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U. S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-]
RIN 2060-AC19

National Emission Standards for Hazardous Air Pollutants
for Source Categories: Organic Hazardous Air Pollutants
from the Synthetic Organic Chemical Manufacturing
Industry and Other Processes Subject to the Negotiated
Regulation for Equipment Leaks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to revise certain portions
of the "National Emission Standards for Hazardous Air
Pollutants for Source Categories: Organic Hazardous Air
Pollutants from the Synthetic Organic Chemical
Manufacturing Industry and Other Processes Subject to the
Negotiated Regulation for Equipment Leaks," which was
issued as a final rule on April 22, 1994 and June 6,
1994. This rule is commonly known as the Hazardous
Organic NESHAP or the HON. This action proposes to
revise the date for submittal of those area source
certifications and clarifies the wording of the
documentation requirements. This action also proposes to
extend the April 22, 1996 deadline for submittal of

implementation plans for emission points not included in an emissions average to December 31, 1996. Because the revisions merely change the dates for submittal of the area source certifications and implementation plans, the EPA does not anticipate receiving adverse comments. Consequently the revisions are also being issued as a direct final rule in the final rules section of this FEDERAL REGISTER. If no significant adverse comments are timely received, 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 from date of publication in the FEDERAL REGISTER], unless a hearing is requested by [insert date 10 days from date of publication in the FEDERAL REGISTER]. If a hearing is requested, written comments must be received by [insert date 45 days from date of publication in the FEDERAL REGISTER].

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 FEDERAL REGISTER]. If a hearing is held, it will take place on [insert date 15 days from the date of publication in the FEDERAL

REGISTER], beginning at 10:00 a.m.

ADDRESSES: Comments. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-90-20 (see docket section below), Room M-1500, U.S.

Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

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 notify Mrs. Kim Teal, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5580.

Docket. Docket No. A-90-19, containing the supporting information for the original NESHAP and this action, are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling (202) 260-7548 or

260-7549. A reasonable fee may be charged for copying.
FOR FURTHER INFORMATION CONTACT: Dr. Janet S. Meyer,
Emission Standards Division (MD-13), U.S. Environmental
Protection Agency, Office of Air Quality Planning and
Standards, Research Triangle Park, North Carolina 27711,
telephone number (919) 541-5254.

SUPPLEMENTARY INFORMATION: If no significant, 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 significant 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, the detailed
rationale, 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

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document

(OMB control number 1414.02) may be obtained from Sandy Farmer, Information Policy Branch (PM-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 should have no impact on the information collection burden estimates made previously. The change to the area source certification merely revises the date for submission of the certification and clarifies the documentation requirements. The change to the implementation plan requirements merely extends the date for submission of plans from existing sources. These changes do not impose new requirements. Consequently, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order (E.O.) 12866, the EPA must determine whether the proposed regulatory action is

"significant" and therefore, subject to the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may:

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

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

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

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

The HON rule promulgated on April 22, 1994 was considered "significant" under Executive Order 12866 and a regulatory impact analysis (RIA) was prepared. Today's

proposed revisions provide more time to submit area source certifications and implementation plans. These proposed revisions do not add any additional control requirements. Therefore, this regulatory action is considered not significant.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a Regulatory Flexibility Analysis has not been prepared.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, the EPA must select the most cost-effective and least

burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects in 40 CFR Part 63

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

Dated

Carol M. Browner
Administrator

6560-50-P