

**40 CFR Part 63**

[AD-FRL-5676-6]

RIN 2060-AD-56 and RIN 2060-AE-37

**National Emission Standards for Hazardous Air Pollutants Emissions: Group I Polymers and Resins and Group IV Polymers and Resins****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** On September 5, 1996, the EPA issued the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins (61 FR 46906), and on September 12, 1996, the EPA issued the Group IV Polymers and Resins NESHAP (61 FR 48208). This action corrects an error in the final Group I Polymers and Resins NESHAP, by extending the compliance date for heat exchange systems. In addition, this action extends the compliance date for equipment leaks for both the Group I and Group IV Polymers and Resins NESHAP, to allow time necessary for affected sources to respond to the amendments to the hazardous organic NESHAP (HON) equipment leak provisions promulgated on December 26, 1996, which are directly referenced in both subparts U and JJJ.

**DATES:** The direct final rule will be effective March 5, 1997. However, if significant adverse comments on any amendment to these rules are received by February 13, 1997, then the effective date of that amendment will be delayed, the EPA will publish a timely withdrawal of that amendment, and all public comments received will be addressed in a subsequent final rule. For additional information concerning comments, see the parallel proposal notice found in the Proposed Rules Section of this Federal Register.

**ADDRESSES:** Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-44 (Group I Polymers and Resins) and/or Docket Number A-92-45 (Group IV Polymers and Resins), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Comments may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Rosensteel, 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) 541-5608.

**SUPPLEMENTARY INFORMATION:** This document is available in Docket No. A-92-44 and Docket No. A-92-45, 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) 541-5348, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at: <http://ttnwww.rtpnc.epa.gov>.

**Regulated entities.** Regulated categories and entities include:

| Category       | Examples of regulated entities              |
|----------------|---|
| Industry ..... | Producers of elastomers and thermoplastics. |

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by the amendments discussed in this direct final rule. If you have questions regarding the applicability of this direct final rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented in this preamble is organized as follows:

- I. Background
- II. Summary of and Rationale for Proposed Revisions
- III. Impacts
- IV. Administrative
  - A. Paperwork Reduction Act
  - B. Executive Order 12866
  - C. Regulatory Flexibility Act
  - D. Unfunded Mandates
  - E. Submission to Congress and the General Accounting Office

#### I. Background

The HON, which was promulgated on April 22, 1994 (59 FR 19402), regulates emissions of certain organic hazardous air pollutants (HAP) from synthetic organic chemical manufacturing industry (SOCMI) production processes. On September 5, 1996 (61 FR 46906), and September 12, 1996 (61 FR 48208), the EPA published the Group I Polymers and Resins NESHAP and the Group IV Polymers and Resins NESHAP, respectively. These regulations were promulgated as subparts U and JJJ in 40

CFR part 63. Due to the similarities in HAP emissions and emission controls at SOCMCI facilities and elastomer (Group I Polymers and Resins) and thermoplastic (Group IV Polymers and Resins) production facilities, the HON provisions were used in the development of regulations for elastomer and thermoplastic production facilities. In fact, both the Polymers and Resins I and IV NESHAP directly reference sections of the HON. These sections include the HON equipment leak provisions (40 CFR 63, subpart H) and heat exchange provisions (§ 63.104).

The HON equipment leak provisions are referenced in § 63.502 of subpart U and § 63.1331 of subpart JJJ. Since the HON heat exchange provisions require the monitoring of cooling water to detect leaks in heat exchange equipment, these provisions were also referenced in the equipment leaks section, § 63.502, of subpart U. Subpart JJJ contains § 63.1328, which specifically addresses heat exchange systems and references the HON (§ 63.104).

The final rules require existing sources to comply with the equipment leaks provisions by March 5, 1997 for Group I Polymers and Resins, and by March 12, 1997 for Group IV Polymers and Resins. These dates represent six months from the promulgation of the final rules. Both regulations also allow longer periods (up to 3 years from the respective promulgation dates) for compliance with the surge control vessel, bottom receiver, and compressor provisions under certain circumstances.

The final rule for Group I Polymers and Resins also requires the owner or operator to comply with the heat exchange system requirements by March 5, 1997. The Group IV Polymers and Resins rule requires compliance with the heat exchange system requirements by September 12, 1999, which is three years from the promulgation date of subpart JJJ.

The final HON rule provided that existing sources must be in compliance with the provisions of subparts F and G by April 22, 1997, which represents a date three years from the promulgation date. Subpart F contains the heat exchange system requirements referenced by subpart U, meaning that the HON allowed 3 years for SOCMCI facilities to comply with these provisions. The HON contained a tiered compliance schedule for subpart H (equipment leaks), and the first group of sources were required to be in compliance by October 24, 1993 (six months after the promulgation date).

On December 26, 1996, in conformance with a settlement

agreement reached with the Chemical Manufacturers Association (CMA) and the Dow Chemical Company, the EPA promulgated amendments to the HON rule. This action promulgated significant changes to § 63.104 (heat exchange systems) and some amendments to subpart H (equipment leaks), as well as substantial revisions to other provisions. For those HON provisions directly referenced in subparts U and JJJ, the promulgated amendments apply to affected Polymers and Resins I and IV sources.

On November 25, 1996 the EPA published an Advanced Notice of Proposed Rulemaking (ANPR) (61 FR 59849) informing the public of the intent to propose amendments to the recently promulgated Group I Polymers and Resins NESHAP and Group IV Polymers and Resins NESHAP that are necessary due to the HON amendments. However, it is anticipated that proposal of these subpart U and JJJ amendments will occur in mid-1997, which will be after the compliance dates for the equipment leaks provisions for both Polymers and Resins NESHAP and the heat exchange system provisions for the Polymers and Resins I NESHAP.

## II. Summary of and Rationale for Proposed Revisions

### A. Summary of Revisions

The NESHAP for Group I Polymers and Resins provided that existing sources must be in compliance with the requirements of § 63.502, which references the HON equipment leaks provisions and the HON heat exchange system provisions, no later than March 5, 1997, unless a compliance extension was granted. Similarly, the Group IV Polymers and Resins NESHAP provided that existing sources must be in compliance with the requirements of § 63.1331, which references the HON equipment leak provisions, no later than March 12, 1997, unless a compliance extension was granted.

This direct final rule changes the subpart U and subpart JJJ compliance date provisions in two significant respects. For Polymer and Resins I (subpart U), the compliance date for heat exchange systems is being extended from March 5, 1997, to September 5, 1999. This change is contained in § 63.481(d)(6) of this direct final rule.

In addition, this direct final rule extends the compliance date for Group I Polymers and Resins equipment leaks until July 31, 1997, and extends the compliance date for Group IV Polymers and Resins equipment leaks until July 31, 1997. These changes are included in

§ 63.481(d) and in § 63.1311(d) of this direct final rule.

### B. Rationale

#### 1. Heat Exchange Systems

The EPA never intended that owners and operators of affected subpart U sources would have to be in compliance with the heat exchange system provisions by 6 months after promulgation of the rule. As discussed above, the equipment leak section of subpart U (§ 63.502) references both the HON equipment leaks section (subpart H) and the HON heat exchange system (§ 63.104) provisions. Section 63.481 of subpart U, specifies that affected existing sources must be in compliance with the provisions of § 63.502 by March 5, 1997 (i.e., 6 months after promulgation). This compliance date was selected to be consistent with the HON compliance date for the first tier of sources. However, this compliance date also applies to heat exchange systems, since § 63.502(f) contains the reference to the HON heat exchange provisions. This was not intended by the EPA. The intention was to make the compliance date for heat exchange systems consistent with the HON (i.e., 3 years from the promulgation date). The EPA's intention is evident in the Polymers and Resins IV regulation (subpart JJJ). Section 63.1311 of subpart JJJ requires compliance with the heat exchange system provisions of § 63.1328 no later than September 12, 1999 (3 years after the promulgation date for that rule). While this was also the EPA's intention in subpart U, the structure of subpart U caused the inadvertent establishment of a 6-month heat exchange system compliance date. In the HON and in subpart JJJ, the 3 year compliance deadline was selected because the EPA considered that amount of time to be necessary for owners and operators of affected sources to complete the planning, design, and engineering needed to develop the technology to comply with the requirements, as well as to perform the installation and start-up of new equipment. Therefore, the rationale for the revision to the heat exchange system compliance date in subpart U is that the compliance date in the promulgated rule was never intended to be March 5, 1997. Rather, the EPA meant to be consistent with the HON compliance date for the same provisions.

#### 2. Equipment Leaks

In this direct final rule, the EPA is extending the compliance date for equipment leaks (subparts U and JJJ) due to the fact that the amendments to

the HON (on which the equipment leaks provisions are based) were promulgated on December 26, 1996. This may cause confusion for owners and operators of affected sources, regarding which HON equipment leak provisions (subpart H) they must be in compliance with by March 5 and March 12, 1997. For this reason, the EPA is extending the compliance date for equipment leaks until 6 months after the publication of the equipment leak provision amendments to subpart H. Since the subpart H amendments were signed by the Administrator on December 26, 1996 and will be published in January 1997, this rule extends the compliance dates in both § 63.1311(d) of subpart JJJ and § 63.481(d) of subpart U to July 31, 1997.

Section 112(i)(3) of the Act provides that existing sources are to be in compliance with applicable emission standards "as expeditiously as practicable, but in no event later than 3 years after the effective date of such standard." The September 5, 1996 and September 12, 1996 final rules specified a compliance date applicable to equipment leaks that was six months from the issuance of those rules. This direct final rule extends those compliance dates to approximately 6 months after finalization of the amendments to the equipment leak provisions in subpart H. The EPA believes this compliance date is reasonable due to the fact that no changes to the equipment leak provisions in subparts U and JJJ are anticipated, except for the addition of a paragraph parallel to the proposed amendment to § 63.100(e)(3) of subpart F, which provides greater flexibility by allowing specific items of equipment that are managed by different administrative organizations to be aggregated with any process unit within the affected source.

The EPA believes that the revised compliance dates will provide sufficient time for all sources to come into compliance with the equipment leak provisions as amended in the HON on December 26, 1996. However, should any source be unable to meet that compliance date because of the need to install controls that cannot be installed by that date, such source may request an extension of up to one year in accordance with section 112(i)(3)(B) of the Act, as discussed in § 63.182(a)(6) of subpart H.

### III. Impacts

The extension on the compliance dates for heat exchange systems at subpart U affected sources and for equipment leaks at either subpart U or

subpart JJJ affected sources will not affect the estimated emissions reduction or the control cost for the rule.

#### IV. Administrative

##### A. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, [44 U.S.C. 3501 et seq.]. The OMB approved the information collection requirements for the Group IV Polymers and Resins NESHAP and assigned those standards the OMB control number 2060-0351. An Agency 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 control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR Part 9, Section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

An Information Collection Request (ICR) document for the Group I Polymers and Resins I NESHAP was prepared by the EPA (ICR No. 1746.01) but has not yet been approved by the OMB. A copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 260-2740.

The amendments to the NESHAP contained in this direct final rule should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

##### B. Executive Order 12866

Under Executive Order (E.O.) 12866, the EPA 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 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.

Pursuant to the terms of the Executive Order, the OMB notified the EPA that it considered both the Group I Polymers and Resins NESHAP and the Group IV Polymers and Resins NESHAP "significant regulatory actions" within the meaning of the Executive Order. The EPA submitted those actions to the OMB for review. Changes made in response to suggestions or recommendations from the OMB were documented and included in the public record.

These amendments to those NESHAP provide affected sources more time in which to comply with the equipment leaks provisions of those rules, and provide Group I Polymers and Resins more time in which to comply with the heat exchange systems provisions. The amendments contained in this direct final rule do not add any additional control requirements. Therefore, this direct final rule was classified "non-significant" under Executive Order 12866 and was not required to be reviewed by OMB.

##### C. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this direct final rule. The EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. See the September 5, 1996 Federal Register (61 FR 46906) and the September 12, 1996 Federal Register (61 FR 48208) for the basis for this determination. The compliance date changes to the two rules do not impose any economic burden for any regulated entity.

##### 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 this direct final rule 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. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 this direct final rule in the Federal Register. This 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 substances, Reporting and recordkeeping requirements.

Dated: January 9, 1997.

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.

#### **Subpart U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins**

2. Section 63.481 is amended by revising paragraphs (d) introductory text, (d)(2) introductory text and (d)(2)(iv); and by adding paragraph (d)(6) to read as follows:

#### **§ 63.481 Compliance schedule and relationship to existing applicable rules.**

\* \* \* \* \*

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.502 no later than July 31, 1997, unless an extension has been granted pursuant to section

112(i)(3)(B) of the Act, as discussed in paragraph § 63.182(a)(6) of subpart H.

\* \* \* \* \*

(2) Compliance with the compressor provisions of § 63.164 of subpart H shall occur no later than March 5, 1998, for any compressor meeting all the criteria in paragraphs (d)(2)(i) through (d)(2)(iv) of this section.

\* \* \* \* \*

(iv) The owner or operator submits the request for a compliance extension to the U.S. Environmental Protection Agency (EPA) Regional Office at the addresses listed in § 63.13 of subpart A no later than June 16, 1997. The request for a compliance extension shall contain the information specified in § 63.6(i)(6)(i)(A), (B), and (D) of subpart A. Unless the EPA Regional Office objects to the request for a compliance extension within 30 calendar days after receipt of the request, the request shall be deemed approved.

\* \* \* \* \*

(6) Compliance with the heat exchange system provisions of § 63.104 of subpart F, as required in § 63.502(f), shall occur no later than September 5, 1999.

\* \* \* \* \*

**Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins**

3. Section 63.1311 is amended by revising paragraphs (d) introductory text, (d)(2) introductory text, and (d)(2)(ii) to read as follows:

**§ 63.1311 Compliance schedule and relationship to existing applicable rules.**

\* \* \* \* \*

(d) Except as provided for in paragraphs (d)(1) through (d)(5) of this section, existing affected sources shall be in compliance with § 63.1331 no later than July 31, 1997, unless an extension has been granted pursuant to section 112(i)(3)(B) of the Act, as discussed in § 63.182(a)(6).

\* \* \* \* \*

(2) Compliance with the compressor provisions of § 63.164 shall occur no later than March 12, 1998, for any compressor meeting all the criteria in paragraphs (d)(2)(i) through (d)(2)(ii) of this section.

\* \* \* \* \*

(ii) The owner or operator submits the request for a compliance extension to the U.S. Environmental Protection Agency (EPA) Regional Office at the addresses listed in § 63.13 no later than June 16, 1997. The request for a compliance extension shall contain the

information specified in § 63.6(i)(6)(i)(A), (B), and (D). Unless the EPA Regional Office objects to the request for a compliance extension within 30 calendar days after receipt of the request, the request shall be deemed approved.

\* \* \* \* \*

[FR Doc. 97-988 Filed 1-13-97; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 36**

**RIN 1018-AC02**

**Visitor Service Authorizations on Alaska National Wildlife Refuges**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) adopts regulations to implement Section 1307 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). This action is necessary to establish the procedures for granting historical use, Native Corporation, and local preferences in the selection of commercial operators who provide visitor services other than hunting and fishing guiding on National Wildlife Refuge System lands in Alaska. This rulemaking provides guidance in the solicitation, award and renewal of competitively offered visitor service authorizations on National Wildlife Refuges in Alaska.

**DATES:** This rule is effective February 13, 1997.

**ADDRESSES:** Regional Director, Alaska Region, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

**FOR FURTHER INFORMATION CONTACT:** David G. Patterson, Regional Public Use Specialist, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; Telephone (907) 786-3389.

**SUPPLEMENTARY INFORMATION:**

**Background**

The ANILCA (16 U.S.C. 3101 *et seq.*) was signed into law on December 2, 1980. Its broad purpose is to provide for the disposition and use of a variety of federally owned lands in Alaska. Section 1307 of ANILCA (16 U.S.C. 3197) contains two provisions concerning persons and entities who are to be given special rights and preferences with respect to providing

“visitor services” in certain lands under the administration of the Secretary of the Interior, in this context, units of the National Wildlife Refuge System. The term “visitor service” is defined in section 1307 as “\* \* \* any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing.”

*Subsection (a) of Section 1307 states as follows:* Notwithstanding any other provision of law, the Secretary [of the Interior], under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service [as defined in subsection (c)] within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded (16 U.S.C. 3197).

*Subsection (b) of Section 1307 states as follows:* Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in the contracting of) any type of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary [of the Interior]—

(1) shall give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act; and

(2) shall give preference to persons whom he determines, by rule, are local residents \* \* \* (16 U.S.C. 3197).

Subsection (b) also provides to Cook Inlet Region, Incorporated (CIRI), in cooperation with Village Corporations within the Cook Inlet Region when appropriate, the right of first refusal to provide new visitor services within the Kenai National Moose Range, (Kenai National Wildlife Refuge), within the Cook Inlet Region.

The Alaska National Wildlife Refuge System is managed by the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee), Refuge Recreation Act (16 U.S.C. 460k-4), and the Alaska National Interest Lands Conservation Act (ANILCA) (84 Stat. 2371 *et seq.*; codified as amended in scattered sections of 16 U.S.C., 43 U.S.C., 48 U.S.C.).