

TABLE 7.—TRANSFER OPERATIONS—MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS FOR COMPLYING WITH 98 WEIGHT-PERCENT REDUCTION OF TOTAL ORGANIC HAZARDOUS AIR POLLUTANTS EMISSIONS OR A LIMIT OF 20 PARTS PER MILLION BY VOLUME—Continued

Control device	Parameters to be monitored ^a	Recordkeeping and reporting requirements for monitored parameters
All control devices and vapor balancing systems.	<p>Presence of flow diverted to the atmosphere from the control device [63.127(d)(1)] or.</p> <p>Monthly inspections of sealed valves [63.127(d)(2)].</p>	<p>4. Report all daily average concentration levels or readings that are outside the range established in the NCS or operating permit and all operating days when insufficient monitoring data are collected^c—PR.</p> <p>1. Hourly records of whether the flow indicator was operating and whether a diversion was detected at any time during each hour.</p> <p>2. Record and report the duration of all periods when the vent stream is diverted through a bypass line or the monitor is not operating—PR.</p> <p>1. Records that monthly inspections were performed.</p> <p>2. Record and report all monthly inspections that show the valves are moved to the diverting position or the seal has been changed.</p>

^aRegulatory citations are listed in brackets.

^bMonitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.

^c“Continuous records” is defined in § 63.111 of this subpart.

^dNCS = Notification of Compliance Status described in § 63.152 of this subpart.

^eThe daily average is the average of all recorded parameter values for the operating day. If all recorded values during an operating day are within the range established in the NCS or operating permit, a statement to this effect can be recorded instead of the daily average.

^fThe periodic reports shall include the duration of periods when monitoring data are not collected for each excursion as defined in § 63.152(c)(2)(ii)(A) of this subpart.

^gPR = Periodic Reports described in § 63.152 of this subpart.

^hAlternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table under “All Recovery Devices.”

16. Section 63.160 is amended by revising paragraph (a) to read as follows:

§ 63.160 Applicability and designation of source.

(a) The provisions of this subpart apply to pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or closed vent systems required by this subpart that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR part 63 that references this subpart.

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§ 63.163 [Amended]

17. Paragraph (b)(1) of § 63.163 is amended by revising the reference to “(e) through (i) of this section” to read “(e) through (j) of this section.”

§ 63.164 [Amended]

18. Paragraph (h) of § 63.164 is amended by revising the reference to “(a) through (f) of this section” to read “(a) through (g) of this section.”

§ 63.173 [Amended]

19. In § 63.173, paragraph (j) introductory text is amended by revising the reference to “(b) through (d) of this

section” to read “(a) through (d) of this section.”

20. Section 63.181 is amended by revising paragraph (b)(7) introductory text and revising paragraph (g)(3) introductory text to read as follows:

§ 63.181 Recordkeeping requirements.

* * * * *

(b) * * *

(7) The following information pertaining to all pumps subject to the provisions of § 63.163(j), valves subject to the provisions of § 63.168(h) and (i) of this subpart, agitators subject to the provisions of § 63.173(h) through (j), and connectors subject to the provisions of § 63.174(f) and (g) of this subpart shall be recorded:

* * * * *

(g) * * *

(3) Records of inspections of closed-vent systems subject to the provisions of § 63.172 of this subpart, as specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this section.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400141; FRL-6075-3]

Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy statement.

SUMMARY: EPA is making a minor administrative change to the Agency's management of data submitted each year to EPA under the Toxic Release Inventory (TRI) reporting program pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) and section 6607 of the Pollution Prevention Act (PPA) of 1990. Specifically, EPA is revising the period during which the Agency will accept voluntary revisions to Form R and Form A submissions each year for inclusion in the annual data release for that year. Facilities must now submit voluntary revisions to their Form R and Form A submissions to EPA within 30 days of the reporting deadline each year. The statutory annual reporting deadline is July 1. Therefore, revisions received after July 31 of each year, will not be included in the annual release of the TRI data for that year. EPA

will, however, continue to accept these revisions for inclusion in the TRI data base. This administrative change in the annual revisions deadline is necessary to ensure that the data can be set, or locked by a date certain, thereby allowing the Agency to complete the preparation of the annual release of the TRI data in a timely fashion.

DATES: The amended revision period is effective April 26, 1999.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Tim Crawford, Acting Branch Chief, TRI-Information Management Branch, OPPT-IMD, MC 7407, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260-1558, fax: (202) 260-4655, e-mail: crawford.tim@epamail.epa.gov. For more information on section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), contact the EPCRA Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, toll free telephone number: 1-800-535-0202, in Virginia and in Alaska: 703-412-9877 or call toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, process, or otherwise use any of the chemicals subject to reporting under EPCRA section 313. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities (SIC codes)
Industry	Manufacturing (SIC codes 20-39); metal mining (SIC 10 except SIC codes 1011, 1081, and 1094); coal mining (SIC code 12 except SIC code 1241); electric utilities (SIC codes 4911, 4931, 4939); commercial hazardous waste treatment (SIC code 4953); chemicals and allied products-wholesale (SIC code 5169); petroleum bulk terminals and plants (SIC code 5171); and solvent recovery services (SIC code 7389).
Federal Government	Federal facilities that manufacture, process, or otherwise use EPCRA section 313 toxic chemicals.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. If available, the four-digit Standard Industrial Classification (SIC) codes have been provided to assist you and others in determining whether or not this notice applies to certain entities. Other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 372, subpart B. 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.

II. How Can I Get Additional Information or Copies of this or Other Documents?

1. *Electronically.* You may obtain electronic copies of this document from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register - Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/homepage/fedrgstr/>.

2. *In person or by phone.* If you have any questions or need additional information about this action, you may contact the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section.

III. What is the Agency's Authority for this Action?

This action is related to section 313 of EPCRA, 42 U.S.C. 11023, and section 6607 of the PPA, 42 U.S.C. 13106, which require certain facilities manufacturing, processing, or otherwise using a listed toxic chemical in amounts above reporting threshold levels, to report their environmental releases of and other waste management activities associated with each chemical annually. These reports must be filed with EPA by July 1 of each year, and must contain the requested data for the previous calendar year.

Section 313 of EPCRA does not include any provision for correcting or otherwise revising TRI forms once they have been submitted to EPA. While not required by statute, EPA has allowed facilities an opportunity to make revisions to foster compliance and enhance data quality. In the past, EPA has set a deadline for receipt of revisions to be included in the next annual data release keyed to the time it takes the Agency to prepare the data release package and the release date for the package. Accordingly, in the **Federal Register** of September 26, 1991 (56 FR 48795), EPA announced that the deadline for voluntary revisions would be November 30, based on improvements in the amount of time it took to process revisions for inclusion in the annual data release. In a second announcement on August 12, 1994 (59 FR 41444) (FRL-4906-5), EPA announced that the deadline would be moved back to October 15 in the interests of further expediting the annual release date of the data. This action further amends the deadline for accepting revisions. Only the deadline provisions of the September 26, 1991 and August 12, 1994 notices are affected by this action.

IV. What Action is EPA Taking in this Policy Statement?

EPA is amending its policy with regard to the period during which revisions to the Forms submitted under EPCRA section 313 would be incorporated into the annual data release for that reporting year. Accordingly, facilities must now submit voluntary revisions to their Form R and Form A submissions to EPA within 30 days of the reporting deadline each year in order for those revisions to be

included in that year's data release. The statutory reporting deadline is July 1 of each year, unless specifically amended by the Agency, so all Form revisions must be received by EPA no later than July 31 of each year. If EPA were to extend the reporting deadline in any one year, then the Form revisions for that year must be received by EPA no later than 30 days after the amended reporting deadline. Revisions received after this date will not be included in the annual release of the TRI data for that reporting year, but will continue to be accepted for inclusion in the TRI data base at some later date.

V. Why is EPA Revising the Revisions Period?

While not required by statute, EPA has provided this revisions period as an opportunity to increase compliance and enhance data quality. Given EPA's experience in collecting information submitted under EPCRA section 313 since 1988, EPA does not believe the revisions period provided in 1994 continues to be appropriate. Instead, experience gained by EPA has resulted in a much more efficient data receipt and management process enabling EPA to make those data publicly available in a much shorter period of time. Hence, to promote a schedule of making EPCRA section 313 data available in a more timely fashion, EPA must reduce the period of time that it will accept revisions in order to ensure that those revised data will be considered for that year's data release. The new revisions period reflects: (1) The increased use of electronic submittals to EPA of TRI data; (2) EPA's continuing improvement in the ability to process and release TRI data earlier due to increased efficiencies in data management that have been put in place since the August 1994 Notice was published; and (3) the Agency's desire to make this right-to-know data available to the public as soon as feasible.

The administrative change in the annual revisions deadline is necessary to ensure that the data can be set, or locked by a date certain, thereby allowing the Agency to complete the preparation of the annual release of the TRI data in a timely fashion. This new revisions deadline is further warranted by the fact that 83% of all revisions received during the 1997 production period (July 1 to December 31, 1998) were already received by July 31--the new revisions deadline announced in this policy and now in effect.

VI. Can I Still Correct the Form R or Form A Which I Submitted to EPA After the Revisions Period?

Yes. As indicated previously, this revised policy only changes the date by which any voluntary revisions will be considered by the Agency for inclusion in the annual data release for that reporting year.

VII. Why Is EPA Amending this Policy Without Taking Comments?

EPA is publishing this action as a final policy without prior notice and opportunity to comment, because this policy is not a "rule" as defined by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). This policy merely articulates internal procedural requirements that are necessary for the Agency's management and timely release of the submitted TRI data. The period established in this action is an internal Agency deadline by which EPA will consider the data submitted each year in Form R and Form A to be in final form for purposes of preparing the annual data release. Facilities are required by statute and regulations to use the best available information in preparing the data reported in their Form R or Form A, and are required to submit the data to EPA by the reporting deadline each year. The period established in this policy for voluntary revisions does not in any way change the facility's statutory obligations under EPCRA section 313, as implemented by 40 CFR part 372. It merely provides an opportunity for facilities to make voluntary revisions to correct the data they have submitted in time for the Agency to reflect the revision in the annual data release. In essence, it merely establishes a set time frame for the Agency to begin the preparation of the data submitted each year for the annual data release. In the future, EPA may determine that this revisions period should be further amended or not provided at all, and will amend this policy without prior notice. However, EPA will announce in the **Federal Register** any decision to eliminate or modify this revisions period.

VIII. Do Any of the Regulatory Assessment Requirements Apply to this Action?

No. This action merely describes an internal Agency deadline by which it will consider the data submitted each year in Form R and Form A to be in final form for purposes of preparing the annual data release. This action is not a "rule" and does not impose any new requirements. As such, this action does not require review by the Office of

Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993) and Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or special consideration of environmental justice related issues under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act (APA) or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

IX. Must EPA Submit this Action to Congress and the Comptroller General?

No. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: April 9, 1999.

William H. Sanders III,
Director, Office of Pollution Prevention and Toxics.

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