From: <S001627@swais.access.gpo.gov>
To: Multiple recipients of list <epa-air@webster.rtpnc...
Date: 2/29/96 8:29am
Subject: National Emission Standards for Hazardous Air Pollutants for

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[Rules and Regulations] [Page 7718-7724]
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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 63

[AD-FRL-5432-3]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule amendments.

SUMMARY: This action amends the ``National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)'' (the ``Gasoline Distribution NESHAP''). These final amendments extend the initial compliance date for the equipment leak provisions applicable to existing sources to no later than December 15, 1997, and amend the date by which an existing facility must provide an initial notification to December 16, 1996 or 1 year after a facility becomes subject to the Gasoline Distribution NESHAP, whichever is later.

DATES: Effective Date. February 29, 1996.
Judicial Review. Under section 307(b)(1) of the Clean Air Act (Act), judicial review of NESHAP is available only by filing 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 these final amendments. Under section 307(b)(2) of the Act, the requirements that are the subject of this document may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

ADDRESSES: Docket. Docket No. A-92-38, Categories VI Reconsideration and VII Amendments, containing

[[Page 7719]] information considered by the EPA in developing the final amendments, is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, except Federal holidays, at the EPA's Air and Radiation Docket and Information Center, room M1500, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying. This docket also contains information considered by the EPA in proposing and promulgating the Gasoline Distribution NESHAP.

An electronic version of these final amendments and the proposal are available for download from the EPA Technology Transfer Network (TTN), a network of electronic bulletin boards developed and operated by the Office of Air Quality Planning and Standards. The TTN provides information and technology exchange in various areas of air pollution control. The service is free, except for the cost of a phone call. Dial (919) 541-5742 for data transfer of up to 14,400 bits per second. The TTN is also available on the Internet (access: TELNET ttnbbs.rtpnc.epa.gov). If more information on the operation of the TTN is needed, contact the systems operator at (919) 541-5384.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Shedd at telephone number (919) 541-5397 or at fax number (919) 541-3470, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Background and Final Rule Amendments

A. Background

On December 14, 1994 (59 FR 64303), the EPA promulgated the ``National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)'' (the ``Gasoline Distribution NESHAP''). The Gasoline Distribution NESHAP regulates all hazardous air pollutants (HAP) emitted from new and existing bulk gasoline terminals and pipeline breakout stations that are major sources of HAP emissions or are located at sites that are major sources of HAP emissions. Among the promulgated requirements for existing sources under this rule are the requirements that sources institute an equipment leak prevention program and provide an initial notification of regulatory status no later than December 14, 1995 (40 CFR Secs. 63.424(e) and 63.428(a)).

On November 7, 1995 (60 FR 56133), the EPA proposed amendments to the Gasoline Distribution NESHAP. The EPA proposed to amend the initial compliance date for the equipment leak provisions applicable to existing sources from no later than December 14, 1995 to no later than December 15, 1997, and to amend the date by which an existing facility must provide an initial notification to December 16, 1996 or 1 year after a facility becomes subject to the Gasoline Distribution NESHAP, whichever is later. Those modifications were proposed because the compliance date for these provisions was approaching and the EPA believes that, under current circumstances, additional time will allow sources a better opportunity to establish major or area source status without forgoing quantifiable emissions reductions.

On December 8, 1995 (60 FR 62991), the EPA issued a partial 3-month stay of the December 14, 1995 compliance date for equipment leak prevention provisions and providing an initial notification of regulatory status and use of a screening equation in the Gasoline Distribution NESHAP. The December 14, 1995 compliance date for leak detection and repair provisions and initial notifications was stayed for existing facilities until March 7, 1996. The EPA issued the stay pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which provides the Administrator authority to stay the effectiveness of a rule during reconsideration.

B. Summary of Amendments

After considering all of the comments, both for and against the proposed amendments, the EPA is promulgating these rule amendments as they were proposed. The EPA consideration and response to all the comments are contained in the next section of this document. In summary, the final amendments consist of two new compliance dates in the promulgated rule: the initial compliance date for the

equipment leak provisions (Sec. 63.424(e)) applicable to existing sources is no later than December 15, 1997, and the date by which an existing facility must provide an initial notification (Sec. 63.428(a)) is December 16, 1996 or 1 year after a facility becomes subject to the Gasoline Distribution NESHAP, whichever is later. This action also clarifies that all initial notifications are to be submitted by the same time (December 16, 1996) as intended at proposal and noted in the stay. The EPA is promulgating this related clarifying amendment that extends the notification for area source facilities using an emission screening equation (Sec. 63.428 (i)(1) and (j)(1)) to that same date. The EPA continues to believe that, under current circumstances, this additional time is needed to allow sources a better opportunity to establish major or area source status without forgoing quantifiable emissions reductions.

II. Comments on the Proposed Amendments

A. Public Participation

These amendments were proposed in the Federal Register on November 7, 1995 (60 FR 56133). Public comments were solicited at the time of proposal. Electronic versions of the preamble and proposed regulatory amendments were made available to interested parties immediately after signature (on November 2, 1995) via the TTN bulletin board (see ADDRESSES section of this preamble for more TTN information).

The preamble to the proposed amendments provided the public the opportunity to request a public hearing. However, a public hearing was not requested. The public comment period for the proposed amendments was from November 7, 1995 until December 7, 1995 and the document was available to the public on the TTN even earlier, as of November 2, 1995. In all, 13 comment letters were received. The comments have been carefully considered in arriving at the final amendments being promulgated in this document.

B. Comments Received on the Proposed Amendments

Comments on the proposed amendments were received from 13 commenters, consisting of oil

[[Page 7720]] companies (10), trade organizations (2), and one environmental organization. Most of the commenters were in general agreement with the proposed amendments. Due to the small number of comments received, and the fact that technical issues were not involved, no background information document (BID) was prepared to present more detailed comments and responses.

However, the original comment letters have been placed in the docket, which is referred to in the ADDRESSES section of this preamble. For summary purposes, all of the comments have been grouped by the topic areas they address, and are discussed in the next section.

C. Summary of Comments and EPA Responses

As mentioned in the previous section, all but one of the commenters expressed general agreement with the proposed amendments to the Gasoline Distribution (Stage I) NESHAP. A summary of the major comments and the EPA's responses is presented below.

(1) Opportunity for Comment

One commenter considered the comment period for the proposal to be inadequate to allow most citizens to comment on the proposal, since it frequently requires a week or more for the Federal Register to arrive at public libraries, and another week or more for placement on library shelves. This leaves less than 2 weeks to research, write, edit, and mail comments. This commenter also felt that most citizens were unlikely to have learned of the opportunity to request a public hearing before the deadline for requesting such a hearing expired. However, the commenter did not request extension of the time to comment.

The EPA placed the proposal preamble and amendments on the TTN on November 2, 1995, 1 day after it was signed by the Administrator. The TTN is an electronic (computer) bulletin board, free to users, and is available on the Internet for use by the public. The usual comment period (30 days beginning with publication of the proposal in the Federal Register) and opportunity for requesting a hearing were provided at the time of proposal. No person contacted the EPA to request more time to comment. The time period was consistent with the requirements of section 307 of the Act. The EPA did not provide a longer comment period due to the relative narrowness and simplicity of the proposal and the proximity of the compliance dates. For these reasons, the EPA believes that a reasonable amount of time was afforded the public for commenting on the proposal.

(2) Extension of Deadline for Initial Notification

Twelve of the commenters expressed support for the proposed amendment to the initial notification date for existing sources. Most said that the change was essential to provide many bulk terminals and pipeline breakout stations a reasonable opportunity to calculate their potential to emit and to determine the applicability of the NESHAP. Four commenters supported the non-binding clause of the initial notification, feeling that such a clause will encourage would-be major sources to consider pollution prevention opportunities or additional controls prior to the December 15, 1997 compliance date. Commenters also pointed out that the amended notification date would not have any adverse impact on the environment. Potential negative consequences of not finalizing the amendment cited by commenters included the erroneous classification of many facilities as major sources due to the short time available to establish area source status, and the avoidance of these terminals by outside tank truck firms not wishing to incur the vapor tightness testing obligations associated with affected terminals.

The EPA is promulgating the amendment to the initial notification deadline for existing sources as it was proposed: 1 year after an affected source becomes subject to

the NESHAP or by December 16, 1996, whichever is later. In addition, the clause specifying that declarations of major source status submitted by this deadline will be considered non-binding for 1 year has been retained in the final amendments. This means that facilities that include in their notification a brief description and schedule for their planned actions for achieving area source status by December 15, 1997 can make a change to their status until this latter deadline. The EPA believes that although the information in the notifications may change, it provides necessary information for tank truck companies in planning their vapor tightness testing schedules and for Federal, State, and local air pollution control agencies in planning for rule implementation and compliance activities.

(3) Extension of Initial Compliance Date for Leak Detection and Repair (LDAR)

Twelve of the commenters also supported the proposed amendment to the initial compliance date, which affects only periodic visual inspection programs for leaks from gasoline equipment components. These commenters said that the change was essential to provide many terminals and pipeline breakout stations a reasonable chance to demonstrate that they are not major sources subject to the NESHAP, and to allow time for the resolution of the potential to emit issue (see next comment topic). One commenter stated that this amendment would provide State and local agencies additional time to develop EPA-approved federally enforceable State operating permit (FESOP) programs and to complete permit processing. Another company said that EPA approvals of its 33 FESOP and 15 Title V permit actions have been very slow and the company would not be able to obtain these permits by the promulgated first compliance date of December 14, 1995. The company felt that this date extension would give them a reasonable opportunity to obtain approval of artificial limits on potential to emit from most, if not all, of the appropriate State agencies. Commenters believed that having a common compliance date for all aspects of the regulation would allow more time for facility owners and operators to consider pollution prevention opportunities or additional controls. A number of commenters pointed out that equipment leak emissions represent a minor portion of a facility's total HAP emission inventory, and most facilities already have some type of routine visual inspection program. Therefore, the proposed change would have no long-term adverse impact on human health or the environment.

One commenter, however, expressed concern that the EPA, by delaying the initial compliance date, would put citizens at risk on the basis of the already high levels of benzene and other gasoline components in the air around terminals.

The EPA has considered all of these comments, including the comment opposing the compliance date extension. The EPA continues to believe that deferral of the compliance date for the equipment leak provisions for existing sources until December 15, 1997 is the most appropriate way to allow sources a better opportunity to establish major or area source status without forgoing quantifiable emissions reductions. The EPA also agrees with commenters that equipment leak emissions are relatively small under normal operations, and so delaying compliance with the visual inspection requirement for major source facilities will not produce any significant increase in risk

to exposed populations. (See the more complete discussion of risk under section (5) Risk below.)

[[Page 7721]]

(4) Potential to Emit (PTE)

Several commenters took issue with the EPA's policy that only federally enforceable control standards or operating limitations would be considered in determining the potential to emit of facilities and, consequently, whether they would be a major source and subject to the NESHAP. Four commenters cited a decision by the U.S. Court of Appeals for the District of Columbia Circuit ruling that the EPA's stand on the issue is unlawful, which the commenters interpreted to indicate that the policy has been vacated and is no longer in effect. One commenter stated that the EPA's insistence on maintaining its policy on this matter creates confusion on the part of facilities potentially subject to this rule. Three other commenters said that requiring federally enforceable emission controls in determinations of potential to emit inflates emission estimates, which could cause area sources to be classified as major sources required to undertake unnecessary controls and programs. Two commenters concluded that the EPA should allow permitting authorities to take into account State and local controls that the permitting authority deems effective in limiting facilities' potential to emit.

The EPA's proposal to amend the Gasoline Distribution NESHAP focused narrowly on the issue of modifying compliance dates for two provisions, the equipment leak inspection requirements and the notification of major source status, rather than the distinct issues of whether the emission screening equation and the emissions inventory methods of calculating potential to emit should be revised to reflect limitations on emissions that are not federally enforceable, and whether Federal enforceability should be a necessary criterion for determination of potential to emit under section 112 in general. Thus, comments regarding these latter two issues are outside the scope of the topics raised by the proposal. However, the EPA believes it is useful in response to these comments to summarize the impact of the court decision referenced by commenters, as well as related EPA guidance recognizing State-enforced PTE limits under section 112 during a transition period.

The EPA interpreted the impact of the referenced court decision in a January 22, 1996 guidance memorandum, which is contained in the docket and is also available on the TTN (see ADDRESSES section). The memorandum stated that, in National Mining Association v. EPA, 59 F.3d 1351 (D.C. Cir. 1995), the court addressed regulations under subpart A of 40 CFR part 63, the ``General Provisions'' of hazardous air pollutant programs under section 112. The court found that the EPA had not adequately explained why only federally enforceable measures should be considered as limits on a source's potential to emit. Accordingly, the court remanded the section 112 General Provisions regulation to the EPA for further proceedings. The EPA must either provide a better explanation as to why Federal enforceability promotes the effectiveness of State controls, or remove the exclusive Federal enforceability

requirement. The court did not vacate the section 112 regulations; that is, the court did not declare the regulations null and void. The regulations remain in effect pending completion of new rulemaking.

The EPA plans to hold discussions with stakeholders and propose rulemaking amendments by spring 1996, and to issue final rules by spring 1997, that would address the court decisions impacting regulations promulgated pursuant to section 112 as well as other air act provisions. The EPA currently plans to address the following options, after discussions with stakeholders:

(a) An approach that would recognize ``effective'' State- enforceable limits as an alternative to federally enforceable limits on a source's potential to emit. Under this option, a source whose maximum capacity to emit without pollution controls or operational limitations exceeds relevant major source thresholds may take a State or local limit on its potential to emit. In such circumstances, the source must be able to demonstrate that the State-enforceable limits are (1) enforceable as a practical matter, and (2) being regularly complied with by the facility.

(b) An approach under which the EPA would continue to require Federal enforceability of limits on a source's potential to emit. Under this approach, in response to specific issues raised by the court in National Mining, the EPA would present further explanation regarding why the Federal enforceability requirement promotes effective controls. Under this approach, the EPA would propose simplifying changes to the administrative provisions of the current Federal enforceability regulations.

Any method for limiting potential to emit made available as a result of the EPA's response to the NMA remand will be available to sources in the Gasoline Distribution (Stage I) source category. The EPA expects to respond to the remand in NMA with adequate time to allow such sources to seek any new methods developed.

The EPA today reiterates that independent from the decision in National Mining, current EPA policy already recognizes State- enforceable PTE limits under section 112 in many circumstances under a transition policy intended to provide for orderly implementation of these new programs under the Clean Air Act Amendments of 1990. This policy is set forth in a memorandum, ``Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act'' (January 25, 1995), and has been amended in one significant way by the January 22, 1996 guidance memorandum as noted below. (Both memoranda are contained in the docket and are also available on the TTN, see ADDRESSES section.)

Under the terms of the EPA's transition policy, the transition period is to end in January 1997. In addition, completion of the EPA's rulemaking in response to the recent court decisions, which the EPA anticipates will occur by early 1997, may render the transition policy unnecessary after that time. However, in conjunction with the rulemaking, the EPA will consider whether it is appropriate to extend the transition period beyond January 1997.

In recognition of the absence in some States of suitable federally enforceable mechanisms to limit PTE applicable to sources that might otherwise be subject to

section 112 or Title V, the EPA's policy provides for the consideration of State-enforceable limits as a gap- filling measure during a transition period that extends until January 1997. Under this policy, for the 2-year transition period, restrictions contained in State permits issued to sources that actually emit more than 50 percent, but less than 100 percent, of a relevant major source threshold are treated by the EPA as acceptable limits on potential to emit, provided: (a) the permit and the restriction in particular are enforceable as a practical matter, and (b) the source owner submits a written certification to the EPA accepting EPA and citizen enforcement. In light of National Mining, the EPA believes that the certification requirement is no longer appropriate as part of this policy. Accordingly, under the January 1996 guidance, the EPA amended the January 1995 transition policy by deleting the certification requirement.

In addition, under the transition policy, sources with consistently low levels of actual emissions relative to major source thresholds can avoid major source requirements even absent any permit or other enforceable limit on PTE. Specifically, the policy provides

[[Page 7722]] that sources which maintain their emissions at levels that do not exceed 50 percent of any applicable major source threshold are not treated as major sources and do not need a permit to limit PTE, so long as they maintain adequate records to demonstrate that the 50 percent level is not exceeded.

The EPA's action in this rule to extend the compliance dates for the two provisions will give more opportunities for sources to obtain potential to emit limits consistent with the EPA's guidance and hence avoid being subject to regulation as major sources.

One commenter disagreed with the EPA's interpretation that if a facility does not demonstrate area source status by the first substantive compliance date, then the facility, regardless of actual emissions or any subsequent State operating permit limitation, would be permanently classified as a major source.

The EPA's interpretation was explained in an EPA guidance memorandum from John S. Seitz, ``Potential to Emit for MACT Standards--
Guidance on Timing Issues'' (May 16, 1995), which is contained in the docket (item no. VI-B-6) and is also available on the TTN (see ADDRESSES section). The EPA notes that the commenter viewed finalizing the proposed amendments to the compliance dates as a ``critical need * * * [to] avoid unintended inclusion of area sources.'' For the facilities in this source category, the EPA and many commenters believe that delaying the first compliance date will provide the relief being sought by the above commenters.

A number of commenters noted that the emission screening equation in the final rule cannot be used by bulk terminals because essentially all terminals handle non-gasoline products, such as diesel fuel or home heating oil, which makes them ineligible to use the equation. The commenters urged the EPA to reexamine the issue of which facilities are eligible to use the equation, pointing out that the HAP emitted from these products are ``de minimis'' and should not compel facilities to use the more cumbersome and costly emissions inventory mechanism for determining potential to emit.

As discussed in the proposal preamble, the EPA is considering data and information submitted by the API (and available in the docket) in order to evaluate a possible expansion of the screening equation to include non-gasoline products that emit HAP, and will make a final decision about changes to the equation under a separate action. The EPA is still reviewing this information and is not prepared to discuss any specific changes to the equation at this time. Depending on the results of its review of the pertinent data, the EPA may propose changes to the equation and request comment in a forthcoming and separate action in the Federal Register.

(5) Risk

One commenter opposed the proposal to delay the initial compliance date for the NESHAP on the grounds that the health risk to populations exposed to ambient HAP concentrations near terminals would be increased. The commenter expressed a belief that the language and legislative history of the Clean Air Act reflects a Congressional intent to limit public exposures to carcinogens to a level that will not produce a lifetime risk of cancer at a rate greater than one in a million. According to the commenter, a 50-year lifetime constant exposure to a gasoline vapor concentration of 0.639 part per billion (ppb) would correspond to the Act's one-in-a-million lifetime risk standard. The commenter cited a 1993 air quality study at the Paw Creek terminals in North Carolina that indicated a maximum benzene concentration of 2.2 ppb, which they claimed corresponds to a lifetime cancer risk of at least 131 per million. The commenter concluded that emission levels corresponding to such risks ought to be reduced as quickly as possible.

The EPA has not performed a risk analysis to allow the EPA to verify the risk estimation results cited by the commenter, nor did the commenter include a copy of the study with their comments. However, in accordance with sections 112 (d)(6) and (f)(2) of the Act, the Gasoline Distribution NESHAP will be reviewed within 8 years after the date of promulgation (i.e., by December 14, 2002). This review may include an assessment of residual health risk, in addition to many other aspects of the regulation. As discussed above, the proposal and this final action only extend the compliance time for instituting programs to perform visual inspections and subsequent repair of equipment components in gasoline service at terminals and pipeline breakout stations. Most facilities are already carrying out similar informal programs and, furthermore, data show that the HAP emissions from this equipment in normal operation are very low. The compliance date of December 15, 1997 promulgated in the final rule for the remaining emission sources at bulk terminals will not be affected by this action. Due to these factors, the EPA believes that this action will not substantially change the emissions near major source gasoline distribution facilities. For these reasons, the EPA is finalizing the extension of the compliance date for LDAR until December 15, 1997 as proposed on November 7, 1995.

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 2060-0325) may be obtained from Ms. Sandy Farmer, Information Policy Branch, Environmental Protection Agency, 401 M Street., S.W. (mail code 2136), Washington, DC 20460, or by calling (202) 260-2740.

Today's amendments to the Gasoline Distribution NESHAP have no impact on the information collection burden estimates made previously. No additional certifications or filings were promulgated. Therefore, the ICR has not been revised.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether a regulation is ``significant'' and therefore subject to OMB review and the requirements of the Executive Order. The criteria set forth in section 1 of the Order for determining whether a regulation is a significant rule are as follows:

(1) Is likely to have an annual effect on the economy of $100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government communities;

(2) Is likely to create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Is likely to materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Is likely to raise novel or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Gasoline Distribution NESHAP promulgated on December 14, 1994, was treated as a ``significant regulatory action'' within the meaning of the Executive Order. An estimate of the cost and benefits of the NESHAP was prepared at proposal as part of the

[[Page 7723]] background information document (BID) and was updated in the BID for the final rule to reflect comments and changes to the final rule. The amendments issued today have no impact on the estimates in the BID. The EPA's earlier estimates of costs and emission reductions were based on the Gasoline Distribution NESHAP affecting only major sources and did not quantify the emission reductions associated with the visual equipment leak detection program; in any event, these emission reductions are small relative to the total reduction for the source category.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is a ``non-significant regulatory action'' within the meaning of the Executive Order. As such, this action was not submitted to OMB for review.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires the EPA to consider potential impacts of regulations on small business entities. The Act specifically requires the preparation of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. When the EPA promulgated the Gasoline Distribution NESHAP, it analyzed the potential impacts on small businesses, discussed the results of this analysis in the Federal Register, and concluded that the promulgated regulation would not result in financial impacts that significantly or differentially stress affected small companies. Since today's action imposes no additional impacts, a Regulatory Flexibility Analysis has not been prepared.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities.

D. Unfunded Mandates 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 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 today's action 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.

E. Regulatory Review

In accordance with sections 112(d)(6) and 112(f)(2) of the Act, this regulation will be reviewed 8 years from the date of promulgation. This review may include an assessment of such factors as evaluation of the residual health risk, any overlap with other programs, the existence of alternative methods of control, enforceability, improvements in emission control technology and health data, and the recordkeeping and reporting requirements.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Petroleum bulk stations and terminals, Reporting and recordkeeping requirements.

1Dated: February 23, 1996.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 63 of chapter I of title 40 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 63.424 is amended by revising paragraph (e) to read as follows:

Sec. 63.424 Standards: Equipment leaks.

* * * * *

(e) Initial compliance with the requirements in paragraphs (a) through (d) of this section shall be achieved by existing sources as expeditiously as practicable, but no later than December 15, 1997. For new sources, initial compliance shall be achieved upon startup.

* * * * *

3. Section 63.428 is amended by revising paragraph (a), the first sentence of paragraph (f)(1), paragraph (i)(1), and paragraph (j)(1) to read as follows:

Sec. 63.428 Reporting and recordkeeping.

(a) The initial notifications required for existing affected sources under Sec. 63.9(b)(2) shall be submitted by 1 year after an affected source becomes subject to the provisions of this subpart or by December 16, 1996, whichever is later. Affected sources that are major sources on December 16, 1996 and plan to be area sources by December 15, 1997 shall include in this notification a brief, non-binding description of and schedule for the action(s) that are planned to achieve area source status.

* * * * *

(f) * * *

(1) In the case of an existing source or a new source that has an initial startup date before the effective date, the report shall be submitted with the notification of compliance status required under Sec. 63.9(h), unless an extension of compliance is granted under Sec. 63.6(i). * * *

* * * * *

(i) * * *

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to Sec. 63.420(c) after December 16, 1996, or at startup for new facilities the methods, procedures, and assumptions supporting the calculations for determining criteria in Sec. 63.420(c);

* * * * *

(j) * * *

(1) Document and report to the Administrator not later than December 16, 1996 for existing facilities, within 30 days for existing facilities subject to Sec. 63.420(d) after December 16, 1996, or at startup for new facilities the use of the emission screening equations in Sec. 63.420(a)(1) or (b)(1) and the calculated value of E<INF>T or E<INF>P;

* * * * *

4. Table 1 to subpart R is amended by revising the entry ``63.9(b)(2)'' to read as follows:

* * * * *

[[Page 7724]]

Table 1 to Subpart R.--General Provisions Applicability to Subpart R

Reference	Applies to subpart R	Comment
* * *	* * *	* * *
63.9(b)(2)	No	Subpart R allows additional time for existing sources to submit initial notification. Sec. 63.428(a) specifies submittal by 1 year after being subject to the rule or December 16, 1996, whichever is later.
* * *	* * *	* * *

[FR Doc. 96-4706 Filed 2-28-96; 8:45 am]
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