while the vessel transits from Charleston Harbor Entrance Buoy "C" (LLNR 1885, position 32–29.6N, 079–40.9W) to the Charleston Naval Weapons Station (position 32–55.4N, 079–56.0W) on the Cooper River. All coordinates referenced use datum: NAD 1983.

(2) All waters within 100 yards of the vessel described in paragraph (a)(1) of this section while the vessel is conducting cargo operations at the Charleston Naval Weapons Station.

(b) Captain of the Port Charleston will announce the activation of the safety zone described in paragraph (a) of this section by Broadcast Notice to Mariners. The general regulations governing safety zones contained in § 165.23 and § 165.33 apply.

Dated: August 26, 1996.

M.J. Pontiff,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 60, 61, and 63

[AD–FRL–5550–9]

RIN 2060–AG30

Recordkeeping and Reporting Burden Reduction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed revisions to rules and notice of public hearing.

SUMMARY: The proposed revisions result from a thorough review of the regulations implementing the Clean Air Act. This review was part of a Government-wide initiative as directed by the President on March 4, 1995. The EPA's goal in this review was to identify and eliminate unnecessary recordkeeping and reporting burdens. As a result of this review, the proposed revisions to existing standards would reduce recordkeeping and reporting burdens by approximately 1 million hours per year. This burden reduction is the equivalent of returning 25,000 workweeks back to the private sector to boost productivity and profits.

DATES: *Comments.* Comments must be received on or before October 11, 1996, unless a hearing is requested by September 23, 1996. If a hearing is requested, written comments must be received by October 28, 1996.

Public Hearing. Anyone requesting a public hearing must contact EPA no later than September 23, 1996. If a hearing is held, it will take place on September 26, 1996, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (LE–131), Attention, Docket No. A–95–50, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The Agency requests that a separate copy also be sent to the contact person listed below.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [A–95–50]. No Confidential Business Information (CBI) should be submitted

through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

Public Hearing. If a public hearing is held, it will be held at the EPA Office of Administration Auditorium in Research Triangle Park, North Carolina. Persons interested in requesting a hearing, verifying that a hearing will be held, or wishing to present oral testimony should contact Ms. Yvonne Chandler, Policy, Planning and Standards Group (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5627 by the date specified above.

Docket. Docket No. A-95-50, containing supporting information used in developing the proposed amendments to standards, is available for public inspection and copying from 8 a.m. to 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center,

Waterside Mall, Room M-1500, Ground Floor, 401 M Street, SW., Washington, DC 20460. The proposed regulatory text and other materials related to this rulemaking are available for review in the docket. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards or technical aspects, contact Mr. David Markwordt at (919) 541-0837, Chemicals and Petroleum Branch, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Introduction

On March 4, 1995 the President directed all Federal agencies and departments to conduct a comprehensive review of the rules they administer to identify those rules that are obsolete or unduly burdensome.

Based on this review, EPA is today amending various rules to reduce unnecessary recordkeeping and reporting burdens. Today's action is part of an ongoing effort by the EPA to reduce unnecessary burdens associated with existing rules. EPA estimates that approximately 1 million hours of recordkeeping and reporting will be eliminated with these proposed changes.

II. Rules to be Amended

Table I contains a summary of the rules to be amended, the changes to the rules, and an estimate of the burden reduction associated with the proposed changes. The burden reductions are provided as an estimate of the savings to industries complying with these rules.

Table II contains a summary of existing rules which will be affected by changes made to the General Provisions (see Table I).

TABLE I.—BURDEN REDUCTION: ACTION PLAN FOR THE OFFICE OF AIR AND RADIATION

Title	CFR Cite	Description of burden reduction	Estimate of burden reduction
General Provisions—Part 60 and 61.	60.7(a), 60.19(b), 61.04(b).	Change provisions to allow for electronic notifications/reports	(1)
General Provisions—Part 60 and 63.	60.7(a)(2), 63.9(b)(2)(iv).	Delete notification of anticipated date of initial startup .....	.....
General Provisions—Part 60 and 63.	60.7(c) and 63.10(e)(3).	Change quarterly exception reporting to semi-annual .....	.....
General Provisions—Part 60	60.8(d)	Allow 7 days prior notice of any rescheduled performance test .....	.....
General Provisions—Part 60 and 63.	60.7(f) and 63.10(b)(2).	Allow reduction in retention of raw data (15 minute recordings) for continuous emission monitoring, where 95% data availability is achieved (retain hourly averages).	.....
NESHAP for Coke By-Product Recovery Plants.	61.130 (subpart L)	Change frequency of quarterly reports to semiannual reports. For carbon absorbers and incinerators, remove the requirement to develop and record a plan for proper operation and maintenance of the control device [61.139(i)(l)(ii)].	(2)
NESHAP for Asbestos	61.140 (subpart M)	Change quarterly reporting for exceedances to semiannual reporting for exceedances for milling, manufacturing and fabricating processes at all asbestos processing facilities.	(2)
Standards of Performance for the Phosphate Rock Plants.	60.400 (subpart NN)	Change quarterly reporting of scrubber exceedances to semi-annual.	(2)
NSPS for Magnetic Tape Coating Facilities.	60.714 and 60.717 (subpart SSS).	1) Change frequency of quarterly reports to semiannual. 2) For determining compliance with the cutoff applicability for controls, delete semiannual estimate of projected annual solvent use. Rely upon already required records of actual solvent usage. 3) Also delete requirement to report the first semiannual estimate in which annual use would exceed cutoff.	(2)
NSPS for Bulk Gasoline Terminals.	60.502(e)(3) and (4) (subpart XX).	Terminals may check tank truck vapor-tightness documentation less frequently (than within 2 weeks of loading now required) so that if: (1) less than 1 truck per month over 26 weeks is loaded without documentation, cross check is quarterly, or (2) less than 1 truck per month over 52 weeks is loaded without documentation, cross check is semi-annually.	(2)
MACT for Gasoline Distribution	63.420 (subpart R)	Subpart R requires compliance with Subpart XX 60.502(e)(3) and (4) (see above). Changes in Subpart XX result in a burden reduction in Subpart R.	19,000

TABLE I.—BURDEN REDUCTION: ACTION PLAN FOR THE OFFICE OF AIR AND RADIATION—Continued

Title	CFR Cite	Description of burden reduction	Estimate of burden reduction
NSPS for Glass Manufacturing Plants.	60.290 (subpart CC)	Change monitoring to: install and operate continuous opacity monitors or approved alternative continuous parametric monitors that represent 99% confidence level of average opacity valued determined during performance testing. (This reflects a change in confidence level from 97.5% to 99%.) 2) Change reporting to: For the purpose of 60.7 report all periods during which the average opacity exceeds the 99% confidence level. (This reflects a change in confidence level from 97.5% to 99%).	(²)
NESHAP for Arsenic from Glass Manufacturing Plants.	61.160 (subpart N)	Change monitoring to: determine the opacity value corresponding to the 99% confidence level and calculate the 15 minute averages of gas temperature entering control device. (This reflects a change in confidence level from 97.5% to 99%).	(²)
NSPS for Municipal Waste Combustors.	60.50a (subpart Ea)	This action would revise the CEMS reporting requirements under the 1991 NSPS (Subpart Ea) to be consistent with the 1995 NSPS (Subpart Eb) and Guideline (Subpart Cb). The CEMS reporting requirements for SO ₂ , NO _x , and CO would be revised from quarterly reporting to annual with semiannual exception reporting.	2,300
NSPS for Fossil-Fuel Fired Steam Generators for which construction is commenced after 8/17/71 and before 9/19/78.	60.40–60.47 (subpart D).	Change quarterly excess emission reports to semiannual	1,300
NSPS for Fossil-Fuel Fired Steam Generators for which construction is commenced after 8/17/71 and before 9/19/78.	60.40a–60.49a (subpart Da).	Change quarterly excess emission reports for opacity and quarterly compliance reports for SO ₂ and NO _x to semiannual.	1,300
NSPS for Fuel Gas Combustion Devices.	60.100–60.109 (subpart J).	Change catalytic cracking units quarterly compliance reports for opacity, CO, and SO ₂ to semiannual. Change fuel gas combustion devices quarterly compliance reports for SO ₂ and H ₂ S to semiannual. Change quarterly claus sulfur recovery units compliance reports for SO ₂ and reduced sulfur compounds and H ₂ S to semiannual.	1,500
NSPS for Industrial-Commercial Institutional Steam Generating Units.	60.40b–60.49b (subpart Db).	Change all quarterly reporting requirements to semiannual	35,000
NSPS for Industrial-Commercial Institutional Steam Generating Units.	60.40c-60.48c (subpart Dc).	Change all quarterly reporting requirements to semiannual	1,700
Reports Source Emissions and State Action Reporting.	51.322 (subpart Q)	Reduce the number of sources that are required to report due to the amount of emissions they currently emit: raise the reporting threshold for SO ₂ , NO _x , PM ₁₀ , and VOC from 100 tons/year to 200 tons/year and for CO from 1000 tons/year to 2000 tons/year.	1,700
NSPS for New Residential Wood Heaters.	60.531 60.536(f)(3) 60.538 (subpart AAA).	Correction to 60.531 reduces resources needed to determine whether a given woodburning appliance is covered by the regulation. Clarification of 60.536(f)(3) eliminates the requirement that a manufacturer of a coal-only heater perform an emissions test. Removal of 60.538 eliminates confusion as to how regulation should be applied.	(²)

¹ 780,000 (total for all GP revisions).

² Negligible.

TABLE II.—EXISTING REGULATIONS IMPACTED BY CHANGES TO GENERAL PROVISIONS

TITLE	SUBPART	ICR NO.	OMB NO.
NSPS SECONDARY BRASS & BRONZE PROD. PLANTS	M	1604.04	2060.0110
NESHAP: BENZENE WASTE OPERATIONS	FF	1541.04	2060.0183
NSPS: PORTLAND CEMENT PLANTS	F	1051	2060–0025
NESHAP: CHROM. EMIS. FROM HARD & DECORATIVE CHROM. ELECTRO. & CHROM ANODIZING TANKS.	N	1161.02	2060–0327
NITRITIC ACID PLANTS	G	1056.05	2060–0019

TABLE II.—EXISTING REGULATIONS IMPACTED BY CHANGES TO GENERAL PROVISIONS—Continued

TITLE	SUBPART	ICR NO.	OMB NO.
STD. FOR PERFORMANCE FOR NEW STATIONARY SOURCES, SULFURIC ACID PLANTS.	H	1057.06	2060-0041
ELECTRIC ARC FURNACES & ARGON-OXYGEN DECARBURIZATION VESS. INFO. REQUIREMENTS.	AA & AAA	1060.07	2060-0038
NSPS FOR PHOSPHATE FERTILLIZER IND.	T,U,V,W, & X	1061.06	2060-0037
NAPA: COAL PREPARATION PLANTS	B ?	1062	2060-0122
NSPS FOR SEWAGE TREATMENT PLANT INCIN.	O	1063.06	2060-0035
STD. OF PERF. FOR IRON & STEEL PLANTS (BASIC PROC. FURNACES)	N, NA	1069.04	2060-0029
NSPS FOR AUTOMOBILE & LIGHT DUTY TRUCK SURFACE COAT. OPRS.	MM	1064.06	2060-0034
NSPA FOR STATIONARY GAS TURBINES INF. REQ.	GG	1071.05	2060-0028
NSPS RECORDKEEPING & REPORTING REQ. FOR LEAD-ACID BATTERY MFG..	KK	1072.04	2060-0081
NSPS: NON-METALLIC MINERAL PROCES. PLANT	OOO	1084	2060-0050
(NSPS) FOR ONSHORE NATURAL GAS PROCESS. PLANT/EQUIP. LEAKS OF VOC & EMISS. OF SC2—REPORTING/ RECORDKEEPING.	KKK/LLL	1086.03	2060-0120
NESHAP—BERYLLIUM	C	193	2060-0092
NSPS FOR METAL FURN. SURFACE COATING	EE	0649.05	2060-0106
NSPS: GRAPHIC ARTS INDUSTRY .....	.....	657	2060-0105
NSPS FOR PRESSURE SENS TAPE & LABEL SURFACE COATING INF. REQUIR..	RR	0658.05	2060-0004
NSPS FOR SURFACE COAT. OF LARGE APPLIANCES, INF. & REQUIREMENTS.	SS	0659.06	2060-0108
NSPS FOR METAL COIL SURFACE COATING INFORMATION & REQUIREMENTS.	TT	0660.05	2060-0107
NSPS: ASPHALT PROCESS. & ASPHALT ROOF MFG. ....	.....	661	2060-0002
NSPS FOR BEVERAGE CAN SURFACE COATING, INFORMATION REQUIREMENTS.	WW	0663.05	2060-0001
NSPS FOR CALCINERS & DRYERS IN MINERAL INDS. REPORT/RECORD-KEEPING.	.....	0746.02	2060-0251
STDS. OF PERF. FOR NEW STATIONARY SOURCES METALLIC MIN. PROCESSING PLANTS.	LL	0982.04	2060-0016
NSPS FOR EQUIP. LEAKS OF VOC IN PETROLEUM REFIN. INF. REQUIREMENTS.	GGG	0983.04	2060-0067
NSPS FOR PETROLEUM DRY CLEANERS, INF. & REQUIREMENTS	JJJ	0997.04	2060-0079
STORAGE VESSELS FOR PETROLEUM LIQUIDS—STDS OF PERF. FOR NEW STATIONARY SOURCES.	KA	1050.05	2060-0121
NESHAP FOR ETHYLENE OXIDE COMMERCIAL STERILIZATION & FUMIGATION OPERATIONS.	O	1666.02	2060-0283
NESHAP FOR CHROMIUM EMISSIONS FROM IND. PROCESS COOLING TOWERS.	.....	1625.02	2060-0268
NEW RESIDENTIAL WOOD HEATERS, RPT & RECORDKEEPING REQUIREMENTS.	AAA	1176.04	2060-0161
NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES .....	.....	1284	2060-0181
COKE OVEN BATTERY NATIONAL EMISSION STANDARDS .....	.....	1362.02	2060-0253
NESHAP FOR DRY CLEANING FACILITIES/ PERCHLORO-ETHYLENE (PCE) .....	.....	1415.02	2060-234
PROHIBITION OF HEXAVALENT CHROMIUM CHEMICALS IN COMFORT COOLING TOWERS, INF. REQ..	.....	1420.03	2060-0193
NSPS FOR STARCH PROD PLANTS	XXX	1706.01	2060-0310
NSPS FOR WOOL FIBERGLASS INSULATION MFG.	PPP	1160.04	2060-0114
NSPS LIME MFG. IND. INF. REQUIREMENT	HH	1167.04	2060-0063
NESHAP FOR BENZENE EMISSIONS FROM BULK OPRS.	BB	1154.03	2060-0182
NSPS SYNTHETIC FIBER PROD. FACIL. INFOR. REQUEST	HHH	1156.06	2060-0059
NSPS FLEXIBLE VINYL & URETHANE COATING & PRINTING INF. REQUIREMENT.	FFF	1157.04	2060-0073
TIRE MFG. INDUSTRY	BBB	1158	2060-0156
FED. STDS. FOR MARINE TANK VESSEL LOADING & UNLOAD. OPRS. & NESHAP/ MARINE VESSEL LOADING.	.....	1679.01	2060-0289
NESHAP: EPOXY RESIN & NON-NYLON POLYAMIDE RESIN PRODUCTION .....	.....	1681	2060-0290
NESHAP SHIPBLDG. & SHIP REPAIR SURF. COATING	II	1712.01	2060-0330
NESHAP FOR WOOD FURN. MFG. OPRS.	JJ	1716.01	2060-0324
NESHAP FOR OFF-SITE WASTE OPRS.	DD	1717.01	2060-0313
NSPS FOR SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES.	TTT	1093.04	2060-0162
INF. COLLECT. REQUIREMENT FOR HOT MIX ASPHALT FACILITIES (NSPS) ...	I	1127.04	2060-0083
SECONDARY LEAD SMELTERS	L	1128.04	2060-0080
GRAIN ELEVATORS (NSPS)	DD	1130.04	2060-0082
NSPS FOR VOLATILE ORGANIC STORAGE VESSELS	KB	1132.04	2060-0074
NSPS POLYMER MFG. IND. RECORDKEEPING & RPT REQUIREMENT	DDD	1150.03	2060-0145
NESHAP: HALOGENATED SOLVENT CLEANERS/ HALOGENATED (HAP)	T	1652	2060-0273
NES SOURCE PERFORMANCE STDS. (NSPS) FOR KRAFT PULP MILLS	BB	1055.04	2060-0021
NES FOR MAGNETIC TAPE MFG. OPRS	EE	1055.04	2060-0326

TABLE II.—EXISTING REGULATIONS IMPACTED BY CHANGES TO GENERAL PROVISIONS—Continued

TITLE	SUBPART	ICR NO.	OMB NO.
NSPS FOR VOLATILE VOC EMISSIONS FROM SYNTHETIC ORGANIC CHEM. IND. WASTEWATER.	.....	1697.01	2060-0311
NESHAP FOR BENZENE EQUIPMENT LEAKS, INF. REQUIR.	V	1153.05	2060-0068
NESHAP: RADIONUCLIDES .....	.....	1100.07	2060-0191
NESHAP: RADIOUNCLIDES .....	.....	1100.06	2060-0191

III. Rationale

Changes to General Provisions

In the General Provisions for new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) rules, 40 CFR Parts 60, 61, and 63, EPA is proposing to change any requirement for quarterly reporting to a semiannual reporting requirement. These changes would conform the reporting requirements in the General Provisions to the reporting requirements of recently promulgated NSPS and NESHAP rules. If these revisions to the General Provisions were promulgated, reporting frequencies in specific NSPS and NESHAP rules could be more or less frequent than semiannual as deemed appropriate for those particular rules under the Clean Air Act.

In 1985, EPA published in the Federal Register a general policy regarding NSPS and NESHAP reporting frequencies (50 FR 46464 (Nov. 8, 1985)). The policy recommended quarterly reporting of all direct compliance information¹ showing exceedances, and allowed reporting of this information on a semiannual basis where no exceedance occurred. Further, the policy generally suggested semiannual reporting of all other information required in NSPS rules and quarterly reporting of all other information required in NESHAP rules.

The Agency now believes that the semiannual reporting frequencies contained in recently promulgated NSPS and NESHAP regulations and proposed in this rulemaking for all types of information are generally appropriate. EPA's experience over the past ten years with a variety of NSPS and NESHAP rulemakings covering industries of all types suggests that semiannual reporting provides sufficiently timely information to both ensure compliance and enable adequate enforcement of applicable requirements, while imposing less burden on the affected industry than would quarterly

reporting. Recent NSPS and NESHAP rulemakings have moved almost exclusively to semiannual reporting as a standard approach. See, e.g., NSPS—40 CFR Part 60 Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries and NESHAP—40 CFR Part 63 Subpart O—Ethylene Oxide Emissions Standards for Sterilization Facilities.

EPA sees no reason to retain different reporting frequencies in the NSPS and NESHAP General Provisions compared to the reporting frequencies contained in recently promulgated rules. Accordingly, EPA is proposing changes to the General Provisions to conform to recently promulgated NSPS and NESHAP regulations. For a typical rule, the change from quarterly to semiannual reporting results in a 20 percent reduction in reporting burden or 6 percent of the overall burden. For the approximately 3.6 million burden hours resulting from the 60 rules affected by this provision, this will result in a reduction of approximately 215,000 hours.

EPA is proposing to allow the use of electronic data submission of notifications and reports within the General Provisions of 40 CFR Part 60, Part 61, and Part 63 as soon as a system is developed. The use of electronic means by EPA for receiving notifications and reports would greatly reduce the volume of paperwork and increase the efficiency in receiving notifications and reports. For a typical rule, the burden associated with notifications is approximately 7.0 percent; it is assumed allowing electronic data submission will reduce notification burden by 10 percent. For the approximately 3.6 million burden hours resulting from the 60 rules affected by this provision, this will result in a reduction of approximately 25,000 hours.

The agency is also proposing that a source may reduce the amount of records required to be maintained by the source based on the completeness of the records that ensure all exceedances are recorded and representative compliance measurements (a subset of total measurements) are recorded. This is a performance based scheme that would

allow sources with data availability greater than 95% to reduce the amount of records required under the General Provisions. For example, 40 CFR § 63.8(b)(4)(ii) requires sources with CEMS to complete a minimum of one cycle of operation for each successive 15-minute period, and 40 CFR § 63.8(g)(2) requires the CEMS data to be reduced to 1-hour averages. The source currently must keep all required CEMS measurements. If a source achieved 95% data availability for all 1-hour averages within a day, the Agency is proposing to allow the source to discard the records of the 15-minute periods and retain the 1-hour averages at the end of each day. The Agency believes that this type of an approach would encourage sources to achieve a high data availability. The Agency is also exploring what level of data availability is appropriate for other types of continuous monitoring systems such as continuous parameter monitoring systems (CPMS) (e.g. temperature monitors), and is taking comment on expanding this proposal to other CMS requirements. The Agency is also exploring how the source's compliance status and how the need to verify correct calculation of valid hours should affect the extent or application of this proposal. For a typical rule that requires CMS, the recordkeeping burden for CMS data is approximately 47 percent of the overall recordkeeping burden or 20 percent of the overall burden. Approximately 75 percent of the rules require CMSs. For the approximately 3.6 million burden hours, this will result in a reduction of approximately 540,000 hours.

The General Provisions [Part 60 section 60.8(d)] require 30 days prior notice of any performance test, “. . . except as specified under other subparts. . . .” In cases where a performance test must be rescheduled, due to operational problems, etc., it is not always reasonable or necessary to provide 30 days prior notice to EPA or the State of the new date of the performance test. Based on conversations with personnel who are affected by the notification of the new date of the performance test (i.e., personnel at EPA Regional Offices and

¹ The 1985 Federal Register notice described “direct compliance information” as data which may be used by an enforcement agency as the sole evidence of a violation of the standard (see 50 FR 46467).

State agencies), the EPA has determined that after the initial 30-day notification, then notice provided 7 days prior to a rescheduled test is sufficient time to provide the Regional, State or Local agencies the opportunity to have an observer present. Therefore, section 60.8(d) has been revised to reflect this allowance.

The General Provisions [Part 60 section 60.7(a)(2) and Part 63 section 63.9(b)(2)(iv)] also require a notification of the anticipated date of initial startup for new affected facilities. After reviewing this requirement, the EPA has determined that this notification can be waived for owners and operators of affected facilities without affecting the enforcement of this regulation. The deletion of this reporting requirement is being made for purposes of streamlining and further reduction of the reporting burden on both large and small plant owners or operators.

Reduction in Reporting Frequencies

40 CFR Part 60 Subparts D, Da, Db, Dc, J, NN, and SSS

40 CFR Part 61 Subparts L and M

EPA is proposing to make the reporting frequency in these listed NSPS and NESHAP subparts semiannual. As explained above in reference to proposed revisions to the General Provisions, EPA now believes that semiannual reporting is generally appropriate for NSPS and NESHAP rules. The Agency's experience over the past ten years suggests that semiannual reporting provides sufficiently timely information to both ensure compliance and enable adequate enforcement of applicable requirements, while imposing less burden on the affected industry than would more frequent reporting. EPA sees no reason not to revise these existing NSPS and NESHAP regulations to conform to the semiannual reporting frequency proposed for the General Provisions.

Approximately 1,400 facilities will save about 30 hours per year per facility resulting in an annual savings of approximately 42,000 hours per year.

40 CFR Part 61 Subpart L

The standard includes particular provisions for benzene emission sources controlled with a carbon adsorber or vapor incinerator, although these are not the typical control measures found at coke by-product recovery plants. The rule requires the owner or operator to develop and record a plan for proper operation, maintenance and corrective action of the carbon adsorber or vapor incinerator to achieve 98 percent control [40 CFR 61.139(i)(1)(ii)]. The EPA

proposes to delete this requirement because the monitoring and work practice standards that are also required are sufficient to ensure the desired control efficiency.

The monitoring required for the incinerator is temperature. For the carbon adsorber, concentration levels of emissions are required to be monitored. Furthermore, work practice standards specify when a fresh carbon bed is required, based on the results of the monitoring. Deviations from the requirements are to be recorded and reported. The Agency believes these requirements alone are sufficient to assure proper operation and maintenance, without the required development of a plan. However, facilities with these controls may still choose to have a plan for internal planning purposes.

40 CFR Part 60 Subpart SSS

The NSPS for magnetic tape manufacturing facilities has a solvent usage cutoff for the applicability of controls. A facility using less solvent than the cutoff has certain recordkeeping and reporting requirements, but is not required to meet the emission limitations.

The rule currently requires owners or operators to which the cutoff applies to make and record semiannual estimates of the projected annual amount of solvent to be used in magnetic tape manufacturing for the calendar year [40 CFR 60.714(a)(1)], as well as record the actual amount solvent used in a year [40 CFR 60.714(a)(2)]. The owner or operator is also required to report the first semiannual estimate in which the annual solvent use as well as the exceedances based on the actual solvent used [60.717(c)(1)] would exceed the solvent usage cutoff [40 CFR 60.717(c)(1)]. The EPA proposes to delete the requirements for estimating and reporting the projected annual solvent use. Since there are already recordkeeping and reporting requirements related to the actual solvent use, the EPA believes it is unnecessary to require semiannual estimates of projected use. These records related to actual solvent use would be sufficient for identifying facilities that are potentially subject to the control requirements because of exceeding the cutoff. Further, the requirement at 40 CFR 60.710(b) that sources exceeding the applicability threshold remain subject to the emission controls and related requirements, effectively prevents circumvention of the control requirements, and is a more effective means of assuring timely application of emission controls than

the projected semiannual estimates. Even if these estimates were not required to be recorded and reported, it may be in the best interest of the owner or operator to develop such estimates for planning purposes, to ensure compliance with standards.

40 CFR Part 60 Subpart XX and Part 63 Subpart R

Loading of gasoline into gasoline tank trucks and cargo tanks at bulk gasoline terminals under the NSPS (40 CFR 60.502(e) and 60.505) and MACT (40 CFR 63.420), respectively, is limited to vapor tight tanks which have been annually tested for vapor-tightness. Documentation of the test must be on file at the terminal. To implement this requirement, terminal owners and operators must cross check the gasoline tanks loaded against the test documentation on file within two weeks of loading of the tank. If proper documentation is lacking, terminal operators must take steps to assure that any tank will not be reloaded until test documentation is obtained. The change proposed in this action will reduce the frequency of cross checks if facilities have and continue to have a low number of cargo tanks or gasoline tank trucks without test documentation. Two reduced levels of monitoring frequency are proposed for terminals which exhibit very high compliance rates with the tank testing requirements. For terminals with less than an average of one gasoline tank per month over the past 26 weeks without documentation, the documentation cross check can be reduced from biweekly to quarterly. Terminals with even higher compliance rates, such that less than an average of one gasoline tank per month is loaded over the past 52 weeks without documentation need only cross check the vapor tightness documentation semiannually. The proposed revision does not change the level of the standard and EPA believes this action allows for reduced cross-checking without significant increased risk of excess emissions occurring, because this proposal would limit reductions in cross-checking frequency only for sources with high compliance rates. If these proposed conditions are not maintained by the terminal as determined by the next quarterly or semiannual cross-check, then the original cross-check monitoring frequency (every two weeks) is then required. Only changes in the regulatory text in the NSPS are required because the MACT cross-references the provisions in the NSPS.

Approximately 100 facilities will save about 190 hours per year resulting in a

total reduction in burden of approximately 19,000 hours per year.

40 CFR Part 60 Subpart CC and Part 61 Subpart N

Currently, 40 CFR Part 60 Subpart CC section 60.293(c) and Part 61 Subpart N section 61.263 require the installation of a CEM to measure opacity from the affected facility. During initial performance testing for PM emissions, 6-minute opacity averages are calculated. Based on the 6-minute averages, the corresponding 97.5 upper percentile is determined. After that, for the purpose of reporting excess emissions, all 6-minute periods with an average opacity greater than the 97.5 upper percentile are reported as excess emissions.

The recommended revision is to change the upper percentile determination from 97.5 percent to 99.0 percent. Since even the opacity levels corresponding to the 99th percentile were recorded when compliance with the particulate standard was achieved, this revision focuses the excess emission reports on the opacity levels more likely to be associated with exceedance of the particulate standard. The rule would then read, for the purpose of reporting excess emissions, all 6-minute periods with an average opacity greater than the 99.0 upper percentile are reported as excess emissions. The revision does not change the particulate emission limits in either rule, but would simply reduce the probability of reporting opacity levels which do not correspond to excess particulate emissions, and would therefore decrease reporting burden.

Although the level of reporting is slightly reduced, if a significant problem occurred the excess emissions report would still be triggered. Therefore, an adequate level of control is still maintained.

40 CFR Part 60 Subpart Ea

Today's action also proposes to change the reporting requirements included in the NSPS for Municipal Waste Combustors (MWCs) Subpart Ea from quarterly to annual with semiannual exception reporting. This revision will make the reporting frequencies and deadlines consistent throughout the NSPS and Emission Guidelines that apply to municipal waste combustors. MWCs are also covered by NSPS Subpart Eb and the Emission Guidelines (EGs) (i.e., Subpart Cb) for MWCs, which were promulgated in the Federal Register on December 19, 1995. The reporting requirements under the EGs and under NSPS Subpart Eb for MWCs require annual compliance

reporting with semiannual exception reporting. This change to the reporting requirements in Subpart Ea, therefore, makes these reporting requirements consistent for all MWCs.

The EPA believes that semiannual reporting will be sufficiently timely for sources which have exceeded any emission limits or operating parameters. Further, EPA believes annual reporting of complying information from MWCs will provide adequate information for complying plants and is appropriate given the cost associated with reporting requirements. The EPA notes, however, that once an MWC is required to obtain a Title V operating permit, the semiannual Title V reporting requirements set forth in Section 504(a) of the Act will supersede the annual reporting requirements proposed here. See 42 U.S.C. 7661c(a)

Approximately 10 facilities will save about 230 per hours per year resulting in a total burden reduction of approximately 2,300 hours per year.

240 CFR Part 51 Subpart Q

The number of facilities currently required to report emission data will be reduced. The minimum emissions necessary to trigger a report will be raised from 100 to 200 tons per year of particulate matter, PM, sulfur oxides, VOC and nitrogen oxides. The minimum emissions necessary to trigger a report will be raised from 1000 to 2000 tons per year of carbon monoxide. Since Subpart Q does not require emission reductions but only reports to track emissions, this action does not have any adverse effect on the environment i.e., result in an increase of emissions to the atmosphere.

Approximately 54 facilities will save about 30 hours per year resulting in a total burden reduction of approximately 1,700 hours per year.

40 CFR Part 60 Subpart AAA

Correction to 40 C.F.R. Section 60.531

This proposed rulemaking clarifies the definition of "wood heater" under the New Source Performance Standards for Residential Wood Heaters, 40 CFR 60.530, et seq. The final rule, published February 26, 1988 (53 FR 5860), defines a wood heater as "an enclosed, woodburning appliance capable of and intended for space heating and domestic water heating" that meets certain specified criteria. The EPA, and the regulatory negotiating committee, which worked together to develop the definition of wood heater, intended the conjunction "or" rather than "and" be used after the words "space heating", thereby including in the definition all

woodburning appliances capable of and intended for space heating or domestic water heating that met the specified criteria. This intent is evident in the definition of a wood heater in the proposed rule published February 18, 1987 (52 FR 4995, 52 FR 5015 and the Method 28 test protocol); and also in the preamble to the final rule (53 FR 5860) and at 40 C.F.R. 60, Subpart AAA, Method 28, section 2.12, where woodburning appliances are defined and specified as those "capable of and intended for space heating or domestic water heating . . ." Therefore, today's action is intended to correct an earlier typographical error.

Modification of § 60.536(f)(3)

The language for permanent labeling under § 60.536(f)(3) is amended to eliminate need for coal-only heaters to be emission tested before the rule can be applied. The rule previously applied only to affected facilities. In order for an appliance to be an affected facility, its emission rate must first be determined using the procedures specified in Method 28—Certification and Auditing of Wood Heaters. The Agency did not intend to require emission testing of coal-only heaters. The rule language is, therefore, modified to eliminate this unintended burden.

Removal of § 60.538

Section 60.538, Prohibitions, is removed from the rule. The purpose of this section was to aid in enforcing the preceding rule requirements; however, it also included several unintended dependencies, limitations and requirements. For instance, the prohibitions section does not allow a claim of violation of the removable label requirement unless the wood heater in question also has a permanent label. An unintentional dependence. Also, the prohibitions sections does not make failure to comply with the quality assurance requirements unlawful. Obviously, the Agency did not first promulgate quality assurance rules and then intentionally limit its ability to enforce those rules. Other such unintended linkages exist in the prohibitions section. Since each of the regulatory provisions in the rule can be enforced without the prohibitions language, this section is removed.

Burden Reduction

Correction of § 60.531 to clarify the definition of a wood heater, reduces the burden on both the manufacturer and the Agency by reducing the amount of resources needed to determine whether or not a given woodburning appliance is covered by the regulation.

Clarification of § 60.536(f)(3) to eliminate the requirement that the manufacturer of a coal-only heater perform an emissions test, reduces the burden on both the manufacturer and the Agency. This clarification reduces confusion as to how this regulation was meant to be applied, and eliminates the possibility that a coal-only heater would ever have to perform a Method 28 emissions test.

Removal of § 60.538, Prohibitions, also eliminates confusion as to how the regulations should be applied and reduces enforcement burden for both the manufacturer and Agency.

Solicitation of Comments

40 CFR Part 61 Subpart F

On October 21, 1976, EPA promulgated a national emission standard under the authority of Section 112 for vinyl chloride emissions from vinyl chloride, ethylene dichloride, and polyvinyl chloride plants. One critical component of that standard is Section 61.65(b) which contains specific provisions to address several types of fugitive emission sources. Among these were requirements for two separate programs for detecting equipment leaks: (1) a continuously operating fixed-point area monitoring system and (2) a program to periodically survey each potential leak source with a portable monitoring instrument. After the promulgation of the vinyl chloride standard, EPA conducted field studies to obtain information on various leak detection and repair programs at petroleum refineries and chemical plants. Subsequent standards for other pollutants and other source categories contained only the requirement for the portable monitoring system, not the fixed-point system. The first of these subsequent standards was a new source performance standard for volatile organic compound (VOC) fugitive emission sources in the Synthetic Organic Chemicals Manufacturing Industry, proposed January 5, 1981. As explained in the preamble to that proposed rule, fixed point monitoring systems were considered for that rule, but were not required (Vol. 46, No. 2 of Federal Register, page 1151). According to the Background Information Document for that proposed standard [VOC Fugitive Emissions in Synthetic Organic Chemicals Manufacturing Industry—Background Information for Proposed Standards (EPA-450/3-80-033a, November 1980, pages 4-3, 4-4)], the efficiency of a fixed-point system is limited to providing only a general area indication that leaks may be present. In addition, the document stated that leaks

from adjacent units and meteorological conditions may affect the results obtained with a fixed-point system. The sensors for the fixed-point monitoring system are not as close to the leak interface as is required for the portable monitors. Further, a portable monitor is required even if a fixed monitor is used in order to identify the leaking source once a high reading is obtained on the fixed-point monitor. For these reasons, the fixed-point monitoring system was not required.

In response to President Clinton's initiative to reduce record-keeping and reporting burdens, EPA is requesting comment on the concept of removing the requirement for the fixed-point monitoring system and the associated record keeping from the vinyl chloride standard [Sections 61.65(b)(8)(i) and 61.71(a)(1)]. The requirement for fixed-point monitoring duplicates the purpose of the portable instrument leak detection and repair program and was decided for other standards to be the less efficient of the two programs. In addition, removing this requirement from the vinyl chloride standard would make that standard more consistent with other standards published subsequently for finding and fixing leaks.

On the other hand, plants affected by the vinyl chloride standard already have a fixed-point monitoring system in place. To the extent these systems detect equipment leaks, they have more of an opportunity to detect them sooner than the portable program so that repairs can be completed sooner. In addition, the fixed-point monitoring systems have an opportunity to alert owners and operators to other sources of fugitive emissions such as spills.

In order to consider removing the requirement for fixed-point monitors and the associated record keeping, EPA needs more data on the costs and emission reductions associated with the program. What cost savings would plants experience if the fixed-point monitoring system were removed? To what extent are equipment leaks being identified sooner with the fixed-point monitoring system than they would be with the portable monitoring program? To what extent are leaks being detected with the portable monitor that were not identified by the fixed-point monitor? What is the nature and frequency of identifying other sources of fugitive emissions (e.g., spills) with the fixed-point monitoring system? Any comments submitted should provide examples from experience and specific data to the extent possible.

Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the regulatory changes proposed in this notice. Persons wishing to make oral presentation on the proposed regulations should contact the EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Air and Radiation Docket and Information Center address given in the **ADDRESSES** section of this preamble and should refer to Docket No. A-95-50.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at the EPA's Air and Radiation Docket and Information Center in Washington, DC (see **ADDRESSES** section of this preamble).

B. Analysis Under E.O. 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996

Because the regulatory revisions proposed here would reduce the regulatory burden, this action is not a "significant" regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory changes proposed here are expected to reduce regulatory burdens on small businesses, and are not expected to have any adverse effect on small businesses. Therefore, EPA certifies that this rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The proposed revisions to existing standards are intended to reduce existing recordkeeping and reporting requirements. In this notice EPA has explained the changes, identified who would be affected by the changes, and estimated the reductions associated with each change. EPA is interested in comments from the public on any and

all aspects of the paperwork burden reductions, including the number of affected entities and estimate of burden reduction.

Statutory Authority: The statutory authority for this proposal is provided by sections 101, 112, 114, 116 and 301 of the Clean Air Act, as amended; 42 U.S.C. 7401, 7412, 7414, 7416, and 7601.

List of Subjects

40 CFR Part 51

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 60

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 61

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

40 CFR Part 63

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

Dated: August 5, 1996.

Carol Browner,

Administrator, Environmental Protection Agency.

For the reasons set out in the preamble title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart Q—[Amended]

2. Section 51.322 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 51.322 Sources subject to emissions reporting.

(a) * * *

(1) For particulate matter, PM sulfur oxides, VOC and nitrogen oxides, any facility that actually emits a total of 181.4 metric tons (200 tons) per year or more of any one pollutant. For particulate matter emissions, the reporting requirement ends with the reporting of calendar year 1987 emissions. For PM₁₀ emissions, the reporting requirement begins with the reporting of calendar year 1988 emissions.

(2) For carbon monoxide, any facility that actually emits a total of 1814 metric tons (2000 tons) per year or more.

PART 60—[AMENDED]

1. The authority citation for part 60 is revised to read as follows:

Authority: 42 U.S.C. 7401-7601.

Subpart A—[Amended]

2. Section 60.7 is amended by removing and reserving paragraph (a)(2) and revising paragraphs (a) introductory text, (c) introductory text, and (f) to read as follows:

§ 60.7 Notification and recordkeeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

(c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting in necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each calendar half. Written reports of excess emissions shall include the following information:

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows. If the owner or operator, required to install a CEMS, achieves and maintains 95% valid hourly averages for the operating day, the owner or operator may retain block

hourly average values for that operating day and discard, at or after the end of that operating day, the 15-minute or more frequent average values and readings recorded by the applicable CEMS.

3. Section 60.8 is amended by revising paragraph (d) to read as follows:

§ 60.8 Performance tests.

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

4. Section 60.19 is amended by revising paragraph (b) to read as follows:

§ 60.19 General notification and reporting requirements.

(b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

Subpart D—[Amended]

5. Section 60.45 is amended by revising paragraph (g) introductory text to read as follows:

§ 60.45 Emission and fuel monitoring.

(g) Excess emission and monitoring system performance reports shall be submitted to the Administrator semiannually for each six-month period in the calendar year. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period. Each excess emission and MSP report shall include the information required in § 60.7(c). Periods of excess emissions and monitoring systems (MS) downtime that shall be reported are defined as follows:

* * * * *

Subpart Da—[Amended]

6. Section 60.49a is amended by revising paragraph (i) to read as follows:

§ 60.49a Reporting requirements.

(i) The owner or operator of an affected facility shall submit the written reports required under this section and subpart A to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period.

* * * * *

Subpart Db—[Amended]

7. Section 60.49b is amended by revising paragraphs (d), (e), (h) introductory text, (i), (j), (k)(2), (k)(3), (m) introductory text, (n)(1), (n)(2), (q) introductory text, (q)(2), (q)(3) (r), and paragraph(s) to read as follows:

§ 60.49b Reporting and recordkeeping requirements.

* * * * *

(d) The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

(e) For an affected facility that combust residual oil and meets the criteria under §§ 60.46b(e)(4), 60.44b (j), or (k), the owner or operator shall maintain records of the nitrogen content of the residual oil combusted in the

affected facility and calculate the average fuel nitrogen content for the reporting period. The nitrogen content shall be determined using ASTM Method D3431-80, Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (IBR-see § 60.17), or fuel suppliers. If residual oil blends are being combusted, fuel nitrogen specifications may be prorated based on the ratio of residual oils of different nitrogen content in the fuel blend.

* * * * *

(h) The owner or operator of any affected facility in any category listed in paragraphs (h) (1) or (2) of this section is required to submit excess emission reports for any excess emissions which occurred during the reporting period.

* * * * *

(i) The owner or operator of any affected facility subject to the continuous monitoring requirements for nitrogen oxides under § 60.48(b) shall submit a report containing the information recorded under paragraph (g) of this section.

(j) The owner or operator of any affected facility subject to the sulfur dioxide standards under § 60.42b shall submit a report.

(k) * * *

(2) Each 30-day average sulfur dioxide emission rate (ng/J or lb/million Btu heat input) measured during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

(3) Each 30-day average percent reduction in sulfur dioxide emissions calculated during the reporting period, ending with the last 30-day period; reasons for noncompliance with the emission standards; and a description of corrective actions taken.

* * * * *

(m) For each affected facility subject to the sulfur dioxide standards under § 60.42(b) for which the minimum amount of data required under § 60.47b(f) were not obtained during the reporting period, the following information is reported to the Administrator in addition to that required under paragraph (k) of this section:

* * * * *

(n) * * *

(1) Indicating what removal efficiency by fuel pretreatment (i.e., % R_p) was credited during the reporting period;

(2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the reporting period, the name and location of the fuel pretreatment facility; and the total

quantity and total heat content of all fuels received at the affected facility during the reporting period.

* * * * *

(q) The owner or operator of an affected facility described in § 60.44b(j) or § 60.44b(k) shall submit to the Administrator a report containing:

* * * * *

(2) The average fuel nitrogen content during the reporting period, if residual oil was fired; and

(3) If the affected facility meets the criteria described in § 60.44b(j), the results of any nitrogen oxides emission tests required during the reporting period, the hours of operation during the reporting period, and the hours of operation since the last nitrogen oxides emission test.

(r) The owner or operator of an affected facility who elects to demonstrate that the affected facility combusts only very low sulfur oil under § 60.42b(j)(2) shall obtain and maintain at the affected facility fuel receipts from the fuel supplier which certify that the oil meets the definition of distillate oil as defined in § 60.41b. For the purposes of this section, the oil need not meet the fuel nitrogen content specification in the definition of distillate oil. Reports shall be submitted to the Administrator certifying that only very low sulfur oil meeting this definition was combusted in the affected facility during the reporting period.

(s) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

Subpart Dc—[Amended]

8. Section 60.48c is amended by revising paragraphs (c), (d), (e) introductory text, and (e)(11); and by adding paragraph (j) to read as follows:

§ 60.48c Reporting and recordkeeping requirements.

* * * * *

(c) The owner or operator of each coal-fired, residual oil-fired, or wood-fired affected facility subject to the opacity limits under § 60.43c(c) shall submit excess emission reports for any excess emissions from the affected facility which occur during the reporting period.

(d) The owner or operator of each affected facility subject to the SO₂ emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.42c shall submit reports to the Administrator.

(e) The owner or operator of each affected facility subject to the SO₂ emission limits, fuel oil sulfur limits, or percent reduction requirements under § 60.43c shall keep records and submit reports as required under paragraph (d) of this section, including the following information, as application.

* * * * *

(11) If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

* * * * *

(j) The reporting period for the reports required under this subpart is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

Subpart Ea—[Amended]

9. Section 60.59a is amended by revising paragraphs (e), (f) and (g) to read as follows:

§ 60.59a Reporting and recordkeeping requirements.

* * * * *

(e)(1) The owner or operator of an affected facility located within a large MWC plant shall submit annual compliance reports for sulfur dioxide, nitrogen oxide (if applicable), carbon monoxide, load level, and particulate matter control device temperature to the Administrator containing the information recorded under paragraphs (b)(1), (2)(ii), (4), (5), and (6) of this section for each pollutant or parameter. The hourly average values recorded under paragraph (b)(2)(i) of this section are not required to be included in the annual reports. Combustors firing a mixture of medical waste and other MSW shall also provide the information under paragraph (b)(15) of this section, as applicable, in each annual report. Once the unit is subject to permitting requirements under Title V of the Act, the owner or operator of an affected facility must submit these reports semiannually.

(2) The owner or operator shall submit a semiannual report for any pollutant or parameter that does not

comply with the pollutant or parameter limits specified in this subpart. Such report shall include the information recorded under paragraph (b)(3) of this section. For each of the dates reported, include the sulfur dioxide, nitrogen oxide, carbon monoxide, load level, and particulate matter control device temperature data, as applicable, recorded under paragraphs (b)(2)(ii)(A) through (D) of this section.

(3) Reports shall be postmarked no later than the 30th day following the end of the annual or semiannual period, as applicable.

(f)(1) The owner or operator of an affected facility located within a large MWC plant shall submit annual compliance reports, as applicable, for opacity. The annual report shall also list the percent of the affected facility operating time for the calendar half that the opacity CEMS was operating and collecting valid data. Once the unit is subject to permitting requirements under Title V of the Act, the owner or operator of an affected facility must submit these reports semiannually.

(2) The owner or operator shall submit a semiannual report for all periods when the 6-minute average levels exceeded the opacity limit under § 60.52a. The semiannual report shall include all information recorded under paragraph (b)(3) of this section which pertains to opacity, and a listing of the 6-minute average opacity levels recorded under paragraph (b)(2)(i)(A) of this section.

(3) Reports shall be postmarked no later than the 30th day following the end of the annual or semiannual period, as applicable.

(g)(1) The owner or operator of an affected facility located within a large MWC plant shall submit reports to the Administrator of all annual performance tests for particulate matter, dioxin/furan, and hydrogen chloride as recorded under paragraph (b)(7) of this section, as applicable, from the affected facility. For each annual dioxin/furan compliance test, the maximum demonstrated MWC unit load and maximum demonstrated particulate matter control device temperature shall be reported. Such reports shall be submitted when available and in no case later than the date of required submittal of the annual report specified under paragraph (e) of this section. Once the unit is subject to permitting requirements under Title V of the Act, the owner or operator of an affected facility must submit these reports semiannually.

(2) The owner or operator shall submit a report of test results which document any particulate matter,

dioxin/furan, and hydrogen chloride levels that were above the applicable pollutant limit. The report shall include a copy of the test report documenting the emission levels and shall include the corrective action taken. Such reports shall be submitted when available and in no case later than the date required for submittal of any semiannual report required in paragraphs (e) or (f) of this section, or within six months of the date the test was conducted, whichever is earlier.

* * * * *

Subpart J—[Amended]

10. Section 60.107 is amended by revising paragraphs (a), (c) introductory text, (d), and (e) to read as follows:

§ 60.107 Reporting and recordkeeping requirements.

* * * * *

(a) Each owner or operator subject to § 60.104(b) shall notify the Administrator of the specific provisions of § 60.104(b) with which the owner or operator seeks to comply. Notification shall be submitted with the notification of initial startup required by § 60.7(a)(3). If an owner or operator elects at a later date to comply with an alternative provision of § 60.104(b), then the Administrator shall be notified by the owner or operator in the report described in paragraph (c) of this section.

* * * * *

(c) Each owner or operator subject to § 60.104(b) shall submit a report except as provided by paragraph (d) of this section. The following information shall be contained in the report:

* * * * *

(d) For any periods for which sulfur dioxide or oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

* * * * *

(e) The owner or operator of an affected facility shall submit the reports required under this subpart to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th

day following the end of each six-month period.

* * * * *

11. Section 60.108 is amended by revising paragraph (e) to read as follows:

§ 60.108 Performance test and compliance provisions.

* * * * *

(e) Each owner or operator subject to § 60.104(b) who has demonstrated compliance with one of the provisions of § 60.104(b) but a later date seeks to comply with another of the provisions of § 60.104(b) shall begin conducting daily performance tests as specified under paragraph (d) of this section immediately upon electing to become subject to one of the other provisions of § 60.104(b). The owner or operator shall furnish the Administrator with a written notification of the change in the semiannual report required by § 60.107(e).

Subpart CC—[Amended]

12. Section 60.293 is amended by revising paragraphs (c)(4), (c)(5), (d)(3) introductory text and (d)(3)(iii) to read as follows:

§ 60.293 Standards for particulate matter from glass melting furnace with modified processes.

* * * * *

(c) * * *

(4) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 99 percent upper confidence level of a normal distribution of average opacity values.

(5) For the purposes of § 60.7, report to the Administrator as excess emissions all of the 6-minute periods during which the average opacity, as measured by the continuous monitoring system installed under paragraph (c)(1) of this section, exceeds the opacity value corresponding to the 99 percent upper confidence level determined under paragraph (c)(4) of this section.

(d) * * *

(3) An owner or operator may redetermine the opacity value corresponding to the 99 percent upper confidence level as described in paragraph (c)(4) of this section if the owner or operator:

* * * * *

(iii) Uses the redetermined opacity value corresponding to the 99 percent upper confidence level for the purposes of paragraph (c)(5) of this section.

* * * * *

Subpart NN—[Amended]

13. Section 60.403 is amended by revising paragraph (f) to read as follows:

§ 60.403 Monitoring of emissions and operations.

* * * * *

(f) Any owner or operator subject to the requirements under paragraph (c) of this section shall report on a frequency specified in § 60.7(c) all measurement results that are less than 90 percent of the average levels maintained during the most recent performance test conducted under § 60.8 in which the affected facility demonstrated compliance with the standard under § 60.402.

* * * * *

Subpart XX—[Amended]

14. Section 60.502 is amended by revising (e)(3) and (e)(4) to read as follows:

§ 60.502 Standards for Volatile Organic Compound (VOC) emissions from bulk gasoline terminals.

* * * * *

(e) * * *

(3)(i) The owner or operator shall cross-check each tank identification number obtained in paragraph (e)(2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded, unless either of the following conditions is maintained:

(A) If less than an average of one gasoline tank truck per month over the last 26 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed each quarter; or

(B) If less than an average of one gasoline tank truck per month over the last 52 weeks is loaded without vapor tightness documentation then the documentation cross-check shall be performed semiannually.

(ii) If either the quarterly or semiannual cross-check provided in paragraphs (e)(3)(i) (A) through (B) of this section reveals that these conditions were not maintained, the source must return to biweekly monitoring until such time as these conditions are again met

(4) The terminal owner or operator shall notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the affected facility within 1 week of the documentation cross-check in paragraph (e)(3) of this section.

* * * * *

Subpart AAA—[Amended]

15. Section 60.531 is amended by revising the definition for "wood heater" to read as follows:

§ 60.531 Definitions.

* * * * *

Wood heater means an enclosed, woodburning appliance capable of and intended for space heating or domestic water heating that meets all of the following criteria:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1 as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory;

(2) A usable firebox volume of less than 20 cubic feet;

(3) A minimum burn rate of less than 5 kg/hr as determined by the test procedure prescribed in § 60.534 performed at an accredited laboratory; and

(4) A maximum weight of 800 kg. In determining the weight of an appliance for these purposes, fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components that are not an integral part of the appliance or heat distribution ducting, shall not be included.

16. Section 60.536 is amended by revising paragraph (f)(3) to read as follows:

§ 60.536 Permanent label, temporary label, and owner's manual.

* * * * *

(f) * * *

(3) If an enclosed appliance capable of space heating, or domestic water heating is a coal-only heater as defined in § 60.530, the following statement shall appear on the permanent label:

U.S. Environment Protection Agency

This heater is only for burning coal. Use of any other solid fuel except for coal ignition purposes is a violation of Federal law.

* * * * *

§ 60.538 [Removed]

17. Section 60.538 is removed and reserved.

Subpart SSS—[Amended]

18. Section 60.714 is amended by revising paragraph (a) to read as follows:

§ 60.714 Installation of monitoring devices and recordkeeping.

* * * * *

(a) Each owner or operator of an affected coating operation that utilizes less solvent annually than the applicable cutoff provided in § 60.710(b) and that is not subject to § 60.712 (standards for coating operations) shall maintain records of actual solvent use.

* * * * *

19. Section 60.717 is amended by revising paragraphs (c) and (d) introductory text, to read as follows:

§ 60.717 Reporting and monitoring requirements.

* * * *

(c) Each owner or operator of an affected coating operation initially utilizing less than the applicable volume of solvent specified in § 60.710(b) per calendar year shall report the first calendar year in which actual annual solvent use exceeds the applicable volume.

(d) Each owner or operator of an affected coating operation, or affected coating mix preparation equipment subject to § 60.712(c), shall submit semiannual reports to the Administrator documenting the following:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

Subpart A—[Amended]

§ 61.04 [Amended]

2. Section 61.04 is amended by revising paragraph (b) introductory text to read as follows:

* * * *

(b) Section 112(d) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce national emission standards for hazardous air pollutants for stationary sources located in such State. If the authority to implement and enforce a standard under this part has been delegated to a State, all information required to be submitted to EPA under paragraph (a) of this section shall also be submitted to the appropriate State agency (provided, that each specific delegation may exempt sources from a certain Federal or State reporting requirement). The Administrator may permit all or some of the information to be submitted to the appropriate State agency only, instead of to EPA and the State agency. If acceptable to both the Administrator and the owner or operator of a source, notifications and reports may be submitted on electronic media. The appropriate mailing address for those States whose delegation request has been approved is as follows:

* * * *

Subpart L—[Amended]

3. Section 61.139 is amended by removing paragraphs (i)(1)(ii) and (j)(3); redesignating paragraphs (i)(1)(iii) and (i)(1)(v) as paragraphs (i)(1)(ii) and (i)(1)(iv), respectively; and revising the newly redesignated paragraph (i)(1)(iii),

paragraph (j)(2) introductory text, and paragraph (j)(2)(iv) to read as follows:

§ 61.139 Provisions for alternative means for process vessels, storage tanks, and tar-intercepting sumps.

* * * *

(i) * * *

(1) * * *

(iii) For each carbon adsorber, a plan for the method for handling captured benzene and removed carbon to comply with paragraphs (b) (1) and (2) of this section.

* * * *

(j) * * *

(2) The following information shall be reported as part of the semiannual reports required in § 61.138(f).

* * * *

(iv) For each vapor incinerator, the owner or operator shall specify the method of monitoring chosen under paragraph (f)(2) of this section in the first semiannual report. Any time the owner or operator change that choice, he shall specify the change in the first semiannual report following the change.

Subpart M—[Amended]

4. Section 61.142 is amended by revising paragraph (b)(6) to read as follows:

§ 61.142 Standard for asbestos mills.

* * * *

(b) * * *

(6) Submit semiannually a copy of visible emission monitoring records to the Administrator if visible emissions occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

* * * *

5. Section 61.144 is amended by revising paragraph (b)(8) to read as follows:

§ 61.144 Standard for manufacturing.

* * * *

(b) * * *

(8) Submit semiannually a copy of the visible emission monitoring records to the Administrator if visible emission occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

6. Section 61.147 is amended by revising paragraph (b)(8) to read as follows:

§ 61.147 Standard for fabricating.

* * * *

(b) * * *

(8) Submit semiannually a copy of the visible emission monitoring records to the Administrator if visible emission

occurred during the report period. Semiannual reports shall be postmarked by the 30th day following the end of the six-month period.

Subpart N—[Amended]

7. Section 61.163 is amended by revising paragraph (c)(3) to read as follows:

§ 61.263 Emission monitoring.

* * * *

(c) * * *

(3) Determine, based on the 6-minute opacity averages, the opacity value corresponding to the 99 percent upper confidence level of a normal or log-normal (whichever the owner or operator determines is more representative) distribution of the average opacity values.

* * * *

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart A—[Amended]

2. Section 63.9 is amended by removing and reserving paragraph (b)(2)(iv).

3. Section 63.10 is amended by adding paragraphs (b)(2)(vii)(A) and (6)(2)(vii)(B) reserved and removing paragraph (e)(3)(i)(C) to read as follows:

§ 63.10 Recordkeeping and reporting requirements

* * * *

(b) * * *

(2) * * *

(vii) * * *

(A) If the owner or operator of an affected source required to install a CEMS achieves and maintains 95% valid hourly averages for the operating day, the owner or operator may retain block hourly average values for that operating day and discard, at or after the end of that operating day, the 15-minute or more frequent average values and readings recorded by the applicable CEMS.

* * * *