

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60 and 63

[AD-FRL-6003-6]

RIN: 2060-AH94

Standards of Performance for New Stationary Sources:

General Provisions

National Emission Standards for Hazardous Air Pollutants for  
Source Categories: General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action amends the General Control Device Requirements (40 CFR 60.18) which were issued as a final rule on January 21, 1986, and the Control Device Requirements (40 CFR 63.11) which were issued as a final rule on March 16, 1994. This action amends the flare provisions contained in these requirements to include operating specifications for flares that contain substantial amounts of hydrogen in their waste streams. EPA believes that hydrogen-fueled flares meeting the operating specifications in this amendment will achieve the same control efficiency, i.e., 98 percent or greater, as flares

complying with the existing flare specifications. Further, these specifications will result in reduced emissions of carbon monoxide, nitrogen oxides, and carbon dioxide formed during the combustion of supplemental fuel necessary for hydrogen-fueled flares to comply with existing regulations.

Because these amendments are only adding specifications for hydrogen-fueled flares, and does not otherwise alter the level of pollutant reduction required for flares used to comply with the requirements of the Clean Air Act, the EPA does not anticipate receiving adverse comments.

Consequently, the proposed revisions to the promulgated rule are also being issued as a direct final rule in the final rules section of this FEDERAL REGISTER. If no relevant adverse comments are received by the due date for comments (see DATES section below), no further action will be taken with respect to this proposal, and the direct final rule will become final on the date provided in that action.

**DATES:** Comments. Comments must be received on or before **[insert date 30 days after publication in the FR]**, unless a hearing is requested by **[insert date 10 days from date of publication in the FR]**. If a hearing is requested, written comments must be received by **[insert date 45 days from date of publication in the FR]**.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than **[insert date 10 days from**

**the date of publication in the FR].** If a hearing is held, it will take place on **[insert date 15 days from date of publication in the FR]** beginning at 10:00 a.m.

**ADDRESSES:** Comments. Comments should be submitted (in duplicate, if possible) to the Air and Radiation Docket and Information Center (6102), Attention Docket No. A-97-48 (Hydrogen-Fueled Flares), Room M-1500, U. S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460. The EPA requests that a separate copy also be sent to Mr. Robert Rosensteel (see **FOR FURTHER INFORMATION CONTACT** section for address). Comments may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should call Ms. Marguerite Thweatt, Organic Chemicals Group, (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5673.

Docket. The official record for this rulemaking has been established under docket Number A-97-48 (Hydrogen-

Fueled Flares). A public version of this record, including printed, paper versions of electronic comments and data, which does not include any information claimed as CBI, is available for inspection between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in the ADDRESSES section. Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260-7548 or (202) 260-7549. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the technical analysis for this rule, contact Mr. Robert Rosensteel at (919) 541-5608, Organic Chemicals Group, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:**

Electronic Filing. Electronic comments and data can be sent directly to EPA at: [a-and-r-docket@epamail.epa.gov](mailto:a-and-r-docket@epamail.epa.gov). Electronic comments and data must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-97-48. Electronic

comments may be filed online at many Federal Depository Libraries.

Electronic Availability. This document is available in docket number A-97-48 or by request from the EPA's Air and Radiation Docket and Information Center (see ADDRESSES), and is available for downloading from the Technology Transfer Network (TTN), the EPA's electronic bulletin board system. The TTN provides information and technology exchange in various areas of emissions control. The service is free, except for the cost of a telephone call. Dial (919) 541-5742 for up to a 14,000 baud per second modem. For further information, contact the TTN HELP line at (919) 541-5384, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at:

[www.epa.gov/ttn/oarpg/rules.html](http://www.epa.gov/ttn/oarpg/rules.html).

Regulated Entities. Entities affected by this action, upon promulgation, will include:

Category	Examples of regulated entities
Industry	Synthetic Organic Chemical Manufacturing Industries; and Petroleum Refining Industries.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that the EPA is now aware could potentially be

affected by this action. Other types of entities not listed in the table could also be affected. If you have questions regarding the applicability of these proposed amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

If no relevant, adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this Federal Register will automatically go into effect on the date specified in that rule. If relevant adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information and the rule provisions, see the information provided in the direct final rule in the final rules section of this Federal Register.

#### **ADMINISTRATIVE**

##### A. Paperwork Reduction Act

This rule does not contain any information collection subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq.

## B. Executive Order 12866 Review

Under Executive Order 12866, [58 Federal Register 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 "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.

It has been determined that this amendment is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to review 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 proposed rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities, because this rule imposes no additional regulatory requirements, but merely expands the types of flares that may be used to meet the requirements of 40 CFR parts 60 and 63. The Administrator certifies that this rule will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final standards that include a Federal mandate that may result in estimated costs to State, local, or tribal governments, or to the private sector, of, in the aggregate, \$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 standard 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 standards.



The EPA has determined that the final standards do not include a Federal mandate that may result in estimated costs of, in the aggregate, \$100 million or more to either State, local, or tribal governments, or to the private sector, nor do the standards significantly or uniquely impact small governments, because they contain no requirements that apply to such governments or impose obligations upon them. Therefore, the requirements of the Unfunded Mandates Act do not apply to this proposed rule.

Hydrogen-Fueled Flare Specifications Proposed Amendments to  
the General Provisions for NSPS and NESHAP -- Page 9 of 9

LIST OF SUBJECTS

In 40 CFR PART 60

Environmental protection, and Air pollution control.

In 40 CFR PART 63

Environmental protection, Air pollution control, and  
Hazardous substances.

Dated:

Carol M. Browner,

Administrator.