

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[LA35-1-7305a; FRL-5928-2]

**Approval and Promulgation of Air Quality Implementation Plans, Louisiana; Reasonable Available Control Technology for Emissions of Volatile Organic Compounds**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** In this action, the EPA is conditionally approving in part, and fully approving in part, revisions to the Louisiana State Implementation Plan (SIP). The revisions incorporate regulations to control Volatile Organic Compound (VOC) emissions from major stationary sources by means of Reasonable Available Control Technology (RACT). The major stationary source category controlled by the conditionally approved regulation is Synthetic Organic Chemical Manufacturing Industry (SOCMI) batch processes. The major stationary source categories controlled by the fully approved regulations are SOCMI reactors, SOCMI distillation, and industrial cleanup solvents. The intended effect of these rules is to reduce VOC emissions into the ambient air and thereby reduce ground-level ozone concentrations. Both EPA's full and conditional approval of these regulations makes them federally enforceable.

The full approval of the revisions to the SIP to control VOC emissions from the batch processes source category is contingent upon the State of Louisiana submitting a revision of the single unit operation exemptions of the SOCMI batch processing rule. If the State fails to submit a revision to the batch processing rule within one year of the conditional approval of these SIP revisions, the conditional approval will convert to a disapproval.

In the proposed rules section of today's **Federal Register**, the EPA is proposing and seeking public comment on the same conditional and final approvals of the Louisiana SIP that are discussed in this notice. If adverse comments are received on these approvals, the EPA will withdraw the direct final rule and address the comments received in a subsequent final rule, based on the related proposed rule. No additional opportunity for public comment will be provided.

**DATES:** This action is effective on February 2, 1998 unless adverse or

critical comments are received by January 2, 1998. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Region 6, Dallas, 1445 Ross Avenue, Texas 75202-2733, telephone: (214) 665-7214.

Air Quality Division, Louisiana Department of Environmental Quality (LDEQ), 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810, telephone: (504) 765-7247.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eaton R. Weiler, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone: (214) 665-2174.

**SUPPLEMENTARY INFORMATION:****I. Background****A. Background of VOC RACT Rule Requirements**

Section 172 of the Clean Air Act (the Act) as amended in 1990, entitled *Nonattainment Plan Provisions in General*, requires that states adopt RACT rules for major stationary sources of VOCs located in ozone nonattainment areas. The RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility as defined in 44 FR 53761 (September 17, 1979). In accordance with section 108 of the Act, the EPA publishes Control Technique Guideline (CTG) documents in order to assist the States in developing RACT rules for source categories. The CTGs provide information on available air pollution control techniques and provide

recommendations on what the EPA considers the "presumptive norm" for RACT.

Sections 182(b)(2) and 182(c) of the Act as amended in 1990 require States to adopt RACT rules for three general groups of major stationary sources of VOCs located in ozone nonattainment areas designated as moderate or above. The first group consists of sources covered by an existing CTG (a CTG issued prior to the enactment of the 1990 Act amendments). The second group consists of sources covered by a CTG issued after the enactment of the 1990 Act amendments. These CTGs are referred to as "post-enactment" CTGs. The third group consists of major sources not covered by a CTG. These sources are referred to as "non-CTG" sources.

Under section 302(j), the Act defines major source as any source which has the potential to emit 100 tons per year or more of any air contaminant unless otherwise expressly provided. Under section 182(c), a major source is defined as any source which is located in an area designated as a serious ozone nonattainment area and has the potential to emit 50 tons per year or more of VOCs. Therefore, in the Baton Rouge five parish serious ozone nonattainment area, a major source definition is the potential to emit 50 tons per year or more of VOCs.

Under section 183 of the Act as amended in 1990, entitled *Federal Ozone Measures*, the EPA is required to issue CTGs for 13 source categories by November 15, 1993. Two specific source categories are listed under section 183: aerospace coatings and solvents, and shipbuilding operations. The other 11 categories are listed in 57 FR 18077 (April 28, 1992) and are as follows:

1. SOCMI distillation.
2. SOCMI reactors.
3. Wood furniture.
4. Plastic parts business machines.
5. Plastic parts coating (other).
6. Offset lithography.
7. Industrial wastewater.
8. SOCMI batch processing.
10. Volatile Organic Liquid (VOL) storage tanks.
11. Clean-up solvents.

To date, CTGs have been published for four of the thirteen source categories: SOCMI distillation, SOCMI reactors, wood furniture, and shipbuilding. As described in a January 20, 1994 memorandum from John Seitz, Director of the EPA's Office of Air Quality Planning and Standards, the EPA plans to make available Alternative Control Technology (ACT) documents for the CTG source categories for which CTG documents have not yet been published.

These ACT documents provide much of the same information as the CTG documents, however, instead of establishing a presumptive norm for RACT rule, these documents provide options for control.

On April 28, 1992 (57 FR 18077), the EPA interpreted the Act to allow a State to submit a non-CTG rule by November 15, 1992, or to defer submittal of a RACT rule for sources that the State anticipated would be covered by a post-enactment CTG. For post-enactment CTGs, the amended Act requires States to submit RACT rules in accordance with the schedule specified in the corresponding CTG document. If the EPA failed to issue a CTG by November 15, 1993, the responsibility shifted to the State to submit a non-CTG RACT rule for those sources by November 15, 1994.

### B. Negative Declarations

In agreement with EPA policy, if there are no major sources of VOC emissions in a CTG source category located in a nonattainment area, the State should submit a formal statement of the nonexistence of such major sources, i.e., a negative declaration. On April 6 and June 20, 1994, the State of Louisiana submitted letters of negative declaration for the following CTG source categories: aerospace coatings and solvents, shipbuilding operations, offset lithography, plastic parts—business machines, plastic parts—other, and wood furniture. The EPA approved these letters on October 30, 1996, in 61 FR 55894. A CTG document was published in April 1996, for wood furniture which lowered the threshold for a source to be considered major in the wood furniture source category to 25 tons per year or more in an ozone nonattainment area. On January 28, 1997, the State of Louisiana submitted a letter of negative declaration for the wood furniture category based on the lower major source threshold.

## II. State Submittal

On December 15, 1995, the State of Louisiana submitted to the EPA five sets of rules which require six source categories to apply RACT to VOC emissions from major stationary sources located in the Baton Rouge ozone nonattainment area. In Louisiana, the following five parishes areas are designated as serious: Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. The applicable source categories are VOL tank storage, SOCMIs reactors, SOCMIs distillation, SOCMIs batch processes, industrial wastewater, and industrial cleanup solvents. The rules also apply to Pointe

Coupee Parish and Calcasieu Parish, formerly serious and marginal ozone nonattainment areas, respectively. These rules were published in the *Louisiana Register* on April 20, September 20, and November 20, 1995.

No action is being taken on the industrial wastewater portion of the December 15, 1995, submittal. The EPA has identified provisions which are deficient with respect to EPA guidance. In short, the EPA has concerns with the rule provisions which are followed to determine the characteristics of the wastewater stream, and the testing requirements for biological treatment units.

The EPA has previously approved Louisiana's RACT rule for VOL tank storage, 33 Louisiana Administrative Code (LAC) 2103, on October 22, 1996 (61 FR 57470) as part of the 15% rate of progress plan submitted to the EPA on December 15, 1995.

## III. Analysis of State Submittal

### A. Industrial Cleaning Solvents

Chapter 21 of 33 LAC has been amended to include Section 2157, (33 LAC 2157) *Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing*. Section 2157 is intended to incorporate regulations which represent RACT for the cleanup solvents CTG-source category.

Facilities affected are those which emit or have the potential to emit 50 tons per year or more of VOCs, and which use solvents in one or more of the following nine solvent-cleaning operations: spray gun cleaning, spray booth cleaning, large manufactured components cleaning, equipment cleaning, floor cleaning, line cleaning, parts cleaning, tank cleaning, and small manufactured components cleaning. Geographically, these rules apply to the five parish Baton Rouge ozone nonattainment area, and Pointe Coupee and Calcasieu Parishes.

To assist State agencies in developing rules to limit emission of VOCs which result from industrial cleaning with organic solvents, in February 1994, the EPA published the ACT document titled *Industrial Cleaning Solvents* (EPA-453/R-94-015). The ACT document does not provide a model regulation or a recommended emission limit representing RACT. The ACT document does provide considerable information on feasible RACT options which States can use to define their own RACT levels.

The ACT document recommends the application of an accounting system which tracks the use, fate, and associated costs (purchase and disposal)

of the cleanup solvents. The accounting system should utilize the Unit Operations System (UOS) approach. A UOS is defined as the ensemble of equipment around which a material balance is performed and includes all possible points/sources from which losses to the atmosphere could occur as a result of them being cleaned.

Completion of the material balance around a UOS requires measurement of all input and output VOC-based liquid solvent streams. The difference between these streams may be assumed to have evaporated as solvent emissions. The UOS ensembles for the nine solvent-operations listed above are described in Appendix C of the ACT document.

Another control option discussed in the ACT document is to require major sources to conduct intensive, short-term studies of solvent types and uses. The study would review purchase records, distribution sources, cleanup operations, recycling records and waste disposal records. The study would identify potential VOC usage reductions such as cleaning solvent changes and equipment changes.

Utilizing the information gained from the implementation of the UOS accounting system, the ACT document recommends the State require major sources to submit individual solvent reduction plans.

Section 2157 of 33 LAC incorporates, as requirements, the control options outlined in the above listed ACT document. The regulation is approvable as RACT for the cleanup solvents CTG-source category.

Section 2157 of 33 LAC, requires affected facilities to implement the following actions: conduct a three-month intensive study of solvent types and usage, utilize accounting on a unit operation system and, submit plans to the administrative authority to reduce VOC emissions. As an alternative to submitting reduction plans, the owner or operator of affected facilities may report the controls and/or work practices deemed to be Maximum Achievable Control Technology.

These submitted plans become State enforceable upon approval. A violation of 33 LAC 2157 occurs if the affected facility does not meet the state-approved solvent reduction target.

## B. Batch Processes

### 1. EPA Analysis

Chapter 21 of 33 LAC has been amended to include Section 2149, (33 LAC 2149) *Limiting Volatile Organic Compound Emissions from Batch Processing*. Section 2149 is intended to incorporate regulations which represent

RACT for the batch processing CTG-source category.

Facilities affected are those which emit or have the potential to emit 50 tons per year or more of VOCs, and fall into one of the following Standard Industrial Classification code categories: plastic materials and resins (2821), pharmaceuticals (2833 and 2834), gum and wood chemicals (2861), cyclic crudes and intermediates (2865), industrial organic chemicals (2869), and agricultural chemicals (2879). Geographically, these rules apply to the five parish Baton Rouge ozone nonattainment area, and Pointe Coupee and Calcasieu Parishes.

To assist State agencies in developing rules to limit emission of VOCs which result from batch processes, in February 1994, the EPA published the ACT document titled *Control of Volatile Organic Compound Emissions from Batch Processes* (EPA-453/R-93-017). The ACT document provides a model regulation representing RACT, as well as providing considerable information on emissions, controls, control options, and costs that States can use in developing RACT regulations.

In developing a batch processing RACT regulation, the State of Louisiana closely followed the model rule provided in the ACT. The purpose of most of the changes from the model rule is to make the regulations more explicit. All changes are insignificant except the change to single-unit operation exemptions as discussed below.

As a change to the model rule's single unit operation exemptions, the State replaced the 500-pound annual emission exemption with the following annual emission exemptions for specific unit operations: 1800 lbs. for reactors, 1200 lbs. for holding tanks, and 8700 lbs. for centrifuges. No justification for the revised levels of these thresholds was provided. Furthermore, by deleting the general single unit operation exemption and including only three specific unit operation exemptions, all other unit operations not listed would not be exempt for analyses no matter how low the level of annual emissions.

## 2. State Commitment of Revision

On June 17, 1997, the LDEQ submitted a letter committing to revise, within one year of the date of the publication of this **Federal Register** conditional approval, the single unit operation exemptions of the batch processing rule.

The revision would eliminate the individual process single unit operation exemptions and set the overall single unit operation exemption to 500 lb./yr. or less. The revision would also

incorporate language which more explicitly defines the control requirements.

## 3. EPA Conclusion

With the exception of the single unit operation exemption as discussed above, 33 LAC 2149, incorporates as requirements, the control options outlined in the above listed ACT document. With the letter committing to revise Section 2149(b)(2), *single unit operation exemptions*, the regulation is conditionally approvable as RACT for the batch processing CTG source category.

## C. SOCOMI Distillation and Reactors

Chapter 21 of 33 LAC, has been amended to include Section 2147, (33 LAC 2147) *Limiting Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry*. Section 2147 is intended to incorporate regulations which represent RACT for both the SOCOMI reactors and SOCOMI distillation source categories.

Facilities affected are those which emit or have the potential to emit 50 tons per year or more of VOCs, and have the Standard Industrial Major Code 28 classification, *Chemicals And Allied Products*. Geographically, these rules apply to the five parish Baton Rouge ozone nonattainment area, and Pointe Coupee and Calcasieu Parishes.

To assist State agencies in developing rules to limit emission of VOCs which result from batch processes, in August 1993 the EPA published the CTG document entitled *Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry*. As well as providing considerable information on emissions, controls, and costs that the States can use in developing RACT regulations, the CTG provides a model regulation representing RACT. In developing a SOCOMI distillation and reactor regulation, the State of Louisiana closely followed the model rule provided in the CTG. The purpose of most of the changes from the model rule is to make the regulations more explicit. All changes are unsubstantive except the change made to the flow rate exemption as discussed below.

As a change to the model rule flow-rate exemption, the State raised the minimum control flow rate from 0.0085 to 0.011 standard cubic meters per minute. This change was made to the model rule to be consistent with the new source performance standards for

reactor processes, 40 CFR 60.700(c)(4). In this way, the RACT rule will not be more stringent than the performance standards for new sources for reactor processes. The EPA finds this revision acceptable.

Section 2149 of 33 LAC incorporates as requirements, the control options outlined in the above listed CTG document. The regulation is approvable as RACT for the SOCOMI reactor and SOCOMI distillation source categories.

## IV. Final Action

By this action, the EPA is conditionally approving in part and fully approving in part the revisions to the Louisiana SIP submitted on December 15, 1995. The EPA is conditionally approving the revisions to the SIP to control VOC emissions utilizing RACT from the SOCOMI batch processing source category. The EPA is fully approving in the revisions to the SIP to control VOC emissions utilizing RACT from the following major source categories: SOCOMI distillation, SOCOMI reactor, and clean-up solvents. The EPA is also approving the letter of negative declaration for the wood furniture major source category from the LDEQ dated January 21, 1997.

The full approval of the revision to control VOC emissions utilizing RACT from the batch processing source category is contingent upon the State of Louisiana submitting a revision to the single unit operation exemptions rule. If the State fails to submit a revision to the batch processing rule within one year of the conditional approval of these SIP revisions, the conditional approval will convert to a disapproval.

With the approval of these rules, the applicable requirements relating to RACT rules of the 12 of the 13 CTG source categories have been met. The industrial wastewater source category is the only remaining CTG source category for which no action has been taken. This source category will be handled in a separate rulemaking action.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on February 2, 1998, unless, by January 2, 1998, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action that will withdraw

the final action. All public comments received will be addressed in a subsequent final rule based the proposed rule in today's **Federal Register**, which incorporate by reference the discussion in this direct final action. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective February 2, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### V. Administrative Requirements

##### A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

##### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because

the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new Federal requirement.

##### C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, 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 private sector, of \$100 million or more. Under section 205, 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 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 approval action promulgated 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. This Federal action approves preexisting requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, result from this action.

##### D. 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, 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 rule in today's **Federal Register**.

This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

##### E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

##### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the SIP for the State of Louisiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 10, 1997.

**Lynda F. Carroll,**  
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

##### PART 52—[AMENDED]

1. The authority citation of part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

##### Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(74) to read as follows:

##### § 52.970 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(74) Revisions to the Louisiana Department of Environmental Quality Regulation Title 33, Part III, Chapter 21,

Control of Emission of Organic Compounds, submitted by the Governor on December 15, 1995.

(i) Incorporation by reference.

(A) LAC, Title 33, Part III, Chapter 21, Section 2147, Limiting Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry, adopted in the Louisiana Register on April 20, 1995 (LR 21:380).

(B) LAC, Title 33, Part III, Chapter 21, Section 2149, Limiting Volatile Organic Compound Emissions from Batch Processing, adopted in the Louisiana Register on April 20, 1995 (LR 21:387).

(C) LAC, Title 33, Part III, Chapter 21, Section 2151, Limiting Volatile Organic Compound Emissions from Cleanup Solvent Processing, adopted in the Louisiana Register on April 20, 1995 (LR 21:391).

(ii) Additional material.

(A) Letter of negative declaration for wood furniture dated January 21, 1997, from the State of Louisiana Department of Environmental Quality.

3. Section 52.994 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

**§ 52.994 Conditional approvals.**

\* \* \* \* \*

(b) *Reasonable Available Control Technology for the Synthetic Organic Chemical Manufacturing Industry Batch Processing Source Category.* A letter dated June 17, 1997 from the Assistant Secretary of the Louisiana Department of Environmental Quality to the EPA Regional Administrator commits the State to make corrections in LAC 33.III.2149.A.2.b to restore the general single unit operation exemption to 500 pounds per year or less. The State commits to make the above rule change within one year from the **Federal Register** publication of the conditional approval of the batch processing Reasonable Available Control Technology rule.

[FR Doc. 97-31408 Filed 12-1-97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 64, 70, and 71**

[FRL-5928-5]

RIN 2060-AD18

**Compliance Assurance Monitoring**

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

**ACTION:** Final rule; availability of guidance document.

**SUMMARY:** On October 22, 1997 (62 FR 54900), EPA published a final Compliance Assurance Monitoring Rule (CAM). The final rule preamble described a Guidance Development Process in which the Agency would develop non-prescriptive examples of the types of monitoring that can be used to satisfy part 64 for various types of control devices and emissions units. In order to provide an opportunity for source owners or operators and other interested parties to submit suggestions, review drafts and generally clarify the part 64 requirements, a *Draft* CAM Technical Guidance Document is now available. The Agency emphasizes that the development of example monitoring approaches in this guidance document is intended to assist both regulated industry and permitting authorities to streamline permit review in those instances where a source owner or operator proposes monitoring based on one of the examples. These examples should not be considered as an implied limitation on the owner or operator's ability to propose a different approach that the owner or operator can demonstrate satisfies the part 64 requirements or on the permitting authority's authority to require additional monitoring. A final CAM Technical Guidance Document should be available by the end of March 1998.

**DATES:** Comments on the Draft CAM Technical Guidance Document should be received no later than January 5, 1998.

**ADDRESSES:** Comments should be sent to: Dan Bivins, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, MD-19, RTP, NC 27711, or to: Bivins.Dan@epamail.epa.gov

The Draft CAM Technical Guidance Document is available on U.S. Environmental Protection Agency's EMTIC Homepage on the Technology Transfer Network (via the Internet at "<http://ttnwww.rtpnc.epa.gov/html/emticwww/index.htm>"), 24 hours a day, 7 days a week, except Monday, 8-12 a.m. EST).

**FOR FURTHER INFORMATION CONTACT:** Dan Bivins at (919) 541-5244.

**Henry C. Thomas,**

*Acting Director, Office of Air Quality Planning and Standards.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 180**

[OPP-300589; FRL-5758-7]

**Pyrimethanil; Pesticide Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an import tolerance for residues of the fungicide 4,6-dimethyl-N-phenyl-2-pyrimidinamine expressed as pyrimethanil in or on the raw agricultural commodity (RAC) wine grapes at 5.0 ppm. AgrEvo USA Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA) as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170) requesting the tolerance.

**DATES:** This regulation becomes effective December 2, 1997. Objections and requests for hearings must be received by EPA on or before February 2, 1998.

**ADDRESSEES:** Written objections, and hearing requests identified by the docket control number, OPP-300589, must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, OPP-300589, must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All copies