

(c) Sulfur oxides shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A to this part or by an equivalent method designated in accordance with part 53 of this chapter.

(d) To demonstrate attainment, the annual arithmetic mean and the second-highest 24-hour averages must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 24-hour block average shall be considered valid if at least 75 percent of the hourly averages for the 24-hour period are available. In the event that only 18, 19, 20, 21, 22, or 23 hourly averages are available, the 24-hour block average shall be computed as the sum of the available hourly averages using 18, 19, etc. as the divisor. If fewer than 18 hourly averages are available, but the 24-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of paragraph (b) of this section, then this shall be considered a valid 24-hour average. In this case, the 24-hour block average shall be computed as the sum of the available hourly averages divided by 24.

3. Section 50.5 is revised to read as follows:

**§ 50.5 National secondary ambient air quality standard for sulfur oxides (sulfur dioxide).**

(a) The level of the 3-hour standard is 0.5 parts per million (ppm), not to be exceeded more than once per calendar year. The 3-hour averages shall be determined from successive nonoverlapping 3-hour blocks starting at midnight each calendar day and shall be rounded to 1 decimal place (fractional parts equal to or greater than 0.05 ppm shall be rounded up).

(b) Sulfur oxides shall be measured in the ambient air as sulfur dioxide by the reference method described in appendix A of this part or by an equivalent method designated in accordance with Part 53 of this chapter.

(c) To demonstrate attainment, the second-highest 3-hour average must be based upon hourly data that are at least 75 percent complete in each calendar quarter. A 3-hour block average shall be considered valid only if all three hourly averages for the 3-hour period are available. If only one or two hourly averages are available, but the 3-hour average would exceed the level of the standard when zeros are substituted for the missing values, subject to the rounding rule of paragraph (a) of this section, then this shall be considered a valid 3-hour average. In all cases, the 3-hour block average shall be computed as

the sum of the hourly averages divided by 3.

[FR Doc. 96-12863 Filed 5-21-96; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 75**

[FRL-5506-6]

**Acid Rain Program: Continuous Emission Monitoring**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Amendment to final rule; correction.

**SUMMARY:** On May 17, 1995, EPA published direct final amendments to the Continuous Emission Monitoring (CEM) rule in the Acid Rain Program for the purpose of making implementation of the program simpler, streamlined, and more efficient. The amendments to the original January 11, 1993 rule became final and effective on July 17, 1995. During the public comment period on the direct final rule and its companion proposed rule, EPA received significant, adverse comments on those amended provisions that related to notifications for periodic relative accuracy test audits. EPA is removing the provisions added in the direct final rule related to notifications. EPA will address the removed provisions in a future final rule. EPA is also extending the public comment period on the removed provisions for 15 days to allow the public to respond to the significant, adverse comments. All other provisions of the direct final rule remain final.

In addition, EPA is publishing technical corrections of typographical and similar inadvertent errors in the final rule, as promulgated May 17, 1995.

**DATES:** *Effective date:* The effective date of the amended rule provisions and corrections is May 22, 1996.

*Comment date:* Comments in response to the significant, adverse comments on the direct final rule must be received on or before June 6, 1996.

**ADDRESSES:** Any written comments in response to the significant, adverse comments on the direct final rule must be identified as being in response to such comments in Docket No. A-94-16 and must be submitted in duplicate to: EPA Air Docket (6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. The docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at the above address. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Margaret Sheppard, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 233-9180.

**SUPPLEMENTARY INFORMATION:** EPA received significant, adverse comments on certain provisions of the direct final rule amending part 75 from a group of utilities called the Texas Subgroup. These comments were apparently submitted on time, but EPA became aware of this only after the provision became final. After the close of the comment period, the Texas Subgroup submitted a letter, dated November 2, 1995, clarifying its comments. The comments and the November 28, 1995 letter are found in Docket No. A-94-16, items V-D-23 and V-D-24. The Texas Subgroup made significant, adverse comments on the provisions of §§ 75.21(d) and 75.61(a)(5). Therefore, those provisions in the direct final rule are being removed and are considered proposed provisions until EPA takes further comment and addresses the comments in a future final rule.

The Texas Subgroup commented adversely upon the requirements in §§ 75.21(d) and 75.51(a)(5) for notifications of the date on which periodic Relative Accuracy Test Audits (RATAs) will be performed. The direct final provisions require submission of written notification to the Administrator, the appropriate EPA Regional Office, and the applicable State or local air pollution control agency at least 21 days before the scheduled date of a RATA. The date may be rescheduled if written or oral notice is provided to EPA and to the appropriate State or local air quality agency at least seven days before the earlier of the original scheduled date or the new test date. The Texas Subgroup felt that this provision created additional paperwork. In addition, they felt the provisions could force utilities to delay rescheduled RATAs unnecessarily for seven days simply to meet the notification requirement.

In discussions with EPA, the Texas Subgroup suggested that perhaps the provisions are not needed or the provisions could be revised to provide more flexibility in the case where a RATA is rescheduled. Some possibilities that the Texas Subgroup discussed with EPA included: allowing utilities to receive permission from EPA, State and local agency Acid Rain Program contacts to proceed with testing in less than seven days from the date of notification; creating an "emergency" notification two days after the new testing date is known, similar

to that for recertification (§ 75.61(a)(1)(ii)); and allowing notification electronically to reduce the paperwork burden, where the EPA Regional office or State or local agency will accept such a notification.

EPA also notes that the purpose of the notification for periodic RATAs is to enable EPA or State or local agency staff to observe the testing. Notifications of periodic RATAs will allow EPA, State and local agencies to observe a larger percentage of units than if utilities only were to submit notice for certification and recertification testing. The ability of agency staff to attend certification and recertification testing is limited since EPA has significantly shortened the notification period for most recertification tests and allows utilities to proceed with recertification testing before notifying the Agency in emergency situations and since there were a large number of sources testing in a short time period during initial certification. Even so, agency staff attended many RATAs for initial certification testing. However, initial certification generally occurs before the period when an affected unit is required to comply with emission reductions. Therefore, to enhance the quality of quality assurance testing and the quality of emission data during compliance, EPA and State and local agencies need the opportunity to observe periodic RATAs. EPA notes that, during certification testing, EPA personnel have observed and corrected deviations from acceptable stack testing procedures. Based on these observations during initial certification, EPA believes it is critical for EPA, State, and local agency personnel to be able to observe periodic RATAs in order to ensure the quality of monitored data for the Acid Rain Program. Moreover, advance notification of the date of periodic RATA testing allows the cost-effective use of agency resources by coordinating auditing of monitor performance with regularly scheduled quality assurance testing and by coordinating field observations at multiple locations. If agency personnel were not to observe periodic RATA testing, agencies would need to perform or require performance of additional RATAs under the audit provisions of section 2.4 of Appendix B of part 75. This would be more intrusive for utilities, and more time-consuming and costly for both utilities and agencies, than coordinating with periodic RATA testing.

The Agency notes that it is relatively easy for a utility that schedules testing to notify agencies of a known testing date. In fact, it will take a utility roughly the same amount of time to respond to

EPA and State or local agency enquiries about testing dates as it takes the utility to generate the short notice and mail it or to make a telephone call. In contrast, it is relatively difficult, time-consuming and intrusive for State or local air pollution control agencies or EPA Regional Offices to contact each utility with Phase I and II affected units to determine when testing will occur at each unit. EPA and State or local agency personnel must call each utility, contact the appropriate utility staff person, and discuss the scheduling information.

In addition, EPA is considering changes to the periodic RATA notification provisions that would reduce the burden of reporting a notification. Part of the paperwork burden could be eliminated by removing the requirement that notifications be provided to the Administrator (received by EPA's Acid Rain Division). In addition, a State or local air pollution control agency or EPA regional office could be allowed to waive the notification requirement. For example, a State or local air pollution control agency or an EPA regional office could decide that it would not observe a class of units (e.g., low-emitting gas-fired units). EPA is therefore considering allowing State or local air pollution control agencies or EPA Regional Offices to issue a utility a waiver from periodic RATA notification requirements for some or all utility units within their respective States, air quality districts or EPA regions until notifications are specifically requested again. This would relieve utilities of some reporting burden, while still ensuring that State or local agencies or EPA regional offices would be able to observe RATA testing when they wished to do so. Moreover, where a test needs to be rescheduled in less than seven days, another option that would create greater flexibility for utilities would be a shorter period of advance notification, such as telephone, facsimile, or electronic mail notification on the day the utility knows the rescheduled date of testing, which would be required to be at least two days (48 hours) before the new date of testing. EPA requests comment on these possible solutions.

No other significant, adverse comments were received by EPA on the direct final rule. Thus, all other provisions of the direct final rule became final on July 17, 1995 and remain in effect.

In addition, the EPA is correcting various errors found in the direct final rule, as promulgated on May 17, 1995. These corrections are technical. Most correct typographical errors; some

reinstate provisions that were inadvertently removed from the final regulations originally promulgated on January 11, 1993 (58 FR 3590, 1993) when the May 17, 1995 document was published.

The rule provisions in this document either remove requirements already incorporated in the May 17, 1995 notice or reinstate regulatory requirements that were previously approved when the regulations were originally issued on January 11, 1993. The requirements of Executive Orders 12866 and 12875, the Regulatory Flexibility Act, the Unfunded Mandates Act, and the Paperwork Reduction Act are therefore not applicable to this action. All applicable administrative requirements will be met when the proposed amendments are addressed in a future final rule.

For additional information, see the direct final rule. 60 FR 26510 (May 17, 1995).

#### List of Subjects in 40 CFR Part 75

Environmental protection, Air pollution control, Carbon dioxide, Continuous emission monitors, Electric utilities, Incorporation by reference, Nitrogen oxides, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: April 30, 1996.

Brian J. McLean,  
Director, Acid Rain Division.

#### PART 75—[AMENDED]

Part 75 of title 40, chapter I of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 75 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651K.

2. Section 75.14 is amended by revising paragraph (c) to read as follows:

#### § 75.14 Specific provisions for monitoring opacity.

\* \* \* \* \*

(c) *Gas-fired units.* The owner or operator of an affected unit that qualifies as gas-fired, as defined in § 72.2 of this chapter, based on information submitted by the designated representative in the monitoring plan is exempt from the opacity monitoring requirements of this part. Whenever a unit previously categorized as a gas-fired unit is recategorized as another type of unit by changing its fuel mix, the owner or operator shall install, operate, and certify a continuous opacity monitoring system as required by paragraph (a) of this section by

December 31 of the following calendar year.

\* \* \* \* \*

3. Section 75.15(b)(1) is amended by revising Equation 7 to read as follows:

**§ 75.15 Specific provisions for monitoring SO<sub>2</sub> emissions removal by qualifying Phase I technology.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

Where, \* \* \*

\* \* \* \* \*

$$E_{ci} = \frac{\sum_{j=1}^p E_{icj}}{p}$$

Eq. 7)

**§ 75.16 [Amended]**

4. Section 75.16(a)(2)(ii)(A) is amended by adding the word “in” among the phrases “compensating units” and “accordance with part 72”.

**§ 75.21 [Amended]**

5. Section 75.21 is amended by removing and reserving paragraph (d).

**§ 75.33 [Amended]**

6. Section 75.33(c)(5) is amended by revising the word “proper” to read “prior”.

7. Section 75.50(a) is revised to read as follows:

**§ 75.50 General recordkeeping provisions.**

(a) *Recordkeeping requirements for affected sources.* The provisions of this section shall remain in effect prior to January 1, 1996. The owner or operator shall meet the requirements of either

§§ 75.50 or 75.54 prior to January 1, 1996. On or after January 1, 1996, the owner or operator shall meet the requirements of § 75.54 only. The owner or operator of any affected source subject to the requirements of this part shall maintain for each affected unit (or for each group of affected or nonaffected units utilizing a common stack and common monitoring systems pursuant to § 75.16 through § 75.18 of this part (referred to hereafter as “each affected unit”)) a file of all measurements, data, reports, and other information required by this part at the source in a form suitable for inspection for at least three (3) years from the date of each record. This file shall contain the following information:

(1) The data and information required in paragraphs (b) through (f) of this section;

(2) The component data and information used to calculate values required in paragraphs (b) through (f) of this section;

(3) The current monitoring plan as specified in § 75.53 of this part; and

(4) The quality control plan as described in Appendix B of this part.

\* \* \* \* \*

**§ 75.61 [Amended]**

8.–9. Section 75.61 is amended by removing and reserving paragraph (a)(5).

10. Appendix A, Section 2.1.1.1 is amended by adding the variables for Equations A–1a and A–1b and note at the end of the section to read as follows:

Appendix A of Part 75—Specifications and Test Procedures [Amended]

\* \* \* \* \*

variable definitions for Equation A–11 to read as follows:

**7.6.5 Bias Adjustment**

\* \* \* \* \*

Where:  
CEM<sub>i,Monitor</sub>=Data (measurement) provided by the monitor at time i.

**2.1.1.1 Maximum Potential Concentration**

\* \* \* \* \*

Where,

MPC=Maximum potential concentration (ppm, wet basis). (To convert to dry basis, divide the MPC by 0.9.)

%S=Maximum sulfur content of fuel to be fired, wet basis, weight percent, as determined by ASTM D3177–89, ASTM D4239–85, ASTM D4294–90, ASTM D1552–90, ASTM D129–91, or ASTM D2622–92 for solid or liquid fuels (incorporated by reference under § 75.6).

GCV=Minimum gross calorific value of the fuel lot consistent with the sulfur analysis (Btu/lb), as determined using ASTM D3176–89, ASTM D240–87 (Reapproved 1991), or ASTM D2015–91 (incorporated by reference under § 75.6).

%O<sub>2,w</sub>=Minimum oxygen concentration, percent wet basis, under normal operating conditions.

%CO<sub>2,w</sub>=Maximum carbon dioxide concentration, percent wet basis, under normal operating conditions.

11.32×10<sup>6</sup>=Oxygen-based conversion factor in (Btu/lb)(ppm)/%.

6.93×10<sup>6</sup>=Carbon dioxide-based conversion factor in (Btu/lb)(ppm)/%

Note: All percent values to be inserted in the equations of this section are to be expressed as a percentage, not a fractional value, e.g., 3, not .03.

11. Appendix A, Section 2.1.4 is amended by replacing the variable “F<sub>d</sub>” with the variable “F<sub>c</sub>” in Equation A–3b to read as follows:

$$MPV = \left( \frac{F_c H_f}{A} \right) \left( \frac{100}{\%CO_{2d}} \right) \left[ \frac{100}{100 - \%H_2O} \right]$$

(Eq. A – 3b)

Where:

\* \* \* \* \*

**Appendix A—[Amended]**

12. Appendix A, Section 7.6.5 is amended by revising the first two

CEM<sub>i,Adjusted</sub>=Data value, adjusted for bias, at time i.

\* \* \* \* \*

13. Appendix A of part 75 is amended by adding Figures 1 through 4 at the end of Appendix A, to read as follows:

**Figures for Appendix A of Part 75**  
**FIGURE 1.—LINEARITY ERROR DETERMINATION**

Day	Date and time	Reference value	Monitor value	Difference	Percent of reference value
Low-level:					

**Figures for Appendix A of Part 75—Continued**  
FIGURE 1.—LINEARITY ERROR DETERMINATION

[illegible]

FIGURE 2.—RELATIVE ACCURACY DETERMINATION (POLLUTANT CONCENTRATION MONITORS)

Run No.	Date and time	SO <sub>2</sub> (ppm <sup>c</sup> )			Date and time	CO <sub>2</sub> (Pollutant) (ppm <sup>c</sup> )		
		RM <sup>a</sup>	M <sup>b</sup>	Diff		RM <sup>a</sup>	M <sup>b</sup>	Diff
1 .....								
2 .....								
3 .....								
4 .....								
5 .....								
6 .....								
7 .....								
8 .....								
9 .....								
10 .....								
11 .....								
12 .....								
Arithmetic Mean Difference (Eq. A-7). Confidence Coefficient (Eq. A-9). Relative Accuracy (Eq. A-10).								

<sup>a</sup>RM means “reference method data.”

<sup>b</sup> M means "monitor data."<sup>c</sup> Make sure the RM and M data are on a consistent basis, either wet or dry.

FIGURE 3.—RELATIVE ACCURACY DETERMINATION (FLOW MONITORS)

Run No.	Date and time	Flow rate (Low) (scf/hr)*			Date and time	Flow rate (Normal) (scf/hr)*			Date and time	Flow rate (High) (scf/hr)*		
		RM	M	Diff		RM	M	Diff		RM	M	Diff
1 .....												
2 .....												
3 .....												
4 .....												
5 .....												
6 .....												
7 .....												
8 .....												
9 .....												
10 .....												
11 .....												
12 .....												
Arithmetic Mean Difference (Eq. A-7). Confidence Coefficient (Eq. A-9). Relative Accuracy (Eq. A-10).												

\* Make sure the RM and M data are on a consistent basis, either wet or dry.

FIGURE 4.—RELATIVE ACCURACY DETERMINATION (NO<sub>x</sub>/Diluent Combined System)

Run No.	Date and time	Reference method data		NO <sub>x</sub> system (lb/mmBtu)		
		NO <sub>x</sub> ( ) <sup>a</sup>	O <sub>2</sub> /CO <sub>2</sub> %	RM	M	Difference
1 .....						
2 .....						
3 .....						
4 .....						
5 .....						
6 .....						
7 .....						
8 .....						
9 .....						
10 ....						
11 ....						
12 ....						
Arithmetic Mean Difference (Eq. A-7). Confidence Coefficient (Eq. A-9). Relative Accuracy (Eq. A-10).						

<sup>a</sup> Specify units: ppm, lb/dscf, mg/dscm.

Appendix D To Part 75—Optional SO<sub>2</sub> Emissions Data Protocol for Gas-Fired and Oil-Fired Units [Amended]

14. Appendix D, section 2.1.5.2 is amended by revising the phrase “bypass fuel” to read “backup fuel”.

15. Appendix D, section 2.1.6.1 is amended by revising the phrase “bypass fuel” to read “backup fuel”.

Appendix F of Part 75—Conversion Procedures [Amended]

16. Appendix F, section 3.4, Equation F-10 is amended by changing the superscript in the sum from “n” to “m”, to read as follows:

$$E_a = \sum_{i=1}^m \frac{E_i}{m} \quad (\text{Eq. F-10})$$

$$\text{CO}_{2w} \frac{100}{20.9} \frac{F_c}{F} \left[ 20.9 \left( \frac{100 - \% \text{H}_2\text{O}}{100} \right) - \text{O}_{2w} \right] \quad (\text{Eq. F-14b})$$

Where,

\* \* \* \* \*

17. Appendix F, section 4.4.1 is amended by adding Equation F-14b after the variables for Equation F-14a and before the variables for Equation F-14b, to read as follows:

4.4.1  
\* \* \* \* \*

or

\* \* \* \* \*

Appendix F, Section 5.5.1—[Amended]

18. Appendix F, Section 5.5.1 is amended by revising the last variable for Equation F-19 from “106” to read “106” in the definition for the variable.

Appendix G of Part 75—Determination of CO<sub>2</sub> Emissions [Amended]

Appendix G, Section 4—[Amended]

19. Appendix G, section 4 is amended by redesignating Equation G-7 as Equation G-8.

[FR Doc. 96-12482 Filed 5-21-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 82

[FRL-5467-1]

RIN 2060-AG12

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** This action finalizes restrictions or prohibitions on substitutes for ozone depleting substances (ODSs) under the U.S. Environmental Protection Agency (EPA) Significant New Alternatives Policy (SNAP) program. SNAP implements section 612 of the amended Clean Air Act of 1990 which requires EPA to evaluate and regulate substitutes for the ODSs to reduce overall risk to human health and the environment. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for each of the major industrial use sectors. The intended effect of the SNAP program is to expedite movement away from ozone depleting compounds while avoiding a

shift into high-risk substitutes posing other environmental problems.

On March 18, 1994, EPA promulgated a final rulemaking setting forth its plan for administering the SNAP program (59 FR 13044), and issued decisions on the acceptability and unacceptability of a number substitutes. In this Final Rulemaking (FRM), EPA is issuing its preliminary decisions on the acceptability of certain substitutes not previously reviewed by the Agency. To arrive at determinations on the acceptability of substitutes, the Agency completed a cross-media evaluation of risks to human health and the environment by sector end-use.

**DATES:** Effective date June 21, 1996.

The information collection requirements contained in Appendix C of subpart G of part 82 have not been approved by the Office of Management and Budget (OMB) and are not effective until OMB has approved them. EPA will publish a document in the Federal Register announcing OMB approval.

**ADDRESSES:** Public Docket: Public comments and data specific to this final rule are in Docket A-91-42, Central Docket Section, South Conference Room 4, U.S. Environmental Agency, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. Telephone (202) 260-7549; fax (202) 260-4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Nancy Smagin at (202) 233-9126 or fax (202) 233-9577, Stratospheric Protection Division, USEPA, Mail Code 6205J, 401 M Street, SW., Washington, DC 20460

**SUPPLEMENTARY INFORMATION:**

I. Overview of This Action

This action is divided into five sections, including this overview:

- I. Overview of This Action
- II. Section 612 Program

A. Statutory Requirements

B. Regulatory History

III. Listing of Substitutes

IV. Administrative Requirements

V. Additional Information

Appendix: Summary of Listing Decisions

II. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act authorizes EPA to develop a program for evaluating alternatives to ozone-depleting substances. EPA is referring to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

**Rulemaking**—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

**Listing of Unacceptable/Acceptable Substitutes**—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.

**Petition Process**—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. Where the Agency grants the petition, EPA must publish the revised lists within an additional six months.

**90-day Notification**—Section 612(e) requires EPA to require any person who