

or if an emergency situation occurs. This temporary deviation is issued to allow for the replacement of the shim plates on the center locks and replacing the electric brake system with a new hydraulic system and additional maintenance as required.

DATES: This deviation is effective from 8:30 a.m. on June 8, 1998 through 3 p.m. on July 1, 1998.

FOR FURTHER INFORMATION CONTACT:

Mr. David Frank, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA, 70130-3396, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION: The US 90 bascule drawbridge across the Back Bay of Biloxi between Biloxi and Ocean Springs, Harrison and Jackson Counties, Mississippi has a vertical clearance of 35.9 feet above mean high water, elevation 1.8 feet Mean Sea Level, in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. Presently, as set out in 33 CFR 117.765, the draw opens on signal except that from 6:30 a.m. to 7:05 a.m., 7:20 a.m. to 8:05 a.m., 4 p.m. to 4:45 p.m., and 4:55 p.m. to 5:30 p.m. Monday through Friday except holidays, the draw need not open for the passage of vessels.

The Mississippi Department of Transportation requested a temporary deviation from the normal operation of the bridge in order to accommodate maintenance work. The maintenance work consists of replacing existing center span locks with new shim plates, replacing the electric brake system with a new hydraulic system, restoring the auxiliary drive system, realignment of the bridge, replacing worn oil seals and installation of new power supply conduit and cables. This work is essential for the continued operation of the draw span. The request was reviewed by the Marine Safety Office in Mobile, Alabama, and it does not appear that the requested deviation will have a major impact on local vessel traffic.

This District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.765 authorizing the bridge to remain closed from 8:30 a.m. until noon and from 12:30 p.m. until 3 p.m., Monday through Friday from June 8, until July 1, 1998. Additionally, the bridge will be closed to navigation daily from 12:01 a.m. to 5 a.m. from June 22, until June 26, 1998.

Dated: May 29, 1998.

A.L. Gerfin, Jr.,

*Captain, U.S. Coast Guard, Acting
Commander, 8th Coast Guard Dist.*

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**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 63

[AD-FRL-6106-4]

RIN 2060-A100

**National Emission Standards for
Hazardous Air Pollutants: Petroleum
Refineries**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action revises the "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries" which was issued as a final rule August 18, 1995. This rule is commonly known as the Petroleum Refineries national emission standards for hazardous air pollutants (NESHAP). This action revises the date by which an Implementation Plan for emissions averaging is to be submitted. Today's action also exempts specific streams associated with hydrogen plants from the requirements for process vents.

DATES: The direct final rule will be effective on August 18, 1998. The direct final rule will become effective without further notice unless the EPA receives relevant adverse comments on or before July 9, 1998. Should the EPA receive such comments, it will publish a timely document withdrawing this rule.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-93-48 (see docket section below), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Mr. James Durham, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541-5672.

SUPPLEMENTARY INFORMATION: On August 18, 1995 EPA promulgated the "National Emission Standards for Hazardous Air Pollutants from

Petroleum Refineries" (the "Petroleum Refineries NESHAP"). The NESHAP regulates hazardous air pollutants (HAP) emitted from new and existing refineries that are major sources of HAP emissions. The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Petroleum Refineries (Standard Industrial Classification Code 2911).

This table is not intended to be exhaustive but, rather, provides a guide for readers regarding entities likely to be interested in the revisions to the regulation affected by this action. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR 63.640. If you have questions regarding the applicability of this action to a particular entity, consult the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

A companion proposal to this direct final rule is being published in today's **Federal Register** and is identical to this direct final rule. Any comments on the revisions to the Petroleum Refineries NESHAP should address that proposal. If relevant adverse comments are timely received by the date specified in the proposed rule, the EPA will publish a document informing the public that this rule did not take effect and the comments will be addressed in a subsequent final rule based on the proposed rule. If no relevant adverse comments on any provision of this direct final rule are timely filed then the entire direct final rule will become effective on August 18, 1998, and no further action will be taken on the companion proposal published today.

I. Description of Revisions

A. Revision of Submission Date for Plan to Implement Emissions Averaging

Today's action revises the requirement to submit an Implementation Plan, if using emissions averaging, no later than 18 months prior to the compliance date. The requirement is revised to allow the Implementation Plan to be submitted for approval at any time prior to initiation of emissions averaging. The EPA has determined that the requirement to submit the Implementation Plan 18 months prior to the compliance date is not desirable because it precludes existing sources from using emissions averaging if they decide to do so in the future.

B. Exemption of Specific Hydrogen Plant Vent Streams From Process Vents Requirements

At the time the Petroleum Refineries NESHAP was being developed, little information was available regarding hydrogen plant vent streams. Neither the petroleum refining industry nor the EPA had adequate information to accurately determine if hydrogen plant vents would be subject to the miscellaneous process vent provisions of the NESHAP. Recent information gathering efforts by the petroleum refining industry indicate that there are vent streams from hydrogen plants that meet the definition of Group 1 miscellaneous process vents. However, this information indicates that these vents, because they have no controls, are significantly different from the vents on which the miscellaneous process vent provisions are based. Consequently, it may not be appropriate or even possible to apply the miscellaneous process vent provisions to these hydrogen plant vents.

In hydrogen plants, steam and methane or other hydrocarbons are reacted to form a synthesis gas, which is a mixture of hydrogen and carbon dioxide. Once the hydrogen is formed it must be purified by removing the carbon dioxide. Two techniques are used for carbon dioxide removal: wet carbon dioxide absorption/desorption; and pressure swing absorption (PSA). Methanol is formed as a byproduct of the hydrogen-forming reactions. Absorption/desorption systems absorb some of the methanol along with the CO₂. In some instances, methanol is used as the absorption fluid. Heat or an inert gas such as nitrogen is subsequently used to desorb the absorption fluid. The desorbed gases contain CO₂, water vapor, nitrogen (for some processes), and small quantities of methanol. This is referred to as the CO₂ vent. A source of emissions for both the absorption/desorption and PSA systems can be steam that is condensed and removed at various points in the process. The steam contains condensed methanol and dissolved carbon dioxide. When the steam is deaerated to remove air and carbon dioxide before being recycled, some of the methanol is released to the atmosphere with the carbon dioxide and air. This is referred to as the deaerator vent.

The CO₂ vent and deaerator vent are significantly different from typical miscellaneous process vents considered in determining the requirements of the Petroleum Refineries NESHAP. Typical process vents are continuous streams of consistent composition with sufficient

heating value to sustain combustion. Incineration of these streams in boilers, process heaters or flares, which was determined to be the maximum achievable control technology, is not expected to cause operational upsets.

The hydrogen plant vents are of significant volume and have little heating value. They are primarily composed of water vapor and carbon dioxide. Methanol, the combustible element of the streams, has been determined to make up less than one percent of the deaerator vent and to be in the part per million range in the CO₂ vent. It is not likely that existing flares, boilers, or process heaters can accommodate the combustion of these vents due to their large volume and the additional auxiliary fuel that would be required to sustain combustion. None of these hydrogen plant vents are currently known to be controlled. New control devices would have to be built to achieve the destruction efficiency required by the NESHAP. The original analysis of the impact of the miscellaneous process vent provisions indicated that no major capital investments or significant operating costs would be required to comply. This would not be the case for the hydrogen plant vents. Cost analyses indicate that new control devices would require a capital investment ranging from \$250,000 to \$2,000,000. Capital costs are relatively high due to the large volume of the vents streams. The relative amount of methanol destroyed is low, due to the low concentrations in the vent streams. The resulting cost effectiveness is estimated to range from \$5,500 to \$55,000 per megagram of methanol destroyed.

Analysis of data currently available indicates that, unlike other process vents, these hydrogen plant CO₂ and deaerator vents are not being controlled. An analysis of the control technology in place at the best performing 12 percent of facilities would result in a determination that the maximum achievable control technology (MACT) floor is "no control" for hydrogen plant CO₂ and deaerator vents. Thus, requiring hydrogen plant CO₂ and deaerator vents to comply with the existing process vent requirements would constitute the imposition of an "above the floor" requirement. Due to significantly increased compliance costs, EPA does not believe that such an "above the floor" requirement is justified. Compliance with the existing process vents requirements cannot be achieved with the same cost effectiveness estimated for typical miscellaneous process vents. Potential controls for the hydrogen plant vents are

significantly more costly than those for typical process vents, mainly due to the fact that new control devices would be required. Because the MACT analysis and cost effectiveness analysis for miscellaneous process vents are not applicable to hydrogen plant vents, an exemption from the miscellaneous process vents provision is being provided for hydrogen plant CO₂ and deaerator vents.

II. Judicial Review

Under section 307(b)(1) of the Clean Air Act (Act), judicial review of the actions taken by the administrator in this final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this action. Under section 307(b)(2) of the Act, the requirements set forth in today's final rule may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

III. Administrative

A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* A copy of this Information Collection Request (ICR) document (OMB Control Number 2060-0340) may be obtained from the Information Policy Branch (PY-223Y); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740. The ICR is currently in the reinstatement process.

Today's changes to the NESHAP have no impact on the information collection burden estimates. The changes regarding emissions averaging consist of a revision to the date by which an Implementation Plan is to be submitted. Because the industry and the EPA were not aware of the hydrogen plant vent streams that may meet the current Group 1 miscellaneous process vent definition, information collection activities associated with these vents were not included in the burden estimate. Today's revisions do not increase or decrease the information collection burden on the regulated community or the EPA. Consequently, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993) the EPA must determine whether the regulatory action is "significant" and therefore subject to

OMB review and the requirements of the Executive Order. The Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

3. Materially alter the budgetary impact of entitlements, grants, user fees, or land programs or the rights and obligations of recipients thereof; or

4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Today's action revises a submittal date for a report and provides an exemption for specific vent streams. Because today's action does not add any additional requirements, this rule was classified "non-significant" under Executive Order 12866 and, therefore was not reviewed by the Office of Management and Budget.

C. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The EPA has also determined that this rule will not have a significant negative economic impact on a substantial number of small entities. This direct final rule will not have a significant negative impact on a substantial number of small entities because it does not add any requirements to the Petroleum Refineries NESHAP. This rule revises a submittal date for a report and provides an exemption for specific vent streams.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to

identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

At the time of promulgation, EPA determined that the Petroleum Refineries NESHAP does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This determination is not altered by today's action, the purpose of which is to revise the submittal date for a report and provide an exemption for specific vent streams. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 12875

To reduce the burden of Federal regulations on States and small governments, the President issued Executive Order 12875 entitled "Enhancing the Intergovernmental Partnership" on October 26, 1993. Executive Order 12875 prohibits the EPA, to the extent feasible and permitted by law, from promulgating any regulation that is not required by statute and that creates a mandate upon a State, local or tribal government unless: (i) the Federal Government provides the funds necessary to pay the direct costs incurred by the State, local or tribal government in complying with the mandate; or, (ii) EPA provides to the Office of Management and Budget a description of the extent of the EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of those entities concerns, any written communications

submitted to EPA by such units of government and the EPA's position supporting the need to issue the regulation. Executive Order 12875 further requires the EPA to develop an effective process to permit elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." This rule does not create a mandate upon State, local or tribal governments.

F. Applicability of Executive Order 13045

Executive Order 13045 applies to any rule that EPA determines (1) "economically significant" as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

This direct final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous air pollutants, Petroleum refineries,

Reporting and recordkeeping requirements, Storage vessels.

Dated: May 28, 1998.

Carol M. Browner,
Administrator.

For reasons set out in the preamble, part 63 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

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

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

Subpart CC—National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries

2. Amend § 63.641 by revising paragraphs (11), (12), and (13) of and adding paragraph (14) to the definition of *miscellaneous process vent* to read as follows:

§ 63.641 Definitions.

* * * * *

Miscellaneous process vent * * *

(11) Coking unit vents associated with coke drum depressuring at or below a coke drum outlet pressure of 15 pounds per square inch gauge, deheading, draining, or decoking (coke cutting) or pressure testing after decoking;

(12) Vents from storage vessels;

(13) Emissions from wastewater collection and conveyance systems including, but not limited to, wastewater drains, sewer vents, and sump drains; and

(14) Hydrogen production plant vents through which carbon dioxide is removed from process streams or through which steam condensate produced or treated within the hydrogen plant is degassed or deaerated.

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3. Amend § 63.653 by revising paragraph (d)(1) to read as follows:

§ 63.653 Monitoring, recordkeeping, and implementation plan for emission averaging.

* * * * *

(d) * * *

(1) The Implementation Plan shall be submitted to the Administrator and approved prior to implementing emissions averaging. This information may be submitted in an operating permit application, in an amendment to an operating permit application, in a separate submittal, in a Notification of Compliance Status Report, in a Periodic Report or in any combination of these documents. If an owner or operator submits the information specified in paragraph (d)(2) of this section at different times, and/or in different submittals, later submittals may refer to earlier submittals instead of duplicating the previously submitted information.

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