

U. S. ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 63
[AD-FRL-5521-6]
RIN 2060-AD98

National Emission Standards For Hazardous Air Pollutants For
Shipbuilding and Ship Repair (Surface Coating) Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to revise the compliance date for the "National Emission Standards For Hazardous Air Pollutants For Shipbuilding and Ship Repair (Surface Coating) Operations" to December 16, 1997. This action also proposes to extend the June 13, 1996 deadline for submittal of implementation plans to December 16, 1996, and to remove the requirement for approval of implementation plans by the EPA. Because the revisions primarily change the date for submittal of an implementation plan and extend the compliance date to allow better coordination with the control techniques guidelines (CTG) that EPA plans to publish in the near future, 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 and timely adverse comments are 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 to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-11 (see docket section below), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

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. Janet Eck, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-7946.

Docket. Docket No. A-92-11, containing the supporting information for the original NESHAP and this action, is 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. Mohamed Serageldin,
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) 541-2379.

SUPPLEMENTARY INFORMATION:

Regulated Entities. The regulated category and entities
affected by this action include:

<u>Category</u>	<u>Examples of regulated entities</u>
Industry	Facilities that build, repair, repaint, convert, or alter <i>ships</i> . The term <i>ship</i> means any marine or fresh-water vessel, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). NOTE: An offshore oil and gas drilling platform is not considered a <i>ship</i> for purposes of this regulation.
Federal Govt.	Federal Agencies which undertake shipbuilding or repair operations (see above) such as the Navy and Coast guards.

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

table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in §63.782 of the regulation. If you have

questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section.

If no significant and timely adverse comments are 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 and timely adverse comments are received, the direct final rule will be withdrawn and all public comments received will be considered prior to promulgation of the 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 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 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 changes to the implementation plan submittal date and the compliance date do not impose new requirements. Consequently, the ICR has not been revised.

B. Executive Order 12866 Review

Under Executive Order 12866, the EPA must determine whether the proposed 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.

The Shipbuilding NESHAP promulgated on December 15, 1995 was not considered "significant" under Executive Order 12866 and a regulatory impact analysis (RIA) was not prepared. Today's proposed revisions do not add any additional control or recordkeeping requirements. Therefore, this action is not considered to affect the decision whether this rule is 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, 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 least costly, most cost-effective, or 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 Reform 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: June 7, 1996.

Carol M. Browner,
Administrator.

BILLING CODE 6560-50-P