(A) The characteristics of the stream being received shall be determined at the inlet to the tank.

(B) The characteristics shall be determined according to the procedures in § 63.144(b) and (c).

(5) When terms used in Table 35 of subpart G of this part are defined in § 63.1101, the definition in § 63.1101 shall apply, for the purpose of this subpart. For terms used in Table 35 of subpart G of this part that are not defined in § 63.1101, the definitions in § 63.101 and § 63.111 shall apply.

(6) When Table 35 of subpart G of this part refers to 40 CFR 63.119(e)(1) or (e)(2) in the requirements for tanks, the requirements in § 63.982(a)(1) shall apply, for purposes of this subpart.

(d) The compliance date for the affected sources subject to the provisions of this section is specified in § 63.1102.

[FR Doc. 99–30230 Filed 11–19–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6478–8]

RIN 2060–AG91

National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: On June 29, 1999, we issued the National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT) (64 FR 34854). This final rule corrections serve to clarify and correct errors in the promulgated rule.

EFFECTIVE DATE: November 22, 1999.

FOR FURTHER INFORMATION CONTACT: For information concerning these corrections amendments, contact David W. Markwordt, Policy, Planning, and Standards Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–0837, facsimile: (919) 541–0942, electronic mail address: markwordt.david@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated entities.* Entities that will potentially be affected by these corrections are those that produce acetal resins, acrylic and modacrylic fiber, hydrogen fluoride, and polycarbonate and are major sources of hazardous air pollutants as defined in section 112 of the Clean Air Act (Act). The regulated categories and entities include the following:

Category	Regulated entities [a]
Industry	Producers of homopolymers and/or copolymers of alternating oxymethylene units. Producers of either acrylic fiber or modacrylic fiber synthetics composed of acrylonitrile (AN) units. Producers of, and recoverers of HF by reacting calcium fluoride with sulfuric acid. For the purpose of implementing the rule, HF production is not a process that produces gaseous HF for direct reaction with hydrated aluminum to form aluminum fluoride (i.e., the HF is not recovered as an intermediate or final product prior to reacting with the hydrated aluminum). Producers of polycarbonate.

[a] This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that we are now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine the applicability criteria in § 63.1104(a)(1), (b)(1), (c)(1), and (d)(1) of the rule. 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.

I. What Is the Background for the Corrections?

On June 29, 1999 (64 FR 34854), we published the National Emission Standards for Hazardous Air Pollutants: Generic MACT final rule which promulgated standards for four major HAP source categories (i.e., acetal resins production, acrylic and modacrylic fiber production, hydrogen fluoride production, and polycarbonate production). The proposal for the Generic MACT rule was published on October 14, 1998 (63 FR 55178), and given the size of the proposed rule, we allowed for a 90-day public comment period even though we were under a May 15, 1999 court ordered deadline for the Administrator's signature of the final rule. Because of the short time period between proposal and promulgation and the many changes made to the proposal package, some inadvertent errors were made. Today's action consists of editorial, cross-reference, and clarifying corrections to the promulgated Generic MACT rule published on June 29, 1999 (64 FR 34854). These corrections will become effective immediately (without further rulemaking action) on November 22, 1999. We have determined that it is unnecessary to provide prior notice and opportunity to comment on these corrections. In one case, we determined an opportunity for public comment is warranted; we are proposing amendments to address this case in a separate notice.

Today's action corrects typographical, grammatical, and cross-reference errors. For example, as promulgated, § 63.998(a)(1)(iii)(A) incorrectly referred the reader to § 63.999(c)(8) for the requirement for an owner or operator to report times and duration of all periods during which the flare or all the pilot flames are absent. The correct citation for this requirement is § 63.999(c)(3) and today's action makes the necessary changes to reflect the accurate citation. For another example, § 63.1012(f) incorrectly includes a citation with two repetitive paragraph designations (*i.e.*, § 63.1003(e)(e)). Today's action corrects that error by removing one of those paragraph designations (*i.e.*, § 63.1003(e)).

One of the corrections is in wording. We made an error in Table 2 to § 63.1103(b)(3)(i), item 4, that could result in control applicability errors. At promulgation, Table 2 to § 63.1103(b)(3)(i), item 4, erroneously required that an owner or operator of a new or modified source that met specified criteria would be subject to new source requirements. We should have specified that an owner or operator of a new or reconstructed source, not modified source, that met specified criteria would be subject to new source requirements. We have corrected this error by replacing the word ''modified'' with ''reconstructed.''

II. What Are the Impacts Associated With the Corrections?

This action consists of corrections and clarifications of our intent at the time of

promulgation of 40 CFR part 63, subparts SS, TT, UU, WW, and YY, and will not affect the estimated emissions reduction or the control costs for the standards promulgated for AR, AMF, HF, and PC production source categories on June 29, 1999 (64 FR 34854). These clarifications and corrections should make it easier for owners and operators of affected sources, and for local and State authorities, to understand and implement the requirements found in these subparts.

III. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements in this rule were submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501, *et seq.* We submitted an Information Collection Request (ICR) document (ICR No. 1871.02) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M Street, SW, Washington, DC 20460 or by calling (202) 260–2740. We may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB approved the information collection requirements under the Generic MACT rule for the AR, AMF, HF, and PC production source categories and assigned the OMB control number 2060–0420 to the ICR. This approval expires September 30, 2002.

These corrections will not impact the information collection estimates made previously for the Generic MACT consolidated rulemaking package. Therefore, the ICR has not been revised.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to review by OMB and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

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

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

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or 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.

Pursuant to the terms of Executive Order 12866, we have determined that these correcting amendments do not qualify as a ''significant regulatory action'' and, therefore, are not subject to review by OMB.

C. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to the Office of Management and Budget (OMB), in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the agency's Federalism Official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule has minimal direct affects on the 10 plants which are impacted by this rule. This rule has even less impacts on States within which the plants reside. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act of 1996

The Regulatory Flexibility Act (RFA) of 1980 (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), requires the EPA to give special consideration to the effect of Federal regulations on small entities and to consider regulatory options that might mitigate any such impacts. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

Today's corrections will not have a significant impact on a substantial number of small entities because they clarify and make corrections to the promulgated 40 CFR part 63, subparts SS, TT, UU, WW and YY, and do not impose any additional regulatory requirements on owners or operators of affected sources regulated by standards promulgated on June 29, 1999 (64 FR 34854).

E. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995, Pub. L. 104–4, we 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 in any 1 year. Section 203 requires us to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of UMRA, we must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be

prepared. The Agency must select the least burdensome alternative from those alternatives for State, local, and tribal governments and the private sector that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or unless the selection of this alternative is inconsistent with law.

Because these corrections do not include a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year, we have not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. In addition, because small governments will not be significantly or uniquely affected by these correcting amendments, we are not required to develop a plan with regard to small governments. Therefore, the requirements of UMRA do not apply to this action.

G. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, *et seq.*, as added by the SBREFA of 1996, provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the corrections, to each House of the Congress and to the Comptroller General of the United States. Therefore, we will submit a report containing these corrections and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action does not constitute a ''major rule'' as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Under section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note), we are directed to use voluntary consensus standards instead of government-unique standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. By doing so, the Act is intended to reduce the cost to the private and public sectors.

Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), International Organization for Standardization (IOS), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires that we provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

As part of a larger effort, we are undertaking a project to cross-reference existing voluntary consensus standards in testing, sampling, and analysis, with current and future EPA test methods. When completed, this project will assist us in identifying potentially applicable voluntary consensus standards that can then be evaluated for equivalency and applicability in determining compliance with future regulations.

This action does not require the use of any new technical standards, therefore section 12(d) does not apply.

I. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that we determine (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

These corrections are not subject to Executive Order 13045 because they do not constitute an economically significant regulatory action as defined by Executive Order 12866 and because they do not establish an environmental standard intended to mitigate health or safety risks.

J. Executive Order 13084

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance cost incurred by the tribal governments, or we consult with those governments. Under Executive Order 13084, if we comply by consulting, we are required to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, we are required to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's corrections do not impose any duties or compliance costs on Indian tribal governments. Further, the corrections provided herein do not significantly alter the control standards imposed by subparts SS, TT, UU, WW, and YY, including any that may affect communities of Indian tribal governments. Hence, today's action does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

List of Subjects for 40 CFR Part 63

Acetal resins production, Acrylic and modacrylic fiber production, Air emissions control, Equipment leaks, Hazardous air pollutants, Hydrogen fluoride production, Polycarbonate production, Process vents, Reporting and recordkeeping requirements, Storage vessels.

Dated: November 15, 1999.

Carol M. Browner,

Administrator.

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

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

2. Section 63.981 is amended by adding in alphabetical order a definition for *recovery operations equipment* as follows:

§ 63.981 Definitions.

* * * * *

Recovery operations equipment means the equipment used to separate the components of process streams. Recovery operations equipment includes distillation units, condensers, etc. Equipment used for wastewater treatment shall not be considered recovery operations equipment.

* * * * *

3. Section 63.982 is amended by revising paragraph (f)(1) as follows:

§ 63.982 Requirements.

* * * * *

(f) * * *

(1) Comply with the applicable requirements of this subpart for each kind of emissions in the stream (e.g., the requirements of paragraph (a)(2) of this section for process vents, and the requirements of paragraph (a)(3) of this section for transfer racks); or

* * * * *

4. Section 63.983 is amended by revising paragraph (b)(1)(i)(B) as follows:

§ 63.983 Closed vent systems.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) Conduct annual inspections for visible, audible, or olfactory indications of leaks.

* * * * *

5. Section 63.987 is amended by revising the last sentence of paragraph (c) as follows:

§ 63.987 Flare requirements.

* * * * *

(c) * * * Flare flame monitoring and compliance records shall be kept as specified in § 63.998(a)(1) and reported as specified in § 63.999(a).

6. Section 63.998 is amended by revising the last sentence of paragraph (a)(1)(iii)(A), revising the first sentence of paragraph (a)(2)(ii)(A), and revising paragraph (a)(2)(ii)(B)(6) as follows:

§ 63.998 Recordkeeping requirements.

(a) * * *

(1) * * *

(iii) * * *

(A) * * * This record shall be submitted in the periodic reports as specified in § 63.999(c)(3).

* * * * *

(2) * * *

(ii) * * *

(A) *General requirements.* Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the data specified in paragraphs (a)(2)(ii)(B) through (C) of this section, as applicable, measured during each performance test performed pursuant to § 63.988(b), § 63.990(b), § 63.994(b), or § 63.995(b), and also include that data in the Notification of Compliance Status required under § 63.999(b). * * *

(B) * * *

(6) For a boiler or process heater with a design heat input capacity of less than 44 megawatts and where the process vent stream is introduced with combustion air or used as a secondary fuel and is not mixed with the primary fuel, record the percent reduction of organic regulated material or TOC, or the concentration of regulated material or TOC (parts per million by volume, by compound) determined as specified in § 63.997(e)(2)(iii) at the outlet of the combustion device.

* * * * *

7. Section 63.999 is amended by revising the last sentence of paragraph (c)(6)(i), and revising the first sentence of paragraph (c)(6)(iv) as follows:

§ 63.999 Notifications and other reports.

* * * * *

(c) * * *

(6) * * *

(i) * * * If the owner or operator elects not to retain the daily average values pursuant to § 63.998(b)(5)(ii)(A), the owner or operator shall report this in the Periodic Report.

* * * * *

(iv) If the owner or operator has chosen to use the alternative recordkeeping requirements of § 63.998(b)(5), and has not notified the Administrator in the Notification of Compliance Status that the alternative recordkeeping provisions are being implemented as specified in paragraph (b)(5) of this section, the owner or operator shall notify the Administrator in the Periodic Report submitted immediately preceding implementation of the alternative. * * *

* * * * *

8. Section 63.1000 is amended by revising paragraph (c)(2) as follows:

§ 63.1000 Applicability.

* * * * *

(c) * * *

(2) *Equipment in service less than 300 hours per calendar year.* Equipment that is in regulated material service less than 300 hours per calendar year is excluded from the requirements of §§ 63.1006 through 63.1015 if it is identified as required in § 63.1003(b)(5).

* * * * *

9. Section 63.1001 is amended by revising the definitions for *connector* and *first attempt at repair* as follows:

§ 63.1001 Definitions.

* * * * *

Connector means flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. A common connector is a flange. Joined fittings welded completely around the circumference of the interface are not considered connectors for the purpose of this regulation. For the purpose of reporting and recordkeeping, connector means joined fittings that are not inaccessible, ceramic, or ceramic-lined (e.g., porcelain, glass, or glass-lined) as described in § 63.1008(d)(2).

* * * * *

First attempt at repair, for the purposes of this subpart, means to take action for the purpose of stopping or reducing leakage of organic material to the atmosphere, followed by monitoring as specified in § 63.1004(b) and, as applicable, in § 63.1004(c), as appropriate, to verify whether the leak is repaired, unless the owner or operator determines by other means that the leak is not repaired.

* * * * *

10. Section 63.1002 is amended by revising the section heading, revising the heading for paragraph (a), and revising paragraph (b), introductory text, as follows:

§ 63.1002 Compliance assessment.

(a) *General procedures for compliance assessment.* * * *

(b) *Alternative means of emission limitation.* The provisions of paragraph (b) of this section do not apply to the performance standards of § 63.1006(e)(4) for valves designated as having no detectable emissions, § 63.1011(b) for pressure relief devices, or § 63.1012(f) for compressors operating under the alternative compressor standard.

* * * * *

11. Section 63.1003 is amended by revising the first sentence of paragraph (c)(2), revising paragraphs (c)(5)(i) and (e)(1) as follows:

§ 63.1003 Equipment identification.

* * * * *

(c) * * *

(2) *Designation and criteria for difficult-to-monitor.* Valves meeting the provisions of § 63.1006(e)(2) may be designated difficult-to-monitor if the provisions of paragraph (c)(2)(i) of this section apply. * * *

* * * * *

(5) * * *

(i) The owner or operator of equipment designated as unsafe-to-monitor except connectors meeting the provisions of § 63.1008(d)(1) according to the provisions of paragraph (c)(1) of this section shall have a written plan

that requires monitoring of the equipment as frequently as practical during safe-to-monitor times, but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in § 63.1005 if a leak is detected.

* * * * *

(e) * * *

(1) *Designation and criteria.* Equipment may be designated as having no detectable emissions if it has no external actuating mechanism in contact with the process fluid and is operated with emissions less than 500 parts per million above background as determined by the method specified in § 63.1004(b) and (c).

* * * * *

12. Section 63.1004 is amended by revising the second sentence of paragraph (c), introductory text, and paragraph (c)(1) as follows:

§ 63.1004 Instrument and sensory monitoring for leaks.

* * * * *

(c) * * * If an owner or operator elects not to adjust instrument readings for background, the owner or operator shall monitor the equipment according to the procedures specified in paragraphs (b)(1) through (b)(5) of this section. * * *

(1) The requirements of paragraphs (b)(1) through (b)(5) of this section shall apply.

* * * * *

13. Section 63.1005 is amended by revising paragraph (d) as follows:

§ 63.1005 Leak repair.

* * * * *

(d) *Unsafe-to-repair connectors.* Any connector that is designated, as described in § 63.1003(d), as an unsafe-to-repair connector is exempt from the requirements of § 63.1008(c), and paragraph (a) of this section.

* * * * *

14. Section 63.1012 is amended by revising the first sentence of paragraph (f)(1) as follows:

§ 63.1012 Compressor standards.

* * * * *

(f) * * *

(1) Any compressor that is designated as described in § 63.1003(e) as operating with no detectable emissions shall operate at all times with an instrument reading of less than 500 parts per million. * * *

* * * * *

15. Section 63.1026 is amended by revising paragraph (e)(6) as follows:

§ 63.1026 Pumps in light liquid service standards.

* * * * *

(e) * * *

(6) *Unsafe-to-monitor pumps.* Any pump that is designated, as described in § 63.1022(c)(1), as an unsafe-to-monitor pump is exempt from the requirements of paragraph (b) of this section, the monitoring and inspection requirements of paragraphs (e)(1)(v) through (viii) of this section, and the owner or operator shall monitor and inspect the pump according to the written plan specified in § 63.1022(c)(4).

16. Section 63.1029 is amended by revising the first sentence of paragraph (b)(1) as follows:

§ 63.1029 Pumps, valves, connectors, and agitators in heavy liquid service; pressure relief devices in liquid service, and instrumentation systems standards.

* * * * *

(b) * * *

(1) *Monitoring method.* Unless otherwise specified in § 63.1021(b), § 63.1036, or § 63.1037, the owner or operator shall comply with paragraphs (b)(1) and (b)(2) of this section. * * *

* * * * *

17. Section 63.1100 is amended by revising the first sentence of paragraph (d)(4), introductory text, and revising paragraph (d)(4)(ii), introductory test, as follows:

§ 63.1100 Applicability.

* * * * *

(d) * * *

(4) The determination of the primary product for a process unit, including the assessment of applicability of this subpart to process units that are designed and operated as flexible operation units, shall be reported in the Notification of Compliance Status report required by § 63.1110(a)(4) when the primary product is determined to be a product produced by a source category subject to requirements under this subpart. * * *

(ii) If the process unit is designed and operated as a flexible operation unit, the information specified in paragraphs (d)(4)(ii)(A) and (B) of this section, as appropriate.

* * * * *

18. Section 63.1101 is amended by revising the definition for *total resource effectiveness index value* as follows:

§ 63.1101 Definitions.

* * * * *

Total resource effectiveness index value or *TRE index value* means a measure of the supplemental total resource requirement per unit reduction of organic HAP associated with a process vent stream, based on vent stream flow rate, emission rate of organic HAP, net heating value, and corrosion properties (whether or not the vent stream contains halogenated compounds), as quantified by the equations given under § 63.1104(j).

* * * * *

19. Section 63.1103 is amended by revising entry 4 of table 2 of paragraph (b)(3)(i), revising entry 6 of table 5 of paragraph (d)(3), and revising table 6 of paragraph (d)(3) as follows:

§ 63.1103 Source category-specific applicability, definitions, and requirements.

* * * * *

(b) * * *

(3) * * *

(i) * * *

* * * * *

TABLE 2. TO § 63.1103(b)(3)(i).—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE AN ACRYLIC AND MODACRYLIC FIBER PRODUCTION EXISTING OR NEW AFFECTED SOURCE AND AM COMPLYING WITH PARAGRAPH (b)(3)(i) OF THIS SECTION?

If you own or operate* * *	And if* * *	Then you must* * *
* *	* * *	* *
4. A fiber spinning line that is a new or reconstructed source.	The lines use a spin dope produced from either a suspension polymerization process or solution polymerization process,.	a. Reduce acrylonitrile emissions by 85 weight-percent or more. (For example, by enclosing the spinning and washing areas of the spinning line (as specified in paragraph (b)(4) of this section) and venting through a closed vent system and using any combination of control devices meeting the requirements of subpart SS, as specified in § 63.982(a), of this part); or b. Reduce acrylonitrile emissions from the spinning line to less than or equal to 0.25 kilograms of acrylonitrile per megagram (0.5 pounds of acrylonitrile per ton) of acrylic and modacrylic fiber produced; or c. Reduce the AN concentration of the spin dope to less than 100 ppmw.
* *	* * *	* *

(d) * * * (3) * * *

Table 5.—To § 63.1103(d)—What Are My Requirements If I Own or Operate a Polycarbonate Production Existing Affected Source?

If you own or operate. . .	And if. . .	Then you must. . .
* *	* * *	* *
6. Equipment as defined under § 63.1101	The equipment contains or contacts weight-percent total organic HAPe, and operates ≤ 300 hours per year.	Comply with the requirements of subpart TT (national emission standards for equipment leaks (control level 1)) or subpart UU (national emission standards for equipment leaks (control level 2)) of this part.

* * * * *

TABLE 6.—TO § 63.1103(d)—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE A POLYCARBONATE PRODUCTION NEW AFFECTED SOURCE?

If you own or operate. . .	And if. . .	Then you must. . .
1. A storage vessel with: 38 cubic meters ≤capacity <151 cubic meters.	13.1 kilopascals ≤maximum true vapor pressure of total organic HAP <76.6 kilopascals.	a. Reduce emissions of total organic HAP by 95 weight-percent by venting emissions through a closed vent system to any combination of control devices meeting the requirements of subpart SS (national emission standards for closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process), as specified in § 63.982(a)(1) (storage vessel requirements) of this part; or b. Comply with the requirements of subpart WW (national emission standards for storage vessels (control level 2)) of this part.
2. A storage vessel with: 151 cubic meters ≤capacity.	The maximum true vapor pressure of total organic HAP is ≥5.2 kilopascals.	Reduce emissions of total organic HAP by 98 weight-percent by venting emissions through a closed vent system to any combination of control devices meeting the requirements of subpart SS, as specified in § 63.982(a)(1) (storage vessel requirements) of this part.

TABLE 6.—TO § 63.1103(d)—WHAT ARE MY REQUIREMENTS IF I OWN OR OPERATE A POLYCARBONATE PRODUCTION NEW AFFECTED SOURCE?—Continued

If you own or operate. . .	And if. . .	Then you must. . .
3. A storage vessel with: 38 cubic meters ≤capacity <151 cubic meters.	The maximum true vapor pressure of total organic HAP is ≥76.6 kilopascals.	Reduce emissions of total organic HAP by 95 weight-percent by venting emissions through a closed vent system to any combination of control devices meeting the requirements of subpart SS, as specified in § 63.982(a)(1) (storage vessel requirements) of this part.
4. A process vent from continuous unit operations or a combined vent stream [a].	The vent stream has a a TRE[b],[c] ≤9.6	a. Reduce emissions of total organic HAP by 98 weight-percent; or reduce total organic HAP to a concentration of 20 parts per million by volume; whichever is less stringent, by venting emissions through a closed vent system to any combination of control devices meeting the requirements of subpart SS, as specified in § 63.982(a)(2) (process vent requirements) of this part; and Vent emissions through a closed vent system to a halogen reduction device meeting the requirements of subpart SS, § 63.994, of this part that reduces hydrogen halides and halogens by 99 weight-percent or to less than 0.45 kilograms per hourd, whichever is less stringent; or b. Reduce the process vent halogen atom mass emission rate to less than 0.45 kilograms per hour by venting emissions through a closed vent system to a halogen reduction device meeting the requirements of subpart SS, § 63.994 (halogen reduction device requirements) of this part; and Reduce emissions of total organic HAP by 98 weight-percent; or reduce total organic HAP or TOC to a concentration of 20 parts per million by volume; whichever is less stringent, by venting emissions through a closed vent system to any combination of control devices meeting the requirements of subpart SS, as specified in § 63.982(a)(2) (process vent requirements) of this part; or c. Achieve and maintain a TRE index value greater than 9.6
5. Equipment as defined under § 63.1101	The equipment contains or contacts ≥ 5 weight-percent organic HAPe, and operates ≥ 300 hours per year.	Comply with the requirements of 40 CFR subpart TT (national emission standards for equipment leaks (control level 1)) or subpart UU (national emission standards for equipment leaks (control level 2)) of this part.

[a] Combined vent streams shall use the applicability determination procedures and methods for process vents from continuous unit operations (§ 63.1104).

[b] The TRE equation coefficients for halogenated streams (table 7 of this subpart) shall be used to calculate the TRE index value.

[c] The TRE is determined according to the procedures specified in § 63.1104(j). If a dryer is manifolded with such vents, and the vent is routed to a recovery, recapture, or combustion device, then the TRE index value for the vent must be calculated based on the properties of the vent stream (including the contributions of the dryer). If a dryer is manifolded with other vents and not routed to a recovery, recapture, or combustion device, then the TRE index value must be calculated excluding the contributions of the dryer. The TRE index value for the dryer must be calculated separately in this case.

[d] The mass emission rate of halogen atoms contained in organic compounds is determined according to the procedures specified in § 63.1104(i).

[e] The weight-percent organic HAP is determined for equipment according to procedures specified in § 63.1107.

20. Section 63.1104 is amended by revising paragraphs (f) introductory text, and (j)(1) as follows:

§ 63.1104 Process vents from continuous unit operations: applicability assessment procedures and methods.

* * * * *

(f) *Volumetric flow rate.* The process vent volumetric flow rate (Q_S), in standard cubic meters per minute at 20 °C, shall be determined as specified in paragraph (f)(1) or (2) of this section and shall be recorded as specified in § 63.1109(d).

* * * * *

(j) * * *

(1) *TRE index value equation.* The equation for calculating the TRE index value is Equation 5:

$$TRE = 1/E_{HAP}*[A+B(Q_S)+ C(H_T)+ D(E_{TOC})] \quad [Eq. 5]$$

Where:

TRE = TRE index value.

A, B, C, D = Coefficients presented in table 1 of this section.

E_{HAP} = Emission rate of total organic HAP, kilograms per hour, as calculated according to paragraph (h) or (k) of this section.

Q_S = process vent flow rate, standard cubic meters per minute, at a standard temperature of 20 °C, as calculated according to paragraph (f) or (k) of this section.

H_T = process vent net heating value, megaJoules per standard cubic meter, as calculated according to paragraph (g) or (k) of this section.

E_{TOC} = Emission rate of TOC (minus methane and ethane), kilograms per hour, as calculated according to paragraph (h) or (k) of this section.

* * * * *

21. Section 63.1108 is amended by revising the second sentence of paragraph (b)(1), and by revising the first sentence of paragraph (b)(2) as follows:

§ 63.1108 Compliance with standards and operation and maintenance requirements.

* * * * *

(b) * * *

(1) * * * For each excursion except for excused excursions (as described in § 63.998(b)(6)(ii)), and as provided for in paragraph (b)(2) of this section the owner or operator shall be deemed to have failed to have applied the control in a manner that achieves the required operating conditions.

(2) *Parameter monitoring: Excursions.* An excursion is not a violation in cases where continuous monitoring is required and the excursion does not count toward the number of excused excursions (as described in § 63.998(b)(6)(ii)), if the conditions of paragraph (b)(2)(i) or (ii) of this section are met. * * *

* * * * *

22. Section 63.1110 is amended by revising paragraph (e)(2) as follows:

§ 63.1110 Reporting requirments.

* * * * *

(e) * * *

(2) *Due date.* The Periodic Report shall be submitted no later than 60 days after the end of each 6-month period. The first report shall cover the 6-month period after the Notification of Compliance Status report is due. The first report shall be submitted no later than the last day of the month that includes the date 8 months (6 months and 60 days) after the Notification of Compliance Status report is due.

* * * * *

[FR Doc. 99–30229 Filed 11–19–99; 8:45 am]

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40 CFR Part 180

[OPP–300948; FRL–6391–8]

RIN 2070–AB78

Avermectin B1 and its delta-8,9-isomer; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends a time-limited tolerance for the combined residues of the insecticide and miticide avermectin B_1 and its delta-8,9-isomer in or on celeriac at 0.05 part per million (ppm) for an additional 1-year period. This tolerance will expire and is revoked on December 31, 2000. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on celeriac. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: This regulation is effective November 22, 1999. Objections and requests for hearings, identified by docket control number OPP–300948, must be received by EPA on or before January 21, 2000.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–300948 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dan Rosenblatt, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–9375; and e-mail address: rosenblatt.dan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.*You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**--Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–300948. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents