

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

## Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, as follows:

**PART 100—[AMENDED]**

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. A new section 100.724 is added to read as follows:

**§ 100.724 Annual Augusta Invitational Rowing Regatta; Savannah River, Augusta, GA.**

(a) *Definitions. (1) Regulated area.* The regulated area is formed by a line drawn directly across the Savannah River at U.S. Highway 1 (Fifth Street) Bridge at mile marker 199.45 and directly across the Savannah River at Eliot's Fish Camp at mile marker 197. The regulated area includes the width of the Savannah River between these two lines.

(2) *Coast Guard Patrol Commander.* The Coast Guard patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who been designated by the Commander, Coast Guard Group Charleston, SC.

(b) *Special local regulations.* (1) Entry into the regulated area is prohibited to all non-participants.

(2) After the termination of the Invitational Rowing Regatta each day, and during intervals between scheduled events, at the discretion of the Coast Guard Patrol Commander, all vessels may resume normal operations.

(c) *Effective dates.* This section is effective at 7 a.m. and terminates at 5 p.m. local time annually, on Thursday, Friday, Saturday and Sunday of the third weekend of March.

Dated: February 6, 1997.

R.D. Utley,

*Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District Acting.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-5690-9]

RIN 2060-AD94

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

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

**ACTION:** Direct final rule.

**SUMMARY:** This action expands and clarifies definitions in the "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries," which was issued as a final rule on August 18, 1995.

**DATES:** The direct final rule will be effective April 22, 1997 unless significant, adverse comments are received by March 24, 1997. If significant, adverse comments are timely received EPA will publish timely notice in the Federal Register withdrawing the final rule.

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

**SUPPLEMENTARY INFORMATION:** If significant adverse comments are timely received on this direct final rule, all such comments will be addressed in a subsequent final rule based on the proposed rule contained in the Proposed Rules Section of this Federal Register that is identical to this direct final rule. The Direct Final Rule will be withdrawn. If no significant adverse comments are timely filed on any provision of this direct final rule then the entire direct final rule will become effective 60 days from today's Federal Register notice and no further action is contemplated on the parallel proposal published today.

On August 18, 1995 (60 FR 43243), EPA promulgated in the Federal Register national emission standards for hazardous air pollutants (NESHAP) for petroleum refineries. These regulations were promulgated as subpart CC of 40 CFR part 63. This document contains additions to definitions which will clarify the applicability of control requirements and provide flexibility for the regulated population.

## I. Description of Changes

*A. Addition of Annual Average True Vapor Pressure Cut-Off to Definition of a Group 1 Storage Vessel*

On July 15, 1994 (59 FR 36130) the EPA proposed national emission standards for hazardous air pollutants for petroleum refineries. In the proposed rule, a Group 1 storage vessel was defined as a vessel with a maximum true vapor pressure above a specified number.

Comments received regarding this definition stated that the storage tank vapor pressure information provided by refineries, on which the true vapor pressure limit for Group 1 storage vessels at existing sources was based, was most likely reflective of annual average, as opposed to maximum true vapor pressures. The EPA agreed with the commenters and increased the maximum true vapor pressure applicability cut-off for storage vessels at an existing source from 8.3 to 10.4 kilopascals to account for the difference between annual average and maximum true vapor pressure. This change was made in the final rule (60 FR 43243).

Additional comments were received after the rule was promulgated stating that a true vapor pressure cut-off based on an annual average temperature would provide flexibility to refiners. Having determined that true vapor pressure cut-offs of 8.3 and 10.4 kilopascals based on annual average and maximum monthly temperature, respectively, provide equivalent emission control, EPA has decided to provide both annual average and maximum true vapor pressure applicability cut-offs for existing storage tanks. Refineries may use either cut-off to determine if an existing storage vessel is subject to the control requirements of the rule. This amendment does not change the stringency of the requirement, or the estimated cost effectiveness of this regulation.

Adding an annual average true vapor pressure applicability cut-off to the Group 1 storage vessel definition necessitates adding a definition for annual average true vapor pressure. A definition for annual average true vapor pressure is included in this direct final rule.

*B. Clarification of the Group 1 Storage Vessel HAP Content Applicability Cut-Off*

In the promulgated Petroleum Refineries NESHAP, the Group 1 storage

vessel definition does not indicate whether the HAP concentration applicability cut-off refers to the maximum or annual average HAP concentration. By this direct final rule, EPA clarifies that the HAP concentration Group 1 applicability cut-off for both new and existing storage vessels refers to the annual average HAP concentration. HAP concentrations in stored liquids were determined based on information solicited from refineries for use in development of the Petroleum Refineries NESHAP. It is most likely that HAP content information used to determine the HAP concentration cut-offs was provided on an annual basis.

## II. Judicial Review

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

## III. 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 2060-0340) may be obtained from the Information Policy Branch (PY-223Y); U.S. Environmental Protection Agency; 401 M Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NESHAP have no impact on the information collection burden estimates made previously. The changes consist of new and revised definitions which clarify applicability of control requirements in the NESHAP. No additional information collection is being required. Consequently, the ICR has not been revised.

### B. Executive Order 12866 Review

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

1. Have an annual effect on the economy of \$100 million or more or

adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

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

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

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

Because today's action clarifies existing control requirements and does not add any additional control, monitoring, recordkeeping, or reporting requirements, this rule was classified "non-significant" under Executive Order 12866 and, therefore was not reviewed by the Office of Management and Budget.

### C. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. This direct final rule would not have a significant impact on a substantial number of small entities because it simply clarifies the applicability of control requirements in the Petroleum Refineries NESHAP, does not alter control, monitoring, recordkeeping, or reporting requirements, and does not include any provisions that create a burden for any of the regulated entities.

### D. Unfunded Mandates Reform Act

Under the unfunded mandates reform act, EPA must prepare a statement to accompany any rule where the estimated costs to State, local, or Tribal governments, or to the private sector, will be \$100 million or more per year. At the time of promulgation, EPA determined that the petroleum refineries NESHAP does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. This determination is not altered by today's action, the purpose of which is to add clarity and flexibility to existing requirements. Consequently, an unfunded mandates statement has not been prepared.

### E. Submission to Congress

Under 5 U.S.C. 801(a)(1)(A) as added 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 5 U.S.C. 804(2).

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous air pollutants, Petroleum refineries, Reporting and recordkeeping requirements, Storage vessels.

Dated: February 11, 1997.

Mary D. Nichols,  
Assistant Administrator for Air and Radiation.

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

### PART 63—[AMENDED]

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

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

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

2. Section 63.641 is amended by adding, in alphabetical order, a definition for "annual average true vapor pressure" and revising the definition for "Group 1 storage vessel" to read as follows:

#### § 63.641 Definitions.

\* \* \* \* \*

*Annual average true vapor pressure* means the equilibrium partial pressure exerted by the stored liquid at the temperature equal to the annual average of the liquid storage temperature for liquids stored above or below the ambient temperature or at the local annual average temperature reported by the National Weather Service for liquids stored at the ambient temperature, as determined:

(1) In accordance with methods specified in § 63.111 of subpart G of this part;

(2) From standard reference texts; or  
(3) By any other method approved by the Administrator.

\* \* \* \* \*

*Group 1 storage vessel* means a storage vessel at an existing source that has a design capacity greater than or

equal to 177 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 10.4 kilopascals and stored-liquid annual average true vapor pressure greater than or equal to 8.3 kilopascals and annual average HAP liquid concentration greater than 4 percent by weight total organic HAP; a storage vessel at a new source that has a design storage capacity greater than or equal to 151 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 3.4 kilopascals and annual average HAP liquid concentration greater than 2 percent by weight total organic HAP; or a storage vessel at a new source that has a design storage capacity greater than or equal to 76 cubic meters and less than 151 cubic meters and stored-liquid maximum true vapor pressure greater than or equal to 77 kilopascals and annual average HAP liquid concentration greater than 2 percent by weight total organic HAP.

\* \* \* \* \*

3. Section 63.646 is amended by revising paragraph (b)(2) to read as follows:

**§ 63.646 Storage vessel provisions.**

\* \* \* \* \*

(b) \* \* \*

(2) When an owner or operator and the Administrator do not agree on whether the annual average weight percent organic HAP in the stored liquid is above or below 4 percent for a storage vessel at an existing source or above or below 2 percent for a storage vessel at a new source, Method 18 of 40 CFR part 60, appendix A shall be used.

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**40 CFR Part 70**

[AD-FRL-5689-6]

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

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

**ACTION:** Final interim approval.

**SUMMARY:** The EPA is promulgating source category-limited interim approval of the Operating Permits Program submitted by the State of Maine for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also proposing elsewhere in this Federal Register to add a sixth interim

approval issue which would require Maine to remove some of the activities listed as insignificant in the State's rules. See the proposed rulemaking on Maine's Title V program.

**EFFECTIVE DATE:** March 24, 1997.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA.

**FOR FURTHER INFORMATION CONTACT:** Donald Dahl, (617) 565-4298.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

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

On September 19, 1996, EPA proposed interim approval of the operating permits program for the State of Maine. See 61 FR 49289. The EPA received comments from the Town of Jay on the proposal. In this document EPA is taking final action to promulgate interim approval of the operating permits program for the State of Maine. In addition, EPA is also proposing in this Federal Register to add a sixth interim approval issue in response to the comment from the Town of Jay and information submitted by other parties concerned about Jay's comment.

**II. Response to Comments**

The comments received on EPA's September 19, 1996 proposal to grant interim approval to the Maine Program and EPA's response to those comments are as follows:

*Comment:* The Town of Jay believes that EPA should require the State of Maine to remove six activities from the

State's list of insignificant activities. The six activities are: (1) Paper forming; (2) vacuum system exhaust; (3) liquor clarifier and storage tanks and associated pumping, piping, and handling; (4) stock cleaning and pressurized pulp washing; (5) broke beaters, repulpers, pulp and repulping tanks, stock chests and bulk pulp handling; and (6) sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems.

*Response:* Based on the Town's comment and other information EPA has received concerning this issue, EPA is proposing in this Federal Register to require the State of Maine to remove the six activities listed above from its list of insignificant activities. Please refer to the proposed action elsewhere in this Federal Register for a discussion of this issue.

**III. Final Action**

The EPA is promulgating source category-limited interim approval of the operating permits program submitted by the State of Maine on October 23, 1995. The State must make the changes specified in the proposed rulemaking, under II.B., Proposed Action, in order to be granted full approval. See 61 FR 49292-49293 (September 19, 1996) for a complete discussion of those conditions. In brief they are: (1) Failure to allow for Section 502(b)(1) changes; (2) failure to require processing "Part 70 Minor Change" within 90 days; (3) allowing a change at a facility, defined as "Part 70 Minor Revision," that could increase emissions up to 4 tons per year of a regulated pollutant or 8 tons per year for all regulated pollutants to be processed without EPA or affected state review; (4) allowing a facility, under limited circumstances, to continue to emit up to the previous licensed level for up to 24 months after the license is amended; and (5) allowing an activity that emits between 1 and 4 tons of hazardous air pollutants to be classified as insignificant.

The scope of the State of Maine's Part 70 program approved in this document applies to all Part 70 sources (as defined in the approved program) within the State of Maine, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as