come and go as early or late as they desire, with minimal delays. The purpose of the proposed change is to establish a schedule that balances the reasonable needs of waterway and vehicular traffic. The Coast Guard believes this schedule will help alleviate seasonal highway traffic congestion on weekends and holidays at this bridge without placing any undue hardship on waterway users since the change is minimal.

This final rule adopts the changes proposed in the NPRM. It extends the hourly opening of the drawbridge from 7 p.m. to 9 p.m. on Saturdays, Sundays, and Federal holidays from June 1 to September 30. The draw will continue to open on signal for commercial vessels. It will also continue to open on signal for passage of vessels in emergencies involving danger to life or property. The Coast Guard believes this final rule will not unduly restrict navigation by pleasure vessels, which may plan their transits to coincide with scheduled hourly openings.

Regulatory Evaluation

This rule 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)(1)(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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will 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 Assessment

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612, and it has been determined that this rule will not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.821, paragraph (b)(6) is revised to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albemarle Sound to Sunset Beach.

* * * * *

(b) * * *

(6) S.R. 1172 bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 through November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

* * * * *

Dated: May 15, 1996.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 96–15680 Filed 6–19–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5521–7]

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; Clarifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule: Amendments.

SUMMARY: On April 10, 1995, the EPA proposed amendments to certain portions of the ''National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks'' (collectively known as the ''hazardous organic NESHAP'' or the ''HON''). This action announces the EPA's final decisions on those proposed amendments.

The rule is being revised to remove three compounds (glycerol tri-(polyoxypropylene)ether, polyethylene glycol, and polypropylene glycol) from the list of chemical production processes regulated by the HON. The production of these compounds is also included in the source category ''Polyether Polyols Production'' and will be regulated by that national emission standards for hazardous air pollutants (NESHAP). The equipment leak requirements in the rule are also being revised to clarify the intent of certain provisions, to correct oversights, and to simplify demonstration of compliance with the regulation. These changes are being made to ensure that the rule is implemented as intended.

EFFECTIVE DATE: June 20, 1996.

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

SUPPLEMENTARY INFORMATION:

I. Regulated Entities and Background Information

The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry	Synthetic organic chemical manufacturing industry (SOCMI) units—e.g., producers of benzene, toluene, or any other chemical listed in Table 1 of 40 CFR Part 63, subpart F. Styrene-butadiene rubber producers. Polybutadiene rubber production. Producers of Captafol®; Captan®; Chlorothalonil; Dacthal; and Tordon™ acid. Producers of Hypalon®; Oxybisphenoxarsine/1,3-diisocyanate (OBPA®); Polycarbonates; Polysulfide rubber; Chlorinated paraffins; and Symmetrical tetrachloropyridine. Pharmaceutical producers. Producers of Methylmethacrylate-butadiene-styrene resins (MBS); Butadiene-furfural cotrimer; Methylmethacrylate-acrylonitrile-butadiene-styrene (MABS) resins; and Ethylidene norbornene.

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. Entities potentially regulated by the HON are those which produce as primary intended products any of the chemicals listed in Table 1 of 40 CFR Part 63, subpart F and are located at facilities that are major sources as defined in Section 112 of the Clean Air Act (CAA). Processes subject to the negotiated regulation for equipment leaks are also potentially affected by this action. Processes subject to 40 CFR Part 63, subpart I are producers of any of the products listed in 40 CFR Part 63, subpart I that are located at facilities that are major sources as defined by Section 112 of the CAA. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR § 63.100 and 40 CFR § 63.190. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

On April 22, 1994 (59 FR 19402), and June 6, 1994 (59 FR 29196), the EPA promulgated in the Federal Register the NESHAP for the 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. Since the April 22, 1994 notice, there have been several amendments to clarify various aspects of the rule. Readers should see the following Federal Register notices for more information: September 20, 1994 (59 FR 48175); October 24, 1994 (59 FR 53359); October 28, 1994 (59 FR 54131); January 27, 1995 (60 FR 5321); April 10, 1995 (60 FR 18020); April 10, 1995 (60 FR 18026); December 12, 1995 (60 FR 63624); and February 29, 1996 (61 FR 7716).

On April 10, 1995 (60 FR 18071–18078), the EPA also proposed to remove three compounds from the list of chemical production processes regulated by the rule as well as proposed clarifying changes and corrections to certain provisions in subparts H and I. This action announces the EPA's final decisions on those proposed amendments.

II. Public Comment on the April 10, 1995 Proposal

Nine comment letters were received on the April 10, 1995 notice of proposed changes to the rule. All comment letters received were from industry representatives, and were supportive of the proposed changes to subparts H and I. A few comment letters also included recommendations for further clarification of some of the proposed amendments or expansion of compliance options. The EPA considered these suggestions and, where appropriate, made changes to the proposed amendments. The significant issues raised and the changes to the proposed amendments are summarized in this preamble. A memorandum containing the EPA's responses to all comments can be found in Docket A–90–20, subcategory VI–B. The response to comments may also be obtained from the EPA's Technology Transfer Network (TTN), a network of electronic bulletin boards developed and operated by the Office of Air Quality Planning and Standards. The service is free, except for the cost of a phone call. Dial (919) 541–5742 for up to a 14,400 bits per second modem. Select TTN Bulletin Board: Clean Air Act Amendments and select menu item Recently Signed Rules. If more information on TTN is needed, contact the systems operator at (919) 541–5384.

III. Summary of Amendments to Rule

A. Removal of Polyols From Table 1 of Subpart F

The EPA is removing three chemicals—glycerol tri-(polyoxypropylene)ether, polyethylene glycol, and polypropylene glycol—from the list of SOCMI chemicals, located in Table 1 of 40 CFR Part 63, subpart F. These production processes will be addressed under the NESHAP for the polyether polyols production source category.

B. Changes to Subpart H

1. Consolidation of Equipment Leak Programs

The EPA is amending subpart H by adding a new paragraph § 63.160(c), which will allow an owner or operator to elect to comply with subpart H for all volatile organic compounds (VOC) containing process equipment in the process unit in lieu of compliance with other Federal equipment leak regulations. This option is available for equipment subject to 40 CFR Part 60 subparts VV, GGG, or KKK, to 40 CFR Part 61 subparts F or J, or to 40 CFR Part 264 subpart BB or Part 265 subpart BB.

2. Sampling Connection Systems

Section 63.166 is amended to allow treatment of collected purge material: (1) At permitted treatment, storage, or disposal facilities (TSDF); (2) at solid waste treatment facilities; or (3) using waste management units complying with §§ 63.133 through 63.138 of subpart G of Part 63 when the purge material contains any of the chemicals listed in Table 9 of 40 CFR Part 63, subpart G. The final § 63.166 also clarifies that if the purge material does not contain any of the compounds listed in Table 9 of subpart G, then the owner or operator may use any waste management unit regardless of whether the unit is in compliance with the requirements of §§ 63.133 through 63.138 as long as the facility has a national pollution discharge elimination system (NPDES) permit or sends the wastewater to a NPDES permitted facility. The EPA is also adding to § 63.161 a definition for the term ''sampling connection system.''

3. Less Frequent Monitoring of Valves in Phase III

The proposed provisions to allow use of data collected before April 22, 1994 are being added to § 63.168 and § 63.174. The final amendments also

add a new paragraph § 63.180(b)(6) that allows use of data collected before April 22, 1994 and clarifies that this data may have minor deviations from the requirements in § 63.180 (b)(1) through (b)(5). The conditions for allowance of data that do not meet the criteria of § 63.180 (b)(1) through (b)(5) are specified in § 63.180 (b)(6)(i) and (b)(6)(ii).

4. Flow Indicators

The EPA is amending subpart H by adding a definition for ''flow indicator'' and by revising paragraph (j)(1) of § 63.172. These revisions expand the definition of flow indicator to include reference to devices that do not measure flow and remove the reference to the presence of flow from the by-pass monitoring requirement.

5. Safety Issues With § 63.163 and § 63.167

The proposed exemptions are being added to the final rule without change. Pumps in unsafe locations will be exempt from routine monitoring requirements, but are required to be monitored during safe-to-monitor periods. Pumps that are unsafe-to-monitor are pumps that are located in an area that presents an imminent danger to personnel due to the presence of toxic materials, explosive process conditions, or high pressure. Open-ended lines or valves containing materials that represented a safety or explosion hazard are exempt from the requirement to equip the line with a cap or plug.

6. Inaccessible and Difficult-to-Monitor Agitators

Provisions are being added to subpart H to exempt inaccessible and unsafe-to-monitor agitators from monitoring requirements and to provide consideration for difficult-to-monitor agitators. Recordkeeping requirements for difficult-to-monitor and unsafe-to-monitor equipment are added to § 63.181(b)(7).

7. Porcelain Connectors

Section 63.174(h)(1) is revised to refer to the more generic terminology ''ceramic or ceramic-lined'' connectors instead of glass or glass-lined connectors.

8. Pressure Test for Batch Process Equipment

The EPA is revising § 63.180(f)(1) to allow pressurization of equipment to less than the set pressure of any pressure relief device or to within the safety limits of the operating equipment. The EPA is also adding provisions to § 63.180(f)(4) to allow alternative procedures for cases where a pressure gauge with a precision of ± 2.5 milimeters mercury in the range of the test pressure is not reasonably available. For those cases, the new provision in § 63.180 (f)(4) allows the use of a pressure gauge with a precision of ± 10 percent of the test pressure and extends the duration of the test for the time necessary to detect a pressure loss (or rise) that equals a rate of one pressure per square inch gauge per hour (psig/hr).

9. Clarification of Calibration Requirements for Instrument Monitoring

Several editorial revisions were proposed to clarify the instrument calibration requirements specified in §§ 63.180 (b)(2) and (b)(4)(iii). In addition to the proposed changes, these revisions also clarify that an owner or operator need only calibrate those instrument scales that will be used in the monitoring.

C. Changes to Subpart I

1. Notification and Compliance Dates for Process Changes

The EPA is amending subpart I to specify procedures to establish compliance dates for additions of equipment to units subject to subpart I as well as to specify compliance dates for process units or equipment affected by operational changes. These provisions are being added as §§ 63.190 (g)(3), (g)(4), and (j).

2. Definitions

The EPA is adding definitions for the terms ''process unit'', ''source'', and ''bench-scale batch process.'' The definition for ''pharmaceutical production process'' is revised to clarify that solvent recovery operations and waste treatment operations are not subject to the provisions of subpart I.

The EPA is also adding a new provision to § 63.192, as paragraph (a)(2), to allow owners or operators of pharmaceutical production processes the option to designate all equipment in a building or structure as a process unit or to designate all equipment at the source as the process unit. The owner or operator may still define a process unit as the equipment used to produce a specific set of pharmaceutical intermediate or final products.

3. Bench-Scale Batch Process Equipment

The EPA is revising § 63.190(f) of subpart I to clarify that bench-scale batch processes are not subject to the provisions of subparts I or H. This exemption is also being added to subpart H in § 63.160 (f).

III. Summary of Major Comments and Changes to the Proposed Amendments

A. Consolidation of Equipment Leak Programs

One commenter suggested that the EPA allow consolidation of equipment leak programs promulgated under the Resource Conservation and Recovery Act (RCRA) air standards (40 CFR Part 264 subparts AA, BB, and CC and 40 CFR Part 265 subparts AA, BB, and CC) with the equipment leak programs required under the CAA in addition to Part 60, subparts VV, GGG, and KKK, and Part 61 subparts F and J as proposed. The commenter stated that at their facilities the same personnel conduct the leak detection and repair programs, regardless of whether the program is required by RCRA or the CAA. Consolidating those regulatory programs would reduce the compliance burden without reducing protection of the environment.

The EPA revised proposed § 63.160 (c) to allow an owner or operator to elect to comply with subpart H for all VOC containing equipment in lieu of compliance with 40 CFR Part 264 subpart BB or 40 CFR Part 265 subpart BB in addition to the proposed subparts in Parts 60 and 61. The RCRA equipment leak standards were based on the equipment leak standards developed under Sections 111 and 112 of the CAA. The two RCRA equipment leak standards were drafted to incorporate the provisions in 40 CFR Part 60 subpart VV. This was done to eliminate cross-referencing and to consolidate the RCRA requirements in Parts 264 and 265. Thus, there is no substantive difference between the RCRA and CAA equipment leak standards, and allowing compliance with subpart H reduces burden and complexity without reducing environmental protection.

B. Sampling Connection Systems

Two commenters suggested clarification of the proposed provisions to expand the compliance options for sampling connection systems. One commenter requested clarification of whether purged material had to be sent directly to a treatment facility or if temporary storage at an accumulation site subject to 40 CFR Part 262 would be permissible. Another commenter was concerned that purges of certain materials would have to be treated as if they were process wastewater, yet if these purges were evaluated as process wastewater there would be no requirement to control them. This

commenter noted that requiring control of materials not regulated in the wastewater provisions appears to go beyond the intent of the rule.

The EPA revised the wording in § 63.166 (b)(4) to clarify that material may be stored before it is transferred to a permitted TSDF. The EPA agrees that, as drafted, the proposed language could have been misconstrued to forbid temporary storage of the purged material. The EPA also agrees with the second commenter's concern that, for some chemicals, it is not appropriate to require that the purged material be managed in waste management units subject to the requirements in §§ 63.133 through 63.138. The provisions in § 63.166(b)(4)(i) were revised to clarify that purge materials that do not contain any of the chemicals listed in Table 9 of subpart G are not required to be managed and treated in units in compliance with §§ 63.133 through 63.138 as long as the facility has an NPDES permit or sends the wastewater to an NPDES permitted facility. The requirement that the wastewater go to an NPDES permitted facility is being imposed to ensure that this provision does not result in increased pollution in another media and is therefore consistent with the requirement of Section 112(d)(2) that standards be set taking nonair quality effects into account.

C. Process Unit Definition for Subpart I

One commenter expressed concerns with the proposed definition of the term ''process unit'' as applied to pharmaceutical processes subject to subpart I. The commenter stated that the concept of process unit is not particularly appropriate for the pharmaceutical industry because most pharmaceutical operations do not fit the conceptual design. This commenter identified three areas where the concept was unclear and presented implementation problems. The first source of ambiguity cited by the commenter was that the term ''process unit'' is defined as a fixed set of equipment used to manufacture a product. The commenter noted that a flexible pharmaceutical operation may produce numerous products in a year and that the boundaries of the process unit could vary from week to week depending on what product is being made. The commenter suggested that the EPA address this problem by revising the definition of pharmaceutical process unit to be a set of equipment that manufactures one or more pharmaceutical intermediates or final products. The second ambiguity noted by the commenter was that equipment in pharmaceutical production may not be connected by pipes or ducts; materials may be transferred in closed containers. The commenter suggested that the EPA revise the definition of process unit to include all equipment collocated in the same building or structure, regardless of whether the equipment is connected by pipes or ducts. The third ambiguity cited by the commenter occurs in application of the proposed definition of ''process unit'' to a plant site with several buildings all served by a single solvent storage facility. The commenter questioned whether multiple process units served by a common solvent distribution system would be considered to be a single process unit. The commenter requested that the EPA clarify the relationship between the solvent distribution system and the process unit.

Since publication of the April 10, 1995 proposal, the EPA has received additional information, through the public comment process, on the diversity of operations and equipment used in pharmaceutical production. Considering this information, the EPA believes that additional options for definition of a process unit are necessary to permit efficient management of equipment leak programs at pharamceutical processes and to reflect actual design of facilities. Therefore, several changes were made to the proposed provisions. First, the definition of ''process unit'' was revised to eliminate the reference to pipes and ducts as the means for connecting equipment. Second, a new provision was added to § 63.192 (as paragraph (a)(2)) that will allow an owner or operator of a pharmaceutical production process several alternatives for defining a process unit for purposes of compliance with subpart I. The new provisions allow a pharmaceutical production process owner or operator to define the process unit as the equipment dedicated to the production of one or more products, as all operations located within a building or structure, or as all operations within a source. This change does not revise any control requirements for pharmaceutical processes. This change will provide the flexibility necessary for development of workable equipment leak programs for pharmaceutical processes. Third, the definition for pharmaceutical production process was revised to clarify that the process may make one or more pharmaceutical intermediate or final products. This additional flexibility was limited to pharmaceutical processes because that was the only category where the EPA has information that indicates this flexibility is necessary.

V. Administrative Requirements

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). A copy of this Information Collection Request (ICR) document (OMB control number 1414.02) may be obtained from Sandy Farmer, Information Policy Branch (2136); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260–2740.

Today's changes to the NESHAP should have no impact on the information collection burden estimates made previously. The changes consist of new definitions, alternative test procedures, and clarifications of requirements; not additional requirements. Consequently, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is ''not significant'' and therefore, subject to the OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory action as one that is likely to lead to 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 in 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 loan 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.

The HON rule promulgated on April 22, 1994 was considered ''significant'' under Executive Order 12866 and a regulatory impact analysis (RIA) was prepared. The amendments issued today clarify the rule and do not add any additional control requirements. Therefore, this regulatory action is considered not significant.

C. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act of 1980, EPA considers

the potentially adverse impacts of its regulations upon small business entities. Because this rulemaking imposes no adverse economic impacts, a regulatory flexibility analysis has not been prepared.

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

E. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the action promulgated today 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. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects in 40 CFR Part 63

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

Dated: June 11, 1996.

Carol M. Browner,

Administrator.

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

Table 1 of Subpart F—[Amended]

2. Table 1 of subpart F is amended by removing the entries for ''Glycerol tri-(polyoxypro-pylene)ether,'' ''Polyethylene glycol,'' and ''Polypropylene glycol'' and their associated chemical abstract service number and group number.

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

3. Section 63.160 is amended by adding paragraphs (c) and (f) to read as follows:

§ 63.160 Applicability and designation of source.

* * * * *

(c) If a process unit subject to the provisions of this subpart has equipment to which this subpart does not apply, but which is subject to a standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section, the owner or operator may elect to apply this subpart to all such equipment in the process unit. If the owner or operator elects this method of compliance, all VOC in such equipment shall be considered, for purposes of applicability and compliance with this subpart, as if it were organic hazardous air pollutant (HAP). Compliance with the provisions of this subpart, in the manner described in this paragraph, shall be deemed to constitute compliance with the standard identified in paragraph (c)(1), (c)(2), or (c)(3) of this section.

(1) 40 CFR part 60, subpart VV, GGG, or KKK; (2) 40 CFR part 61, subpart F or J; or (3) 40 CFR part 264, subpart BB or 40 CFR part 265, subpart BB.

* * * * *

(f) The provisions of this subpart do not apply to research and development facilities or to bench-scale batch processes, regardless of whether the facilities or processes are located at the same plant site as a process subject to the provisions of this subpart.

4. Section 63.161 is amended by adding in alphabetical order the definitions ''bench-scale batch process,'' ''flow indicator,'' and ''sampling connection system'' to read as follows:

§ 63.161 Definitions.

* * * * *

Bench-scale batch process means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

* * * * *

Flow indicator means a device which indicates whether gas flow is, or whether the valve position would allow gas flow to be, present in a line.

* * * * *

Sampling connection system means an assembly of equipment within a process unit used during periods of representative operation to take samples of the process fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

* * * * *

5. Section 63.163 is amended by adding paragraph (j) to read as follows:

§ 63.163 Standards: Pumps in light liquid service.

* * * * *

(j) Any pump that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor pump is exempt from the requirements of paragraphs (b) through (e) of this section if:

(1) The owner or operator of the pump determines that the pump is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (b) through (d) of this section; and

(2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

6. Section 63.166 is amended by revising paragraphs (a) and (b) to read as follows:

§ 63.166 Standards: Sampling connection systems.

(a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system, except as provided in § 63.162(b) of this subpart. Gases displaced during filling of the sample container are not required to be collected or captured.

(b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall:

(1) Return the purged process fluid directly to the process line; or

(2) Collect and recycle the purged process fluid to a process; or

(3) Be designed and operated to capture and transport the purged process fluid to a control device that complies with the requirements of § 63.172 of this subpart; or

(4) Collect, store, and transport the purged process fluid to a system or facility identified in paragraph (b)(4)(i), (ii), or (iii) of this section.

(i) A waste management unit as defined in § 63.111 of subpart G of this part, if the waste management unit is subject to, and operated in compliance with the provisions of subpart G of this part applicable to group 1 wastewater streams. If the purged process fluid does not contain any organic HAP listed in Table 9 of subpart G of part 63, the waste management unit need not be subject to, and operated in compliance with the requirements of 40 CFR part 63, subpart G applicable to group 1 wastewater streams provided the facility has an NPDES permit or sends the wastewater to an NPDES permitted facility.

(ii) A treatment, storage, or disposal facility subject to regulation under 40 CFR part 262, 264, 265, or 266; or

(iii) A facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 CFR part 261.

* * * * *

7. Section 63.167 is amended by revising paragraph (a)(1) and by adding paragraph (e) to read as follows:

§ 63.167 Standards: Open-ended valves or lines.

(a)(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in § 63.162(b) of this subpart and paragraphs (d) and (e) of this section.

* * * * *

(e) Open-ended valves or lines containing materials which would autocatalytically polymerize or, would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in paragraphs (a) through (c) of this section are exempt from the requirements of paragraph (a) through (c) of this section.

8. Section 63.168 is amended by adding a new paragraph (a)(3) to read as follows:

§ 63.168 Standards: Valves in gas/vapor service and in light liquid service.

(a) * * *

(3) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of § 63.180(b)(6) of this subpart.

* * * * *

9. Section 63.172 is amended by revising the first sentence of paragraph (j)(1) to read as follows:

§ 63.172 Standards: Closed-vent systems and control devices.

* * * * *

(j) * * *

(1) Install, set or adjust, maintain, and operate a flow indicator that takes a reading at least once every 15 minutes. * * *

* * * * *

10. Section 63.173 is amended by adding paragraphs (h), (i) and (j) to read as follows:

§ 63.173 Standards: Agitators in gas/vapor service and in light liquid service.

* * * * *

(h) Any agitator that is difficult-to-monitor is exempt from the requirements of paragraphs (a) through (d) of this section if:

(1) The owner or operator determines that the agitator cannot be monitored without elevating the monitoring personnel more than two meters above a support surface or it is not accessible at anytime in a safe manner;

(2) The process unit within which the agitator is located is an existing source or the owner or operator designates less than three percent of the total number of agitators in a new source as difficult-to-monitor; and

(3) The owner or operator follows a written plan that requires monitoring of the agitator at least once per calendar year.

(i) Any agitator that is obstructed by equipment or piping that prevents access to the agitator by a monitor probe is exempt from the monitoring requirements of paragraphs (a) through (d) of this section.

(j) Any agitator that is designated, as described in § 63.181(b)(7)(i) of this subpart, as an unsafe-to-monitor agitator is exempt from the requirements of paragraphs (b) through (d) of this section if:

(1) The owner or operator of the agitator determines that the agitator is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraphs (a) through (d) of this section; and

(2) The owner or operator of the agitator has a written plan that requires monitoring of the agitator as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable.

11. Section 63.174 is revised by adding a new paragraph (b)(4) and by revising the first sentence of paragraph (h)(1) introductory text to read as follows:

§ 63.174 Standards: Connectors in gas/vapor service and in light liquid service.

* * * * *

(b) * * *

(4) The use of monitoring data generated before April 22, 1994 to qualify for less frequent monitoring is governed by the provisions of § 63.180(b)(6).

* * * * *

(h)(1) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined), is exempt from the monitoring requirements of paragraphs (a) and (c) of this section and from the recordkeeping and reporting requirements of § 63.181 and § 63.182 of this subpart. * * *

* * * * *

12. Section 63.180 is amended by redesignating paragraph (b)(2) as (b)(2)(i) and revising the first sentence of newly designated paragraph (b)(2)(i), by adding a paragraph (b)(2)(ii), by revising paragraph (b)(4)(iii), by revising paragraph (b)(6), by revising paragraph (f)(1), and by adding a sentence to the end of paragraph (f)(4) to read as follows:

§ 63.180 Test methods and procedures.

* * * * *

(b) * * *

(2)(i) Except as provided for in paragraph (b)(2)(ii) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 shall be for the average composition of the process fluid not each individual VOC in the stream. * * *

(ii) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (b)(2)(i) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (b)(2)(i) of this section.

* * * * *

(4) * * *

(iii) The instrument may be calibrated at a higher methane concentration than the concentration specified for that piece of equipment. The concentration

of the calibration gas may exceed the concentration specified as a leak by no more than 2,000 parts per million. If the monitoring instrument's design allows for multiple calibration scales, then the lower scale shall be calibrated with a calibration gas that is no higher than 2,000 parts per million above the concentration specified as a leak and the highest scale shall be calibrated with a calibration gas that is approximately equal to 10,000 parts per million. If only one scale on an instrument will be used during monitoring, the owner or operator need not calibrate the scales that will not be used during that day's monitoring.

* * * * *

(6) Monitoring data that do not meet the criteria specified in paragraphs (b)(1) through (b)(5) of this section may be used to qualify for less frequent monitoring under the provisions in § 63.168(d)(2) and (d)(3) or § 63.174(b)(3)(ii) or (b)(3)(iii) of this subpart provided the data meet the conditions specified in paragraphs (b)(6)(i) and (b)(6)(ii) of this section.

(i) The data were obtained before April 22, 1994.

(ii) The departures from the criteria specified in paragraphs (b)(1) through (b)(5) of this section or from the specified monitoring frequency of § 63.168(c) are minor and do not significantly affect the quality of the data. Examples of minor departures are monitoring at a slightly different frequency (such as every six weeks instead of monthly or quarterly), following the performance criteria of section 3.1.2(a) of Method 21 of appendix A of 40 CFR part 60 instead of paragraph (b)(2) of this section, or monitoring at a different leak definition if the data would indicate the presence or absence of a leak at the concentration specified in this subpart. Failure to use a calibrated instrument is not considered a minor departure.

* * * * *

(f) * * *

(1) The batch product-process equipment train shall be pressurized with a gas to a pressure less than the set pressure of any safety relief devices or valves or to a pressure slightly above the operating pressure of the equipment, or alternatively, the equipment shall be placed under a vacuum.

* * * * *

(4) * * * If such a pressure measurement device is not reasonably available, the owner or operator shall use a pressure measurement device with a precision of at least +10 percent of the test pressure of the equipment and shall extend the duration of the test for the time necessary to detect a pressure loss or rise that equals a rate of one psig per hour.

* * * * *

13. Section 63.181 is amended by revising the introductory text in paragraph (b)(7) and by revising paragraph (b)(7)(ii) to read as follows:

§ 63.181 Recordkeeping requirements.

* * * * *

(b) * * *

(7) The following information pertaining to all pumps subject to the provisions of § 63.163(j), valves subject to the provisions of § 63.168(h) and (i) of this subpart, agitators subject to the provisions of § 63.173(h) through (j), and connectors subject to the provisions of § 63.174(f) through (h) of this subpart shall be recorded:

* * * * *

(ii) A list of identification numbers for the equipment that is designated as difficult to monitor, an explanation of why the equipment is difficult to monitor, and the planned schedule for monitoring this equipment.

* * * * *

Subpart I—National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

14. Section 63.190 is amended by revising paragraph (f), paragraphs (g)(1) introductory text and (g)(2) introductory text, by adding paragraphs (g)(3) and (g)(4), and by adding a new paragraph (j) to read as follows:

§ 63.190 Applicability and designation of source.

* * * * *

(f) The provisions of subparts I and H of this part do not apply to research and development facilities or to bench-scale batch processes, regardless of whether the facilities or processes are located at the same plant site as a process subject to the provisions of subpart I and H of this part.

(g)(1) If an additional process unit specified in paragraph (b) of this section is added to a plant site that is a major source as defined in Section 112(a) of the CAA, the addition shall be subject to the requirements for a new source in subparts H and I of this part if:

* * * * *

(2) If any change is made to a process subject to this subpart, the change shall be subject to the requirements for a new source in subparts H and I of this part if:

* * * * *

(3) If an additional process unit is added to a plant site or a change is made to a process unit and the addition or change is determined to be subject to the new source requirements according to paragraphs (g)(1) or (g)(2) of this section:

(i) The new or reconstructed source shall be in compliance with the new source requirements of subparts H and I of this part upon initial start-up of the new or reconstructed source or by April 22, 1994, whichever is later; and

(ii) The owner or operator of the new or reconstructed source shall comply with the reporting and recordkeeping requirements in subparts H and I of this part that are applicable to new sources. The applicable reports include, but are not limited to:

(A) Reports required by § 63.182(b), if not previously submitted, § 63.182 (c) and (d) of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H and I of this part, as identified in § 63.192(a) of this subpart.

(4) If an additional process unit is added to a plant site, if a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, or if a compressor becomes subject to § 63.164 of subpart H, and if the addition or change is not subject to the new source requirements as determined according to paragraphs (g)(1) or (g)(2) of this section, the requirements in paragraphs (g)(4)(i) through (g)(4)(iii) of this section shall apply. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. For purposes of this paragraph, process changes do not include: process upsets, unintentional temporary process changes, and changes that are within the equipment configuration and operating conditions documented in the Notification of Compliance Status required by § 63.182(c) of subpart H of this part.

(i) The added emission point(s) and any emission point(s) within the added or changed process unit are subject to the requirements of subparts H and I of this part for an existing source;

(ii) The added emission point(s) and any emission point(s) within the added or changed process unit shall be in compliance with subparts H and I of this part by the dates specified in paragraphs (g)(4)(ii)(A) or (g)(4)(ii)(B) of this section, as applicable.

(A) If a process unit is added to a plant site or an emission point(s) is added to an existing process unit, the

added process unit or emission point(s) shall be in compliance upon initial start-up of the added process unit or emission point(s) or by April 22, 1997, whichever is later.

(B) If a surge control vessel or bottoms receiver becomes subject to § 63.170 of subpart H, if a compressor becomes subject to § 63.164 of subpart H, or if a deliberate operational process change causes equipment to become subject to subpart H of this part, the owner or operator shall be in compliance upon initial start-up or by April 22, 1997, whichever is later, unless the owner or operator demonstrates to the Administrator that achieving compliance will take longer than making the change. The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule. The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

(iii) The owner or operator of a process unit or emission point that is added to a plant site and is subject to the requirements for existing sources shall comply with the reporting and recordkeeping requirements of subparts H and I of this part that are applicable to existing sources, including, but not limited to, the reports listed in paragraphs (g)(4)(iii)(A) and (g)(4)(iii)(B) of this section.

(A) Reports required by § 63.182 of subpart H of this part; and

(B) Reports and notifications required by sections of subpart A of this part that are applicable to subparts H and I of this part, as identified in § 63.192(a) of this subpart.

* * * * *

(j) If a change that does not meet the criteria in paragraph (g)(4) of this section is made to a process unit subject to subparts H and I of this part, and the change causes equipment to become subject to the provisions of subpart H of this part, then the owner or operator shall comply with the requirements of subpart H of this part for the equipment as expeditiously as practical, but in no event later than three years after the equipment becomes subject.

(1) The owner or operator shall submit to the Administrator for approval a compliance schedule, along with a justification for the schedule.

(2) The Administrator shall approve the compliance schedule or request changes within 120 calendar days of receipt of the compliance schedule and justification.

15. Section 63.191(b) is amended by adding in alphabetical order definitions for ''bench-scale batch process,'' ''process unit,'' and ''source'' to paragraph (b) and revising the definition of ''pharmaceutical production process'' to read as follows:

§ 63.191 Definitions.

(b) * * *

Bench-scale batch process means a batch process (other than a research and development facility) that is operated on a small scale, such as one capable of being located on a laboratory bench top. This bench-scale equipment will typically include reagent feed vessels, a small reactor and associated product separator, recovery and holding equipment. These processes are only capable of producing small quantities of product.

* * * * *

Pharmaceutical production process means a process that synthesizes one or more pharmaceutical intermediate or final products using carbon tetrachloride or methylene chloride as a reactant or process solvent. Pharmaceutical production process does not mean process operations involving formulation activities, such as tablet coating or spray coating of drug particles, or solvent recovery or waste management operations.

* * * * *

Process Unit means the group of equipment items used to process raw materials and to manufacture a product. For the purposes of this subpart, process unit includes all unit operations and associated equipment (e.g., reactors and associated product separators and recovery devices), associated unit operations (e.g., extraction columns), any feed and product storage vessels, and any transfer racks for distribution of final product.

* * * * *

Source means the collection of equipment listed in § 63.190(d) to which this subpart applies as determined by the criteria in § 63.190. For purposes of subparts H and I of this part, the term *affected source* as used in subpart A of this part has the same meaning as the term *source* defined here.

* * * * *

16. Section 63.192 is amended by redesignating paragraph (a) as (a)(1) and by adding paragraph (a)(2) to read as follows:

§ 63.192 Standard.

(a)(1) * * *

(2) The owner or operator of a pharmaceutical production process subject to this subpart may define a process unit as a set of operations, within a source, producing a product, as all operations collocated within a building or structure or as all affected operations at the source.

* * * * *

[FR Doc. 96–15616 Filed 6–19–96; 8:45 am]

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40 CFR Part 70

[AD–FRL–5522–9]

Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval; Correction.

SUMMARY: On May 15, 1996 (61 FR 24460), EPA promulgated interim approval of the 40 CFR Part 70 Operating Permits Program for the Commonwealth of Massachusetts. The document correctly identified the effective date as May 15, 1996. However, the language to amend 40 CFR Part 70 listed an incorrect effective date and an incorrect expiration date for the interim approval of this program.

EFFECTIVE DATE: May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Ida E. Gagnon, Air Permits Program, CAP, U.S. Environmental Protection Agency, Region 1, JFK Federal Building, Boston, MA 02203–2211, (617) 565–3500.

SUPPLEMENTARY INFORMATION: In the document published on May 15, 1996 at 61 FR 24461, column 3, the effective date and expiration date were incorrect. This final rule corrects the language to amend 40 CFR Part 70 in a manner which is consistent with the May 15, 1996 rule. The correct effective date of this interim approval is May 15, 1996, and the correct expiration date of this interim approval is May 15, 1998.

The EPA regrets any inconvenience the earlier information has caused.

List of Subjects in 40 CFR Part 70

Administrative practice and procedure, Air pollution control, Environmental Protection, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: May 30, 1996.

John P. DeVillars,

Regional Administrator, Region I.

Part 70, title 40 of the Code of Federal Regulations is amended as follows: