transit Wrangell Narrows to no more than 80 feet in width overall. Increasing the maximum barge width which can transit Wrangell Narrows from 80 to 100 feet will allow barge operators to carry more containers per transit and enable them to more efficiently meet the needs of their Alaskan customers.

Approximately 95,000 containers are shipped through Southeast Alaska each year on approximately 200 transits of Wrangell Narrows. Consumer goods are the primary cargo.

Barges larger than 80 feet in width overall, cannot transit Wrangell Narrows without a waiver of the size restriction. If they cannot use Wrangell Narrows, they must transit through Chatham Strait around Cape Decision which increases the transit distance to the Gulf of Alaska by over 170 miles. Inclement weather, common in Southeast Alaska, often causes delays of as many as two or three days while barge operators wait for better weather to make the passage around Cape Decision. The risk of a marine casualty increases when transporting cargo in severe weather.

Wrangell Narrows is wide enough, even in its narrowest sections, to allow for the safe transit of 100 foot wide barges. Alaska Marine Lines has been safely operating 100 foot wide single barge tows on Wrangell Narrows with as Coast Guard waiver since May 1994. Southeast Alaska relies heavily upon container barges to deliver consumer goods essential to the every day life of its residents. Allowing 100 foot wide single barge tows in Wrangell Narrows will eliminate all current requests for waivers from the width restriction and will reduce unnecessary weather-related delays of consumer good shipments to Alaska residents. It will also allow most single barge tows to operate in the protected waters of Wrangell Narrows during inclement weather.

Discussion of Comments

The Coast Guard received four comments following the publication of the NPRM. Three comments were from barge operators and one was from a national trade association for the inland and coastal barge and towing industry. All of the comments received were in support of the proposed regulation for the following reasons:

(1) The barge width increase will reduce the number of transits, improving marine safety in the Wrangell Narrows;

(2) Barge freight will reach customers in a more timely manner since tow operators will be able to transit the Narrows rather than going the extra 170 miles around Cape Decision; and

(3) The need to transit by way of Cape Decision during bad weather will be eliminated, avoiding the risk of weather-related accidents.

Regulatory Evaluation

This final rule is not a significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard has determined that a Regulatory Evaluation is unnecessary because of the minimal impact expected.

Small Entities

Because the impact of this regulatory action is minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This rule has been analyzed in accordance with Executive Order No. 12612 on Federalism (October 26, 1987), which requires Executive departments and agencies to be guided by certain fundamental federalism principles in formulating and implementing policies. These policies have been fully considered in the development of the proposed regulation. This final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that this action is Categorically Excluded in accordance with section 2.B.2.e(34)(g) of the NEPA Implementing Procedures, COMDTINST M16475.2B. A copy of the categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 162 as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for part 162 continues to read as follows:

Authority: 3 U.S.C. 1231; 49 CFR 1.46.

2. In section 162.255, paragraph (e)(2) is revised to read as follows:

§ 162.255 Wrangell Narrows, Alaska; use, administration, and navigation.

* * * * *

(e) * * *

(2) Raft and barge tows of more than one unit shall not exceed 65 feet in width overall. Single barge tows shall not exceed 100 feet in width overall.

* * * * *

Dated: December 5, 1995.

J.A. Creech,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–30262 Filed 12–11–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5333–5]

RIN 2060–AC19

National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correcting amendments.

SUMMARY: This action corrects several errors in cross-referencing provisions and clarifies regulatory text of the ''National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks,'' which was issued as a final rule on April 22, 1994 and June 6, 1994. This rule is commonly known as the Hazardous Organic NESHAP or the HON.

EFFECTIVE DATE: December 12, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer, Coatings and Consumer Products Group, Emissions Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5254.

SUPPLEMENTARY INFORMATION: On April 22, 1994 (59 FR 19402) and June 6, 1994 (59 FR 29196), the EPA promulgated the

national emission standards for hazardous air pollutants (NESHAP) for the synthetic organic chemical manufacturing industry (SOCMI), and for several other processes subject to the equipment leaks portion of the rule. These regulations were promulgated as subparts F, G, H, and I in 40 CFR part 63, and are commonly referred to as the Hazardous Organic NESHAP or the HON. On September 20, 1994, the EPA published in the Federal Register a notice of corrections to typographical and cross-referencing errors in subparts F, H, and I of the final regulations. The notice also included a few editorial changes to clarify the intent of certain provisions in those subparts. This notice contains additional corrections to typographical and cross-referencing errors, as well as additional editorial changes to clarify the intent of certain provisions in subparts F, G, and H of the final regulations.

Corrections are being made to § 63.100(f)(1) and the definition of ''batch operation'' in § 63.101 of subpart F to clarify that the process vent provisions of the rule apply only to continuous vents, and the definition of batch operation was intended to apply to unit operations. This correction is necessary to avoid confusion over the applicability of the process vent control requirements. The definition of ''batch operation'' is being revised to clarify that the term ''batch operation'' refers to a unit operation within the chemical manufacturing process unit rather than to the entire chemical manufacturing process unit operation. To improve consistency with the definition of ''unit operation,'' the definition of ''batch operation'' under § 63.101 of subpart F is being revised to cover all operations, including but not limited to, extraction, drying, condensation, filtration, absorption, distillation, and reaction. This same revision is being made to the definition of ''batch operation'' under § 63.111 of subpart G.

Section 63.104(b)(1)(i)(C) is being revised to correct a drafting error. The restrictive clause ''If monitoring for speciated HAP'' is being deleted from that paragraph because it was the EPA's intention in the final rule that under the provisions for monitoring cooling water, whether a source chooses to monitor for total hazardous air pollutants (HAP), total volatile organic compounds (VOC), or speciated HAP, the source is required to monitor for only those HAP that are present in the process fluid in concentrations greater than 5 percent by weight.

A few revisions are being made to subpart F to improve consistency in terminology and consistency among the provisions in subparts A, F, and H. To improve consistency among the subpart A, F, and H provisions, and to correct an error in cross-referencing subpart A, § 63.100(k)(3) of subpart F is being revised to cross-reference the compliance extension provisions in § 63.182(a)(6) of subpart H and § 63.6(i) of subpart A which indicates that sources granted extensions as provided in subparts A and F are not required to meet the schedule requirements under subpart H. Additionally, § 63.102(c)(1) is being revised to correct errors in cross-referencing 40 CFR parts 70 and 71, and § 63.105(a) is being revised to correct an error in cross-referencing subpart G.

A few corrections are being made to subpart G to improve consistency in terminology. The term ''vapor pressure'' in table 10, which is not defined in the HON provisions, is being changed to ''maximum true vapor pressure,'' which is the defined term in the HON provisions. The definition of ''hard-piping'' is being changed to make it consistent with an earlier revision to the definition of this term in subpart H. The definition of the term ''rack-weighted average partial pressure'' is being changed to clarify that the mole fraction of the compound is used in calculating the individual HAP maximum true vapor pressure, and to clarify the definition of the term G_i. Footnote ''d'' for tables 14b and 15b, and footnote ''e'' for table 16 are being corrected to be consistent with the reporting requirements specified in those tables.

Various sections in subpart G are being revised to correct drafting errors in the usage of terms and in cross-referencing. Several typographical errors in Figure 7, table 6, the definition of ''incinerator'' in § 63.111, and in §§ 63.144, 63.145, and 63.152 are being corrected. Various cross-referencing errors in table 15a, table 15b, the definition of ''average flow rate'' in § 63.111, and in §§ 63.138, 63.147, 63.150, and 63.175 are being corrected.

Changes are being made to § 63.150 (k) and (k)(1) to correct a drafting error. The rule should have referred to ''operating permit authority'' instead of the ''Administrator.'' As discussed in the April 22, 1994 Federal Register, the decision on the hazard/risk evaluation is to be made by the State or local permit authority, not by the EPA.

The reference to § 63.6(i)(6) of subpart A in § 63.151(a)(6)(ii) is being revised to reflect the general provisions as issued in the final rule (59 FR 12408). The reference made to § 63.6 of subpart A in § 63.151(a)(6)(ii) of the final HON rule had reflected an earlier draft of the general provisions. This same cross-reference correction is being made to § 63.182(a)(6)(ii) of subpart H. Section 63.182(d)(2)(vii) is being corrected to cross-reference both § 63.173(a) and (b). Nitrobenzene is being added to table 9 because nitrobenzene was inadvertently not included in table 9 of the version of the HON sent to the Federal Register for printing.

Corrections are being made to several sections in subpart G to clarify the intent of the provisions. The ''knowledge of the wastewater'' option for determining average volatile organic hazardous air pollutant (VOHAP) concentration is being amended to clarify that water concentrations of HAP must be multiplied by the appropriate f_m factors from table 34 to obtain the volatile HAP fraction. The drafting in § 63.148(j) is being corrected to clarify the relationship between those requirements and the reporting requirements of §§ 63.152(c) and 63.182(b).

The Implementation Plan requirements in § 63.151(a)(2) and § 63.151 (c) are being corrected to clarify that for existing sources, the information required in the implementation plan need not be submitted earlier than 12 months prior to the compliance date for sources not using emissions averaging or 18 months prior to the compliance date for sources using emissions averaging. This clarification is necessary to make the regulation consistent with the EPA's intent to allow 18 or 24 months for preparation of the required information. Due to a drafting error, the final rule could be interpreted to require earlier submittal of this information for any source required to submit an operating permit application before these dates. The intent of § 63.151(c)(1) is to avoid duplicative submissions of implementation plan information, not to require submission of such information earlier than 12 or 18 months prior to the compliance date.

By promulgating these technical corrections directly as a final rule, the EPA is foregoing an opportunity for public comment on a notice of proposed rulemaking. Section 553(b) of title 5 of the United States Code and Section 307(b) of the Clean Air Act permit an agency to forego notice and comment when ''the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' The EPA finds that notice and comment regarding these minor technical corrections are unnecessary due to their noncontroversial nature and because they do not substantively

change the requirements of the HON. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of a notice of proposed rulemaking is unncessary.

List of Subjects in 40 CFR Part 63

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

Dated: November 8, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, Title 40, chapter I, part 63, of the Code of Federal Regulations is corrected 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 F—National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

2. Section 63.100 is amended by revising paragraph (f)(1) and revising the first sentence of paragraph (k)(3) introductory text to read as follows:

§ 63.100 Applicability and designation of source.

* * * * *

(f) * * *

(1) Process vents from batch operations;

* * * * *

(k) * * *

(3) Existing sources shall be in compliance with subpart H of this part no later than the dates specified in paragraphs (k)(3)(i) through (k)(3)(v) of this section, except as provided for in paragraphs (k)(4) through (k)(8) of this section, unless an extension has been granted by the Administrator as provided in § 63.182(a)(6) of subpart H of this part or granted by the operating permit authority as provided in § 63.6(i) of subpart A of this part. * * *

* * * * *

3. Section 63.101 is amended by revising the definition of ''batch operation'' in paragraph (b) to read as follows:

§ 63.101 Definitions.

* * * * *

(b) * * *

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and processed at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

* * * * *

4. Section 63.102 is amended by revising paragraph (c)(1) to read as follows:

§ 63.102 General standards.

* * * * *

(c) * * *

(1) If the EPA has approved a State operating permit program under 40 CFR Part 70, the permit shall be obtained from the State authority. If the State operating permit program has not been approved, the source shall apply to the EPA Regional Office.

* * * * *

5. Section 63.104 is amended by revising paragraph (b)(1)(i)(C) to read as follows:

§ 63.104 Heat exchange system requirements.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(C) Only HAP that are present in the process fluid in concentrations greater than 5 percent by weight are required to be measured in the cooling water.

* * * * *

§ 63.105 [Amended]

6. Section 63.105 is amended by revising the reference in paragraph (a) from ''table 2 of this subpart'' to read ''table 9 of subpart G of this part''.

Subpart G—National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

7. Section 63.111 is amended by revising the definitions of ''average flow rate,'' ''batch operation,'' ''hard-piping,'' ''incinerator,'' ''mass flow rate,'' and ''rack-weighted average partial pressure'' to read as follows:

§ 63.111 Definitions.

* * * * *

Average flow rate, as used in the wastewater provisions, means the annual average flow rate, as determined according to the procedures specified in § 63.144(c).

Batch operation means a noncontinuous operation in which a discrete quantity or batch of feed is charged into a unit operation within a chemical manufacturing process unit and distilled or reacted at one time. Batch operation includes noncontinuous operations in which the equipment is fed intermittently or discontinuously. Addition of raw material and withdrawal of product do not occur simultaneously in a batch operation. After each batch operation, the equipment is generally emptied before a fresh batch is started.

* * * * *

Hard-piping means pipe or tubing that is manufactured and properly installed using good engineering judgment and standards such as American National Standards Institute (ANSI) B31–3.

Incinerator means an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures. Any energy recovery section present is not physically formed into one manufactured or assembled unit with the combustion section; rather, the energy recovery section is a separate section following the combustion section and the two are joined by ducts or connections carrying flue gas. The above energy recovery section limitation does not apply to an energy recovery section used solely to preheat the incoming vent stream or combustion air.

* * * * *

Mass flow rate, as used in the wastewater provisions, means the rate at which the mass of a constituent in a wastewater stream flows past a point, determined by multiplying the average concentration of that constituent in the wastewater stream by the average flow rate (annual average volumetric flow rate) and density of the wastewater stream, as determined according to the procedures specified in §§ 63.144 (e)(2) and (e)(3).

* * * * *

Rack-weighted average partial pressure means the throughput weighted average of the average maximum true vapor pressure of liquids containing organic HAP transferred at a transfer rack. The rack-weighted average partial pressure shall be calculated using the equation below:

Where:

P = Rack-weighted average partial pressure, kilopascals.

$$P = \frac{\sum P_i G_i}{\sum G_i}$$

P_i = Individual HAP maximum true vapor pressure, kilopascals, = X_i*P, where X_i is the mole fraction of compound i in the liquid.
G_i = Yearly volume of each liquid that contains organic HAP that is transferred at the rack, liters.
i = Each liquid that contains HAP that is transferred at the rack.

* * * * *

8. Section 63.138 is amended by revising the second sentence in paragraph (h) introductory text to read as follows:

§ 63.138 Process wastewater provisions—treatment processes.

* * * * *

(h) * * * The requirements of this paragraph are illustrated in Figure 10 of this subpart.

* * * * *

9. Section 63.144 is amended by adding a sentence to the end of paragraph (b)(3), and by revising paragraphs (b)(5)(i)(B), (b)(5)(i)(D), and (b)(5)(i)(E) to read as follows:

§ 63.144 Process wastewater provisions—test methods and procedures for determining applicability and Group 1/ Group 2 determinations.

* * * * *

(b) * * *

(3) * * *. If the water concentration of an individual HAP present in the wastewater is used to develop a total VOHAP average concentration or average VOHAP concentration for that individually speciated HAP, it shall be multiplied by the HAP-specific f_m factor in table 34 of this subpart to obtain the volatile portion of that HAP.

* * * * *

(5) * * *

(i) * * *

(B) Total VOHAP concentration (stream) can be determined by summing the VOHAP concentrations of all individually speciated organic HAP in the wastewater.

$$C_{stream} = \sum_{i=1}^{n} C_i$$

Where:
C_{stream} = Total VOHAP concentration of wastewater stream.
n = Number of organic HAP in the wastewater stream.
C_i = VOHAP concentration of individual organic HAP (i) calculated according to the procedures in paragraph (b)(5)(i)(A) of this section.

* * * * *

(D) If the wastewater stream has a steady flow rate throughout the year, the total VOHAP average concentration for HAP listed on table 9 of this subpart of the wastewater stream shall be calculated by averaging the values calculated in paragraph (b)(5)(i)(B) for the individual samples:

$$C_{stream,\,avg} = \frac{\sum_{j=1}^{m} C_{stream,\,j}}{m}$$

Where:
$C_{stream,avg}$ = Total VOHAP average concentration for HAP listed on table 9 of this subpart of the wastewater stream.
m = Number of samples.
$C_{stream,j}$ = Total VOHAP concentration of wastewater stream as measured in sample j, calculated according to the procedures in paragraph (b)(5)(i)(B) of this section.

(E) The average VOHAP concentration for each individually speciated organic HAP (i) listed on table 8 of this subpart shall be calculated by averaging the values calculated in paragraph (b)(5)(i)(A) of this section for the individual samples:

$$C_{i,\,avg} = \frac{\sum_{j=1}^{m} C_{i,\,j}}{m}$$

Where:
$C_{i,avg}$ = Average VOHAP concentration for each individually speciated organic HAP i listed on table 8 of this subpart.
m = Number of samples.
$C_{i,j}$ = VOHAP concentration of an individual organic HAP i as measured in sample j.

* * * * *

§ 63.145 [Amended]

10. Section 63.145 is amended by revising paragraphs (c)(2)(ii)(E), (f) introductory text, and (g) introductory text to read as follows: § 63.145 Process wastewater provisions—test methods and procedures to determine compliance.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(E) The HAP mass flow rates of each individual HAP compound entering and exiting the treatment process are calculated as follows:

$$E_b = \frac{K}{n \times 10^6}\left(\sum_{p=1}^{n} V_{bp} C_{bp}\right)$$

$$E_a = \frac{K}{n \times 10^6}\left(\sum_{p=1}^{n} V_{ap} C_{ap}\right)$$

Where:
E_b = HAP mass flow rate of an individually speciated HAP compound entering the treatment process, kilograms per hour.
E_a = HAP mass flow rate of an individually speciated HAP compound exiting the treatment process, kilograms per hour.
K = Density of the wastewater stream, kilograms per cubic meter.
n = Number of runs.
V_{bp} = Average volumetric flow rate of wastewater entering the treatment process during each run p, cubic meters per hour.
V_{ap} = Average volumetric flow rate of wastewater exiting the treatment process during each run p, cubic meters per hour.
C_{bp} = Average HAP concentration of an individually speciated HAP in the wastewater stream entering the treatment process during each run p, parts per million by weight.
C_{ap} = Average HAP concentration of an individually speciated HAP in the wastewater stream exiting the treatment process during each run p, parts per million by weight.

* * * * *

(f) A performance test to demonstrate compliance with the mass removal provision for new sources in § 63.138(b)(1)(iii)(C) shall consist of a determination of mass removal required to be achieved, and a determination of mass removal actually achieved. Actual mass removal and compliance shall be determined by the procedure in paragraph (h) of this section. The required mass removal for each Group 1 wastewater stream prior to combination of the streams for treatment shall be determined using the following equation:

$$RMR = \left(\frac{K}{10^6} V \sum_{j=1}^{n} C_{j,\,avg}\right) 0.99 * 60$$

Where:
RMR = Required mass removal of organic HAP listed in table 8 of this subpart in a Group 1 wastewater stream, in kilograms per hour.
K = Density of the Group 1 wastewater stream, kilograms per liter.
V = Annual average wastewater flow rate of the Group 1 wastewater stream, liters per minute.

n = Number of organic HAP listed in table 8 of this subpart in stream.
$C_{j,avg}$ = Average HAP concentration of each organic HAP j listed in table 8 of this subpart in the Group 1 wastewater stream at the point of generation, parts per million by weight.
0.99 = Required fraction removed of organic HAP listed in table 8 of this subpart.

* * * * *

(g) A performance test to demonstrate compliance with the mass removal provisions for new and existing sources in § 63.138(c)(1)(iii)(D) shall consist of a determination of mass removal required to be achieved, and a determination of mass removal actually achieved. Actual mass removal and compliance shall be determined by the procedure in paragraph (h) of this section. The required mass removal for each Group 1 wastewater stream prior to combination of the streams for treatment shall be determined using the following equation:

$$RMR = \frac{K}{10^6} V \sum_{j=1}^{n} \left(C_{j,avg} * Fr \right) * 60$$

Where:

RMR = Required mass removal of table 9 of this subpart organic HAP in a Group 1 wastewater stream, prior to combination with other Group 1 wastewater streams, kilograms per hour.
K = Density of the Group 1 wastewater stream, kilograms per liter.
V = Annual average wastewater flow rate of the Group 1 wastewater stream, liters per minute.
n = Number of table 9 of this subpart organic HAP compounds in stream.
$C_{j,avg}$ = Average HAP concentration of each organic HAP j listed in table 9 of this subpart in the Group 1 wastewater stream at the point of generation, parts per million by weight.
Fr = Required fraction removed of each compound j (target removal efficiency from table 9 of this subpart).

* * * * *

11. Section 63.147 is amended by revising paragraph (b) to read as follows:

§ 63.147 Process wastewater provisions—recordkeeping.

* * * * *

(b) The owner or operator transferring a Group 1 wastewater stream or residual removed from a Group 1 wastewater stream in accordance with § 63.132(j) shall keep a record of the notice sent to the treatment operator stating that the wastewater stream or residual contains organic HAP that are required to be managed and treated in accordance with the provisions of this subpart.

* * * * *

12. Section 63.148 is amended by revising paragraph (j) introductory text to read as follows:

§ 63.148 Leak inspection provisions.

* * * * *

(j) The owner or operator shall submit with the reports required by § 63.182(b) of subpart H of this part or with the reports required by § 63.152(c) of this subpart, the information specified in paragraphs (j)(1) through (j)(3) of this section.

* * * * *

13. Section 63.150 is amended by revising paragraphs (g)(5)(i) introductory text, (k) introductory text, and (k)(1) introductory text to read as follows:

§ 63.150 Emissions averaging provisions.

* * * * *

(g) * * *

(5) * * *

(i) The following equation shall be used for each wastewater stream i to calculate EWW_{ic}:

$$EWW_{ic} = \left(6.0 * 10^{-8}\right) Q_i \, H_i \sum_{m=1}^{s} \left(1 - Fr_m\right) Fe_m HAP_{im} + (0.05)\left(6.0 * 10^{-8}\right) Q_i \, H_i \sum_{m=1}^{s} \left(Fr_m HAP_{im}\right)$$

Where:

EWW_{ic} = Monthly wastewater stream emission rate if wastewater stream i is controlled by the reference control technology, megagrams per month.
Q_i = Average flow rate for wastewater stream i, as determined by the procedure in § 63.144(c)(3), liters per minute.
H_i = Number of hours during the month that wastewater stream i was generated, hours per month.
s = Total number of organic HAP in wastewater stream i.
Fr_m = Fraction removed of organic HAP m in wastewater, from table 9 of this subpart, dimensionless.
Fe_m = Fraction emitted of organic HAP m in wastewater, from table 34 of this subpart, dimensionless.
HAP_{im} = Average concentration of organic HAP m in wastewater stream i, parts per million by weight.

* * * * *

(k) The owner or operator must demonstrate that the emissions from the emission points proposed to be included in the average will not result in greater hazard or, at the option of the operating permit authority, greater risk to human health or the environment than if the emission points were controlled according to the provisions in §§ 63.113 through 63.148.

(l) This demonstration of hazard or risk equivalency shall be made to the satisfaction of the operating permit authority.

* * * * *

14. Section 63.151 is amended by revising paragraphs (a)(2) introductory text and (a)(6)(ii) and by revising the first sentences in paragraphs (c) introductory text, (c)(1)(i), and (c)(1)(ii) to read as follows:

§ 63.151 Initial notification and implementation plan.

(a) * * *

(2) An Implementation Plan, unless an operating permit application has been submitted prior to the date the Implementation Plan is due and the owner or operator has elected to include the information specified in § 63.152(e) in that application.

* * * * *

(6) * * *

(ii) A request for an extension of compliance must include the data described in § 63.6(i)(6)(i) (A), (B), and (D) of subpart A of this part.

* * * * *

(c) Each owner or operator of an existing or new source subject to this subpart must submit an Implementation Plan to the Administrator by the dates specified in paragraphs (c)(1) and (c)(2) of this section unless an operating permit application accompanied by the information specified in § 63.152(e) has been submitted. * * *

(1) * * *

(i) Each owner or operator of an existing source subject to this subpart who elects to comply with § 63.112 by using emissions averaging for any emission points, and who has not submitted an operating permit

application accompanied by the information specified in § 63.152(e) at least 18 months prior to the compliance dates specified in § 63.100 of subpart F of this part, shall develop an Implementation Plan for emissions averaging. * * *

(ii) Each owner or operator of an existing source subject to this subpart who elects to comply with § 63.112 of this subpart by complying with the provisions of §§ 63.113 to 63.148 of this subpart, rather than emissions averaging, for any emission points, and who has not submitted an operating permit application accompanied by the information specified in § 63.152(e) at least 12 months prior to the compliance dates specified in § 63.100 of subpart F of this part, shall develop an Implementation Plan. * * *

* * * * *

15. Section 63.152 is amended by revising paragraph (c)(4) introductory text to read as follows:

§ 63.152 General reporting and continuous records.

* * * * *

(c) * * *

(4) Periodic Reports shall include the information in paragraphs (c)(4)(i) through (c)(4)(iii) of this section, as applicable:

* * * * *

Appendix to Subpart G—[Amended]

Table 6—[Amended]

16. Table 6 in the appendix of subpart G is amended by revising the vapor pressure for vessel capacity entry ''38≤capacity<151'' from ''13.1'' to ≥13.1.''

Table 9—[Amended]

17. Table 9 in the appendix to subpart G is amended by adding, in alphabetical order, an entry for ''nitrobenzene'' with its CAS number of ''98953'' and its Fr of ''0.80''.

Table 10—[Amended]

18. Table 10 in the appendix to subpart G is amended by revising the term ''vapor pressure (kPa)'' to read ''Maximum true vapor pressure (kPa)'' in the middle column heading.

Table 14b—[Amended]

19. Table 14b in the appendix to subpart G is amended by revising the footnote ''[d]'' to read as follows:

* * * * *

[d] Except when § 63.132(c) is used, annual average total VOHAP concentration in wastewater stream at point of generation, parts per million by weight (ppmw).

* * * * *

Table 15a—[Amended]

20. Table 15a in the appendix to subpart G is amended by revising the footnote ''[i]'' to read as follows:

* * * * *

[i] If the stream is being treated in accordance with the requirements of § 63.138(b), give identification code of treatment unit(s) treating stream. Identification codes should correspond to entries in table 17 of this subpart.

* * * * *

Table 15b—[Amended]

21. Table 15b in the appendix to subpart G is amended by revising the footnotes ''[d]'' and ''[i]'' to read as follows:

* * * * *

[d] Except when § 63.132(c) is used, annual average total VOHAP concentration in wastewater stream at point of generation, parts per million by weight (ppmw).

* * * * *

[i] If stream is being treated in accordance with § 63.138(c), give identification code of treatment unit(s) treating stream. Identification codes should correspond to entries in table 17 of this subpart.

* * * * *

Table 16—[Amended]

22. Table 16 in the appendix to subpart G is amended by revising the footnote [e] to read as follows:

* * * * *

[e] Flow-weighted annual average total VOHAP concentration of individual or combined stream before exposure to the atmosphere and before combination with streams other than process wastewater from the specific process unit, parts per million by weight (ppmw).

* * * * *

Figure 7—[Amended]

23. Figure 7 in the appendix to subpart G is revised to read as follows:

BILLING CODE 6560–50–P

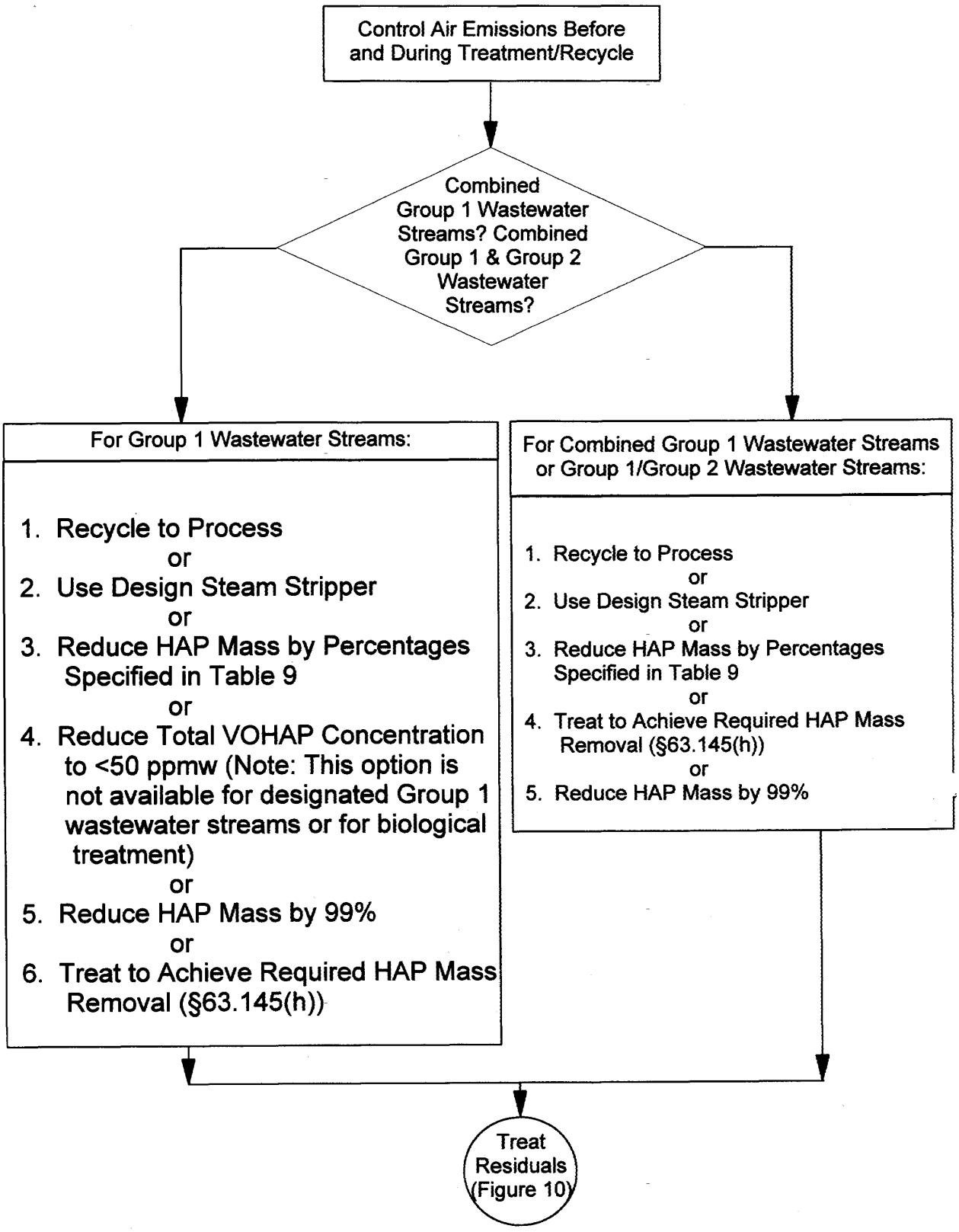

Figure 7. Compliance Options for Control of Table 9 HAP's (Refer to §63.138(c))

BILLING CODE 6560–50–C

Subpart H—National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

24. Section 63.175 is amended by revising paragraph (d)(4) introductory text to read as follows:

§ 63.175 Quality improvement program for valves.

* * * * *

(d) * * *

(4) The owner or operator must demonstrate progress in reducing the percent leaking valves each quarter the process unit is subject to the requirements of paragraph (d) of this section, except as provided in paragraphs (d)(4)(ii) and (d)(4)(iii) of this section.

* * * * *

25. Section 63.182 is amended by revising paragraphs (a)(6)(ii) and (d)(2)(vii) to read as follows:

§ 63.182 Reporting requirements.

(a) * * *

(6) * * *

(ii) A request for an extension of compliance must include the data described in § 63.6(i)(6)(i) (A), (B), and (D) of subpart A of this part.

* * * * *

(d) * * *

(2) * * *

(vii) The number of agitators for which leaks were detected as described in § 63.173(a) and (b) of this subpart;

* * * * *

[FR Doc. 95–28382 Filed 12–11–95; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 70

[AD–FRL–5344–9]

Clean Air Act Final Interim Approval of the Operating Permits Program; Nevada Division of Environmental Protection; Nevada

AGENCY: Environmental Protection Agency (''EPA'').

ACTION: Final Interim Approval.

SUMMARY: The EPA is promulgating interim approval of the title V operating permits program submitted by the Nevada Division of Environmental Protection (''NDEP'' or ''State'') for the purpose of complying with federal requirements that mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources.

EFFECTIVE DATE: January 11, 1996.

ADDRESSES: A copy of NDEP's submittal and other supporting information used in developing the final approval are available for inspection (docket number NV–DEP–95–1–OPS) during normal business hours at the following location: U.S. Environmental Protection Agency, Region IX, Air & Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Celia Bloomfield (telephone 415/744–1249), Mail Code A–5–2, U.S. Environmental Protection Agency, Region IX, Air & Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''Act'')), and implementing regulations at 40 Code of Federal Regulations (''CFR'') part 70, require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a federal program.

On August 7, 1995, EPA proposed interim approval of the operating permits program for NDEP (''NPRM''). *See* 60 FR 40140. In that Federal Register document, EPA also proposed approval of NDEP's interim mechanism for implementing section 112(g) and its program for delegation of section 112 standards as promulgated as they apply to title V and non-title V sources. Public comment was solicited on the three proposed actions, and EPA is responding to those comments in this document and in a separate ''Response to Comments'' document that is available in the docket at the Regional office.

II. Final Action and Implications

A. Analysis of State Submission and Response to Public Comments

The August 7, 1995 Federal Register notice proposed interim approval of NDEP's title V operating permits program as submitted on February 8, 1995. EPA is aware that NDEP has revised its implementing regulations since the February 8, 1995 submission; however, those revisions have not been submitted to EPA for approval and are not part of the program being approved in today's final action.

EPA received comments on the NPRM from two commenters: the National Mining Association (''NMA'') and NDEP. With one exception, the program deficiencies identified in the NPRM remain unchanged as a result of public comment. Based on public comment and further analysis, the deficiency identified in section II.B.1.(2) of the NPRM has been removed; i.e., NDEP's definition of ''regulated air pollutant'' is fully approvable. See section II.A.4. below for further discussion. The commenters also provided a few program clarifications which are discussed below. Furthermore, please note that an issue raised as a deficiency in the context of ''insignificant activities'' and discussed in section II.A.2.c. of the proposed notice has become a separate interim approval issue as a result of public comment. See section II.A.1. for more information. No adverse public comment was received on the proposed approvals of NDEP's program for delegation of section 112 standards as promulgated or transition mechanism for implementing section 112(g), and hence, those approvals have not been altered as a result of public comment.

1. Applicability

In response to a program deficiency identified by EPA in section II.B.1.(10) of the NPRM, NDEP commented that it does not plan to permit *any source* that is subject to the New Source Performance Standard (''NSPS'') for new residential wood heaters or the National Emissions Standard for Hazardous Air Pollutants (''NESHAP'') for asbestos demolition because the State has not accepted delegation for such standards.

In order to have a fully approvable program, a state must have authority to permit *all major sources* and to write permits that assure compliance with all federal applicable requirements. If under State law NDEP must receive delegation of a federal requirement before it can write that requirement into a permit or assure compliance with that requirement, then NDEP must seek and receive delegation in sufficient time to issue the permit. It is possible for Nevada to obtain delegation of an NSPS or NESHAP requirement solely for title V sources.

In the NPRM, EPA relied on the Nevada Attorney General's legal opinion (dated November 15, 1993) that NDEP has authority to issue permits to all